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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2021–0894; Special Conditions No. 25–791A–SC]

Special Conditions: The Boeing Company Model 777–9 Airplane; Operation Without Normal Electrical Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; amendment.

SUMMARY: These special conditions are issued for the Boeing Company (Boeing) Model 777–9 series airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is electrical and electronic systems that perform critical functions, the loss of which could be catastrophic to the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective June 23, 2025.

FOR FURTHER INFORMATION CONTACT:

Nazih Khaouly, Electrical Systems, AIR–626A, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone 206–231–3160; email; nazih.khaouly@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 2018, Boeing applied for an amendment to Type

Certificate No. T00001SE to include the new Model 777–9 series airplane. The Boeing Model 777–9 airplane, which is a derivative of the Boeing Model 777 airplane currently approved under Type Certificate No. T00001SE, is a twin-engine, transport category airplane with seating for 495 passengers, and a maximum takeoff weight of 775,000 lbs.

On September 29, 2021, special conditions (No. 25–791–SC) were issued for this design feature and became effective on October 4, 2021 (86 FR 54588, Oct. 4, 2021).

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the Model 777–9 series airplane meets the applicable provisions of the regulations listed in Type Certificate No. T00001SE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 777–9 series airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 777–9 series airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Boeing Model 777–9 series airplane will incorporate the following novel or unusual design feature:

Electrical and electronic systems that perform critical functions, the loss of which may result in loss of flight controls and other critical systems and may be catastrophic to the airplane.

Discussion

The Boeing Model 777–9 series airplane has a fly-by-wire flight control system that requires a continuous source of electrical power in order to maintain an operable flight control system. Section 25.1351(d), “Operation without normal electrical power,” requires safe operation in visual flight rule (VFR) conditions for at least 5 minutes after the loss of normal electrical power excluding the battery. This rule is structured around a traditional design using mechanical control cables and linkages for flight control. These manual controls allow the crew to maintain aerodynamic control of the airplane for an indefinite period of time after loss of all electrical power. Under these conditions, a mechanical flight control system provides the crew with the ability to fly the airplane while attempting to identify the cause of the electrical failure, restart engine(s) if necessary, and attempt to re-establish some of the electrical power generation capability.

A critical assumption in § 25.1351(d) is that the airplane is in VFR conditions at the time of the failure. This is not a valid assumption in today’s airline operating environment where airplanes fly much of the time in instrument meteorological conditions (IMC) on air traffic control defined flight paths. Another assumption in the existing rule is that the loss of all normal electrical power is the result of the loss of all engines. The 5-minute period in the rule is to allow at least one engine to be restarted following an all-engine power loss in order to continue the flight to a safe landing. However, service experience on airplane models with similar electrical power system architecture as the Boeing Model 777–9 airplane has shown that at least the temporary loss of all electrical power for causes other than all-engine failure is not extremely improbable.

To maintain the same level of safety envisioned by the existing rule with

traditional mechanical flight controls, the Boeing Model 777–9 series airplane design must not be time-limited in its operation under all reasonably foreseeable conditions, including loss of all normal sources of engine or auxiliary power unit (APU)-generated electrical power. Unless Boeing can show that the non-restorable loss of the engine and APU power sources is extremely improbable, Boeing must demonstrate that the airplanes can maintain safe flight and landing (including steering and braking on the ground for airplanes using steer/brake-by-wire and/or fly-by-wire speed brake panels) with the use of its emergency/alternate electrical power systems. These electrical power systems, or the minimum restorable electrical power sources, must be able to power loads that are essential for continued safe flight and landing, including those required for the maximum length of approved flight diversion.

The FAA is amending two paragraphs from the original special conditions. Those paragraphs are (d)(2) and (e)(4). Paragraph (d)(2) of the original special conditions states that the operating limitations section of the airplane flight manual (AFM) must incorporate non-normal procedures that direct the pilot to take appropriate actions to activate the APU after loss of normal engine-driven generated electrical power. The FAA is requiring that these non-normal procedures be incorporated in the AFM instead of requiring them to be in the operating limitations section of the AFM.

Paragraph (e)(4) of the original special conditions states that the airplane must provide adequate indication of loss of normal electrical power to direct the pilot to the non-normal procedures, and the operating limitations section of the AFM must incorporate non-normal procedures that will direct the pilot to take appropriate actions. As in paragraph (d)(2), the FAA is requiring that these non-normal procedures be incorporated in the AFM instead of specifying the particular section of the AFM that these procedures need to reside.

These are to remedy an oversight that occurred during the issuance of the original special conditions where the FAA inadvertently required the non-normal procedures to be in the limitations section of the AFM. The FAA found that this requirement is inconsistent with similarly issued special conditions for other transport category airplanes. The Boeing 777–9 electrical power system does not require pilot activation of the APU after loss of normal engine-driven generated

electrical power. Paragraph (d) does not apply to designs that do not rely on the APU for an alternate source of power. The intent of paragraphs (d)(2) and (e)(4) is to ensure that non-normal procedures that provide instructions to the pilot to take appropriate action are incorporated into the AFM. These procedures are more appropriate for the operating procedures section of the AFM and were not intended to be an operating limitation.

The special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

To provide the public with an opportunity to comment on this amendment, the FAA issued Notice of Proposed Special Conditions No. 25–791–SC for the Boeing Company Model 777–9 series airplane, which was published in the **Federal Register** on August 2, 2024 (89 FR 63111).

The FAA received responses from two commenters.

An individual requested that the FAA not issue this amendment, stating that the company should not receive special treatment. The FAA's special conditions process is established by regulation and is available to all applicants. FAA made no change as a result of this comment.

The Air Line Pilots Association (ALPA) commented that after reviewing the FAA's proposal to change two paragraphs of this special condition, ALPA does not support design features which increase the psychological and workload burden on flightcrew to recover the supply of the electrical generation and distribution system to the aircraft through manual activation of the APU, in addition to the required multiple start attempt to the engines.

The FAA does not agree that the special conditions, as now amended, require design features that would increase the psychological and workload burden on the flightcrew in order to recover the supply electrical generation and distribution system to the aircraft. Special conditions are issued by the FAA when a proposed aircraft, aircraft engine, or propeller incorporates a design feature that is novel or unusual, *i.e.*, it was not envisaged by the existing design regulations. Aircraft were originally designed using mechanical cables and linkages to control flight surfaces. Modern aircraft use fly-by-wire designs to incorporate enhanced flight envelope protections to increase safety over the earlier mechanical flight control

designs. The FAA's generally-applicable design standard for operation of transport airplanes that lack electrical power, 14 CFR 25.1351, envisaged mechanical flight control systems, therefore the FAA issues special conditions to address modern fly-by-wire aircraft designs.

Boeing 777–9 Special Conditions No. 25–791–SC, as originally issued, includes procedures for pilot manual activation of the APU after loss of normal engine-driven generated electrical power. This procedure is performed by the pilot, while the flight controls are operating on battery power to ensure APU electrical power is available for the flight controls until engine-driven electrical power is restored. Therefore, these revised special conditions do not change the flightcrew burden but instead remove the prior requirement that the procedure be in the Limitations section of the airplane flight manual (AFM). Activation of the APU after loss of normal engine-driven generated electrical power is a non-normal pilot procedure, which is properly in the procedures rather than limitations section. Therefore, this amendment only changes the location in the AFM for this procedure from the Limitations section to the Non-Normal section and removes the requirement for the procedure to be in the Limitation section.

The FAA has also restored the statement that these special conditions are in lieu of 14 CFR 25.1351(d); this statement was inadvertently left out of the notice but was part of the original special conditions.

The special conditions are adopted as proposed with the edit as mentioned above.

Applicability

As discussed above, these special conditions, as amended, are applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would apply to the other model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model series of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, the Federal Aviation Administration (FAA) issues the following special conditions, as amended, as part of the type certification basis for The Boeing Company Model 777–9 series airplanes.

In lieu of 14 CFR 25.1351(d), the following special conditions apply:

(a) The applicant must show by test or a combination of test and analysis that the airplane is capable of continued safe flight and landing with all normal electrical power sources inoperative, as prescribed by paragraphs (a)(1) and (a)(2), below. For purposes of these special conditions, normal sources of electrical power generation do not include any alternate power sources such as the battery, ram air turbine, or independent power systems such as the flight control permanent magnet generating system. In showing capability for continued safe flight and landing, the applicant must account for systems capability, effects on crew workload and operating conditions, and the physiological needs of the flightcrew and passengers for the longest diversion time for which the applicant is seeking approval.

(1) In showing compliance with this requirement, the applicant must account for common-cause failures, cascading failures, and zonal physical threats.

(2) The applicant may consider the ability to restore operation of portions of the electrical power generation and distribution system if it can be shown that unrecoverable loss of those portions of the system is extremely improbable. The design must provide an alternative source of electrical power for the time required to restore the minimum electrical power generation capability required for safe flight and landing. The applicant may exclude unrecoverable loss of all engines when showing compliance with this requirement.

(b) Regardless of any electrical generation and distribution system recovery capability shown under paragraph (a) of these special conditions, sufficient electrical system capability must be provided to:

(1) Allow time to descend, with all engines inoperative, at the speed that provides the best glide distance, from

the maximum operating altitude to the top of the engine restart envelope; and

(2) Subsequently allow multiple start attempts of the engines and auxiliary power unit (APU). The design must provide this capability in addition to the electrical capability required by existing part 25 requirements related to operation with all engines inoperative.

(c) The airplane emergency electrical power system must be designed to supply:

(1) Electrical power required for immediate safety, which must continue to operate without the need for crew action following the loss of the normal electrical power, for a duration sufficient to allow reconfiguration to provide a non-time-limited source of electrical power.

(2) Electrical power required for continued safe flight and landing for the maximum diversion time.

(d) If the applicant uses APU-generated electrical power to satisfy the requirements of these special conditions, and if reaching a suitable runway for landing is beyond the capacity of the battery systems, then the APU must be able to be started under any foreseeable flight condition prior to the depletion of the battery or the restoration of normal electrical power, whichever occurs first. Flight test must demonstrate this capability at the most critical condition.

(1) The applicant must show that the APU will provide adequate electrical power for continued safe flight and landing.

(2) The airplane flight manual (AFM) must incorporate non-normal procedures that direct the pilot to take appropriate actions to activate the APU after loss of normal engine-driven generated electrical power.

(e) As part of showing compliance with these special conditions, the tests to demonstrate loss of all normal electrical power must also take into account the following:

(1) The assumption that the failure condition occurs during night instrument meteorological conditions (IMC) at the most critical phase of the flight, relative to the worst possible electrical power distribution and equipment-loads-demand condition.

(2) After the un-restorable loss of normal engine generator power, the airplane engine restart capability is provided, and operations continued in IMC.

(3) The airplane is demonstrated to be capable of continued safe flight and landing. The length of time must be computed based on the maximum diversion time capability for which the airplane is being certified. The applicant

must account for airspeed reductions resulting from the associated failure or failures.

(4) The airplane must provide adequate indication of loss of normal electrical power to direct the pilot to the non-normal procedures, and the AFM must incorporate non-normal procedures that will direct the pilot to take appropriate actions.

Issued in in Kansas City, Missouri, on May 20, 2025.

Patrick R. Mullen,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2025–09414 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 97**

[Docket No. 31604; Amdt. No. 4165]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective May 23, 2025. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 2025.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

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

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Romana B. Wolf, Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPs, Takeoff Minimums and/or ODPs. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials.

Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Air Missions (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 9, 2025.

Romana B. Wolf,

Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 12 June 2025

Camden, AL, 61A, RNAV (GPS) RWY 18, Orig-A
 Arkadelphia, AR, ADF, Takeoff Minimums and Obstacle DP, Amdt 3A
 Ash Flat, AR, CVK, Takeoff Minimums and Obstacle DP, Orig-A
 Batesville, AR, BVX, LOC RWY 8, Amdt 2
 Batesville, AR, BVX, RNAV (GPS) RWY 8, Amdt 2
 Melbourne, AR, 42A, RNAV (GPS) RWY 3, Amdt 3
 Melbourne, AR, 42A, RNAV (GPS) RWY 21, Amdt 3
 Monticello, AR, LLQ, Takeoff Minimums and Obstacle DP, Orig-B
 Oakland, CA, OAK, ILS OR LOC RWY 28R, Amdt 38
 Oakland, CA, OAK, ILS OR LOC RWY 30, ILS RWY 30 (SA CAT I), ILS RWY 30 (CAT II), ILS RWY 30 (CAT III), Amdt 32

Oakland, CA, OAK, RNAV (GPS) Y RWY 28L, Amdt 5

Oakland, CA, OAK, RNAV (GPS) Y RWY 28R, Amdt 4

Oakland, CA, OAK, RNAV (GPS) Y RWY 30, Amdt 6

Oakland, CA, OAK, RNAV (RNP) Z RWY 28L, Amdt 3

Oakland, CA, OAK, RNAV (RNP) Z RWY 28R, Amdt 3

Oakland, CA, OAK, RNAV (RNP) Z RWY 30, Amdt 4

Montrose, CO, MTJ, ILS OR LOC RWY 17, Amdt 3A

Montrose, CO, MTJ, RNAV (GPS) RWY 13, Amdt 1A

Montrose, CO, MTJ, RNAV (GPS) RWY 17, Amdt 1A

Bridgeport, CT, BDR, ILS OR LOC RWY 6, Amdt 11

Bridgeport, CT, BDR, RNAV (GPS) RWY 6, Amdt 2

Bridgeport, CT, BDR, RNAV (GPS) RWY 24, Amdt 2

Fort Pierce, FL, FPR, ILS OR LOC RWY 10R, Amdt 5

Fort Pierce, FL, FPR, RNAV (GPS) RWY 10R, Amdt 3

Fort Pierce, FL, FPR, RNAV (GPS) RWY 28L, Amdt 1D

Immokalee, FL, IMM, Takeoff Minimums and Obstacle DP, Amdt 2B

Lake City, FL, LCQ, Takeoff Minimums and Obstacle DP, Amdt 1A

Miami, FL, OPF, ILS OR LOC RWY 9L, Amdt 6

Miami, FL, OPF, RNAV (GPS) RWY 9L, Amdt 1

Okeechobee, FL, OBE, RNAV (GPS) RWY 32, Amdt 1

Pompano Beach, FL, PMP, RNAV (GPS) RWY 15, Amdt 1A

Pompano Beach, FL, PMP, RNAV (GPS) RWY 33, Amdt 1B

St Petersburg-Clearwater, FL, PIE, VOR RWY 36, Orig-A

Ellijay, GA, 49A, RNAV (GPS) RWY 21, Orig-A

Lawrenceville, GA, LZU, ILS OR LOC RWY 25, Amdt 4A

Lawrenceville, GA, LZU, RNAV (GPS) RWY 25, Amdt 1A

Rome, GA, RMG, RNAV (GPS) RWY 19, Amdt 3

Rome, GA, RMG, Takeoff Minimums and Obstacle DP, Amdt 6

Fort Madison, IA, FSW, RNAV (GPS) RWY 17, Amdt 1C

Fort Madison, IA, FSW, RNAV (GPS) RWY 35, Amdt 1A

Fort Madison, IA, FSW, VOR-A, Amdt 7C

Spencer, IA, SPW, Takeoff Minimums and Obstacle DP, Orig-A

Canton, IL, CTK, RNAV (GPS) RWY 18, Amdt 1D

Canton, IL, CTK, RNAV (GPS) RWY 36, Amdt 1E

Canton, IL, CTK, VOR-A, Amdt 9

Chicago/Lake in the Hills, IL, 3CK, RNAV (GPS) RWY 8, Amdt 2

Chicago/Romeoville, IL, LOT, RNAV (GPS) RWY 27, Amdt 1

Chicago, IL, MDW, ILS OR LOC RWY 4R, Amdt 2A

Chicago, IL, MDW, ILS OR LOC RWY 13C, Amdt 1, CANCELED

Chicago, IL, MDW, ILS OR LOC RWY 13L, Orig

Chicago, IL, MDW, ILS OR LOC RWY 31C, Amdt 3A, CANCELED

Chicago, IL, MDW, ILS OR LOC RWY 31R, Orig

Chicago, IL, MDW, RNAV (GPS) RWY 4L, Amdt 1A

Chicago, IL, IGQ, RNAV (GPS) RWY 9, Amdt 1

Chicago, IL, MDW, RNAV (GPS) RWY 13L, Orig-E, CANCELED

Chicago, IL, MDW, RNAV (GPS) RWY 31R, Amdt 1, CANCELED

Chicago, IL, MDW, RNAV (GPS) Z RWY 4R, Amdt 4A

Chicago, IL, MDW, RNAV (GPS) Z RWY 13C, Amdt 3, CANCELED

Chicago, IL, MDW, RNAV (GPS) Z RWY 13L, Orig

Chicago, IL, MDW, RNAV (GPS) Z RWY 31C, Amdt 4A, CANCELED

Chicago, IL, MDW, RNAV (GPS) Z RWY 31R, Orig

Chicago, IL, MDW, RNAV (RNP) Y RWY 13C, Amdt 3, CANCELED

Chicago, IL, MDW, RNAV (RNP) Y RWY 13L, Orig

Chicago, IL, MDW, RNAV (RNP) Y RWY 31C, Amdt 2, CANCELED

Chicago, IL, MDW, RNAV (RNP) Y RWY 31R, Orig

Chicago, IL, MDW, Takeoff Minimums and Obstacle DP, Amdt 13

Lacon, IL, C75, Takeoff Minimums and Obstacle DP, Amdt 3

Morris, IL, C09, RNAV (GPS) RWY 18, Amdt 2

Elkhart, IN, EKM, ILS OR LOC RWY 27, Amdt 3

Elkhart, IN, EKM, RNAV (GPS) RWY 9, Amdt 1

Elkhart, IN, EKM, RNAV (GPS) RWY 27, Amdt 1

Elkhart, IN, EKM, VOR RWY 9, Amdt 7

Fort Wayne, IN, FWA, ILS OR LOC RWY 5, ILS RWY 5 (CAT II), Amdt 15C

Fort Wayne, IN, FWA, ILS OR LOC RWY 32, Amdt 31B

Goshen, IN, GSH, ILS OR LOC RWY 27, Amdt 2

Goshen, IN, GSH, RNAV (GPS) RWY 9, Amdt 1

Goshen, IN, GSH, RNAV (GPS) RWY 27, Amdt 1

Goshen, IN, GSH, Takeoff Minimums and Obstacle DP, Orig-B

Goshen, IN, GSH, VOR RWY 9, Amdt 12D, CANCELED

Kendallville, IN, C62, RNAV (GPS) RWY 10, Orig-C

Kendallville, IN, C62, RNAV (GPS) RWY 28, Amdt 1C

Kendallville, IN, C62, Takeoff Minimums and Obstacle DP, Amdt 2A

South Bend, IN, SBN, ILS OR LOC RWY 9R, Amdt 11

South Bend, IN, SBN, ILS OR LOC RWY 27L, ILS RWY 27L (SA CAT I), ILS RWY 27L (SA CAT II), Amdt 37

South Bend, IN, SBN, RNAV (GPS) RWY 27L, Orig-E

South Bend, IN, SBN, RNAV (GPS) RWY 27R, Amdt 1C

South Bend, IN, SBN, RNAV (GPS) RWY 36, Amdt 1E

Kingman, KS, 9K8, RNAV (GPS) RWY 36, Amdt 2

Lake Charles, LA, LCH, RNAV (GPS) RWY 15, Amdt 1D

Lake Charles, LA, LCH, RNAV (GPS) RWY 33, Amdt 2D

Beverly, MA, BVY, LOC RWY 16, Amdt 8, CANCELED

Lawrence, MA, LWM, ILS OR LOC RWY 5, Amdt 6B

Lawrence, MA, LWM, RNAV (GPS) RWY 5, Amdt 2A

Lawrence, MA, LWM, RNAV (GPS) RWY 14, Orig-A

Lawrence, MA, LWM, RNAV (GPS) RWY 23, Amdt 2A

Mansfield, MA, 1B9, COPTER RNAV (GPS) Y RWY 14, Amdt 1

Mansfield, MA, 1B9, RNAV (GPS) RWY 32, Amdt 2

Mansfield, MA, 1B9, RNAV (GPS) Z RWY 14, Amdt 1

College Park, MD, CGS, Takeoff Minimums and Obstacle DP, Amdt 5

Crisfield, MD, W41, RNAV (GPS)-B, Amdt 1

Ocean City, MD, OXB, LOC RWY 32, Orig-A

Ocean City, MD, OXB, RNAV (GPS) RWY 2, Amdt 1

Ocean City, MD, OXB, VOR-A, Amdt 3B, CANCELED

Beaver Island, MI, SJX, RNAV (GPS) RWY 27, Amdt 1

Caro, MI, CFS, RNAV (GPS) RWY 6, Amdt 2C

Caro, MI, CFS, RNAV (GPS) RWY 24, Amdt 2B

Niles, MI, 3TR, VOR-A, Amdt 1

Pinecreek, MN, 48Y, RNAV (GPS) RWY 15, Orig-C, CANCELED

Pinecreek, MN, 48Y, RNAV (GPS) RWY 33, Orig-C, CANCELED

Pinecreek, MN, 48Y, Takeoff Minimums and Obstacle DP, Orig, CANCELED

Red Wing, MN, RGK, RNAV (GPS) RWY 27, Amdt 3

Warrensburg, MO, RCM, RNAV (GPS) RWY 1, Amdt 1B

Warrensburg, MO, RCM, RNAV (GPS) RWY 19, Amdt 1B

Jackson, MS, JAN, ILS OR LOC RWY 16L, ILS RWY 16L (SA CAT I), ILS RWY 16L (CAT II), ILS RWY 16L (CAT III), Amdt 9

Jackson, MS, JAN, ILS OR LOC RWY 34L, Amdt 7

Kenansville, NC, DPL, Takeoff Minimums and Obstacle DP, Amdt 1A

Salisbury, NC, RUQ, RNAV (GPS) RWY 2, Amdt 2A

Ashley, ND, ASY, RNAV (GPS) RWY 15, Orig

Ashley, ND, ASY, RNAV (GPS) RWY 33, Orig

Ashley, ND, ASY, Takeoff Minimums and Obstacle DP, Orig

Grand Forks, ND, GFK, ILS OR LOC RWY 35L, Amdt 12E

Grand Forks, ND, GFK, RNAV (GPS) RWY 17L, Orig

Grand Forks, ND, GFK, RNAV (GPS) RWY 35R, Orig

Mohall, ND, HBC, RNAV (GPS) RWY 31, Amdt 1

Alma, NE, 4D9, Takeoff Minimums and Obstacle DP, Orig-A

Ogallala, NE, OGA, Takeoff Minimums and Obstacle DP, Amdt 5A

Las Cruces, NM, LRU, Takeoff Minimums and Obstacle DP, Amdt 3

Ely, NV, ELY, VOR—C, Amdt 2B
 Buffalo, NY, BUF, Takeoff Minimums and Obstacle DP, Amdt 6A
 New York, NY, JFK, RNAV (RNP) Z RWY 4L, Amdt 2A, CANCELED
 New York, NY, JFK, RNAV (RNP) Z RWY 4R, Amdt 1A, CANCELED
 Westhampton Beach, NY, FOK, ILS OR LOC RWY 24, Amdt 12
 Westhampton Beach, NY, FOK, RNAV (GPS) RWY 6, Amdt 3
 Westhampton Beach, NY, FOK, RNAV (GPS) RWY 24, Amdt 3
 Cincinnati, OH, LUK, RNAV (GPS) RWY 25, Amdt 1D
 Delaware, OH, DLZ, Takeoff Minimums and Obstacle DP, Amdt 2
 Oxford, OH, OXD, Takeoff Minimums and Obstacle DP, Amdt 2A
 Washington Court House, OH, I23, RNAV (GPS) RWY 5, Orig
 Waverly, OH, EOP, RNAV (GPS) RWY 7, Amdt 3
 Waverly, OH, EOP, RNAV (GPS) RWY 25, Amdt 2
 Waverly, OH, EOP, Takeoff Minimums and Obstacle DP, Amdt 2
 Muskogee, OK, MKO, Takeoff Minimums and Obstacle DP, Orig-B
 Philadelphia, PA, PHL, ILS V RWY 9R (CONVERGING), Amdt 7
 Philadelphia, PA, PHL, ILS V RWY 17 (CONVERGING), Amdt 8
 Philadelphia, PA, PHL, ILS Z OR LOC RWY 17, Amdt 9
 Dillon, SC, DLC, RNAV (GPS)-A, Orig
 Dillon, SC, DLC, VOR/DME OR GPS RWY 7, Amdt 5A, CANCELED
 Mitchell, SD, MHE, VOR RWY 13, Amdt 11B
 Dyersburg, TN, DYR, RNAV (GPS) RWY 22, Amdt 1D
 Pulaski, TN, GZS, RNAV (GPS) RWY 16, Amdt 3
 Pulaski, TN, GZS, RNAV (GPS) RWY 34, Amdt 2C
 Pulaski, TN, GZS, VOR RWY 34, Amdt 3A
 Arlington, TX, GKY, RNAV (GPS) RWY 16, Amdt 1
 Llano, TX, AQO, Takeoff Minimums and Obstacle DP, Orig-A
 Waco, TX, ACT, Takeoff Minimums and Obstacle DP, Orig-A
 Escalante, UT, 1L7, HASSL TWO, Graphic DP
 Escalante, UT, 1L7, RNAV (GPS) RWY 31, Amdt 1
 Bridgewater, VA, VBW, RNAV (GPS) RWY 33, Amdt 2
 Bridgewater, VA, KVBW, Takeoff Minimums and Obstacle DP, Amdt 3
 Orange, VA, OMH, RNAV (GPS) RWY 26, Amdt 1
 Springfield, VT, VSF, LOC RWY 5, Amdt 5A
 Springfield, VT, VSF, RNAV (GPS) RWY 5, Amdt 1A
 Juneau, WI, UNU, RNAV (GPS) RWY 8, Amdt 1
 Juneau, WI, UNU, RNAV (GPS) RWY 26, Amdt 1
 Marshfield, WI, MFI, Takeoff Minimums and Obstacle DP, Orig-A
 Reedsburg, WI, C35, Takeoff Minimums and Obstacle DP, Amdt 3
 Morgantown, WV, MGW, RNAV (GPS) RWY 36, Amdt 3
 Pine Bluffs, WY, 82V, RNAV (GPS) RWY 8, Orig

Pine Bluffs, WY, 82V, RNAV (GPS) RWY 26, Orig
 Pine Bluffs, WY, 82V, Takeoff Minimums and Obstacle DP, Orig
 [FR Doc. 2025–09283 Filed 5–22–25; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31605; Amdt. No. 4166]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective May 23, 2025. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 2025.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops—M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Romana B. Wolf, Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.
 Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Air Missions (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments

require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 9, 2025.

Romana B. Wolf,

Manager, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Office of Safety Standards, Flight Standards Service, Aviation Safety, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * Effective Upon Publication

AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
12-Jun-25 ...	AR	Fayetteville/Springdale/Rogers.	Northwest Arkansas Ntl	5/0075	4/23/2025	RNAV (GPS) RWY 34R, Orig.
12-Jun-25 ...	AR	Fayetteville/Springdale/Rogers.	Northwest Arkansas Ntl	5/0081	4/23/2025	ILS OR LOC RWY 34R, Orig.
12-Jun-25 ...	OH	Celina	Lakefield	5/0964	4/25/2025	RNAV (GPS) RWY 8, Orig-A.
12-Jun-25 ...	OH	Celina	Lakefield	5/0967	4/25/2025	RNAV (GPS) RWY 26, Orig-A.
12-Jun-25 ...	GA	Albany	Southwest Georgia Rgnl	5/1666	4/28/2025	VOR RWY 17, Amdt 27C.
12-Jun-25 ...	NE	Lincoln	Lincoln	5/2164	4/28/2025	ILS Y OR LOC Y RWY 18, Amdt 7D.
12-Jun-25 ...	IL	Chicago	Chicago Midway Intl	5/2354	4/14/2025	RNAV (GPS) RWY 22R, Amdt 1.
12-Jun-25 ...	IL	Chicago	Chicago Midway Intl	5/2355	4/14/2025	RNAV (GPS) Z RWY 22L, Amdt 2B.
12-Jun-25 ...	MI	Lambertville	Toledo Suburban	5/2435	4/29/2025	Takeoff Minimums and Obstacle DP, Amdt 1.
12-Jun-25 ...	FL	Tampa	Tampa Intl	5/3613	4/30/2025	ILS OR LOC RWY 19L, ILS RWY 19L (SA CAT I), ILS RWY 19L (CAT II), Amdt 42.
12-Jun-25 ...	IL	Belleville	Scott AFB/Midamerica St Louis.	5/4923	4/29/2025	ILS OR LOC RWY 32R, Orig-K.
12-Jun-25 ...	WY	Gillette	Northeast Wyoming Rgnl	5/4953	4/11/2025	ILS OR LOC RWY 34, Amdt 4A.
12-Jun-25 ...	MA	Boston	General Edward Lawrence Logan Intl.	5/5656	3/25/2025	ILS OR LOC RWY 4R, ILS RWY 4R (SA CAT I), ILS RWY 4R (CAT II AND III), Amdt 11B.
12-Jun-25 ...	SC	Columbia	Columbia Metro	5/5969	4/15/2025	ILS OR LOC RWY 5, Amdt 3.
12-Jun-25 ...	WV	Beckley	Raleigh County Meml	5/8682	3/27/2025	ILS or LOC RWY 19, Amdt 8.
12-Jun-25 ...	MI	Detroit	Willow Run	5/9252	3/28/2025	VOR-A, Amdt 1B.

[FR Doc. 2025–09284 Filed 5–22–25; 8:45 am]
BILLING CODE 4910–13–P

POSTAL SERVICE

39 CFR Part 20

International Mail Manual;
Incorporation by Reference

AGENCY: Postal Service.
ACTION: Final rule.

SUMMARY: The Postal Service announces the issuance of the *Mailing Standards of the United States Postal Service, International Mail Manual (IMM®)*, issued April 7, 2025, and its incorporation by reference in the *Code of Federal Regulations*.

DATES: This rule is effective May 23, 2025. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of May 23, 2025.

FOR FURTHER INFORMATION CONTACT: Dale Kennedy, (202) 268–6592.

SUPPLEMENTARY INFORMATION: The *International Mail Manual (IMM)* provides our standards for all international mailing services and references for the applicable prices. It was issued on April 7, 2025, and was updated with *Postal Bulletin* revisions through March 6, 2025. It replaces all previous editions.

The IMM continues to enable the Postal Service to fulfill its long-standing mission of providing affordable, universal mail service. It continues to: (1) increase the user’s ability to find information; (2) increase the user’s confidence that he or she has found the information they need; and (3) reduce the need to consult multiple sources to locate necessary information. The provisions throughout this issue support the standards and mail preparation changes implemented since the version of January 21, 2024. The *International Mail Manual* is available to the public on the Postal Explorer® internet site at <https://pe.usps.com>.

List of Subjects in 39 CFR part 20

Administrative practice and procedure, Foreign relations, Incorporation by reference.

In view of the considerations discussed above, the Postal Service hereby amends 39 CFR part 20 as follows:

PART 20—INTERNATIONAL POSTAL SERVICE

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

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Amend § 20.1 by revising paragraph (b) as follows:

§ 20.1 Incorporation by reference; Mailing Standards of the United States Postal Service, International Mail Manual.

* * * * *

(b) The Director of the Federal Register approved the IMM, issued April 7, 2025, for incorporation by reference as of May 23, 2025.

■ 3. Revise § 20.2 to read as follows:

§ 20.2 Effective date of the International Mail Manual.

The provisions of the *International Mail Manual*, issued April 7, 2025, (incorporated by reference, see § 20.1) are applicable with respect to the international mail services of the Postal Service.

■ 4. Amend § 20.4 by adding a new entry at the end of table 1 to § 20.4 to read as follows:

§ 20.4 Amendments to the International Mail Manual.

* * * * *

TABLE 1 TO § 20.4—INTERNATIONAL MAIL MANUAL

International Mail Manual	Date of issuance
* * * * *	
IMM	April 7, 2025.

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–09353 Filed 5–22–25; 8:45 am]

BILLING CODE P

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Incorporation by Reference

AGENCY: Postal Service.
ACTION: Final rule.

SUMMARY: The Postal Service announces the issuance of the *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®)*, dated April 7, 2025, and its incorporation by reference in the *Code of Federal Regulations*.

DATES: This rule is effective May 23, 2025. The incorporation by reference of

certain material listed in this rule is approved by the Director of the Federal Register as of May 23, 2025.

FOR FURTHER INFORMATION CONTACT: Dale Kennedy (202) 268–6592.

SUPPLEMENTARY INFORMATION: The *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)* provides the United States Postal Service’s official prices and standards for all domestic mailing services. The most recent issue of the DMM is dated April 7, 2025. This issue of the DMM contains all Postal Service domestic mailing standards and continues to: (1) increase the user’s ability to find information; (2) increase confidence that users have found all the information they need; and (3) reduce the need to consult multiple chapters of the Manual to locate necessary information. The issue dated April 7, 2025, sets forth specific changes, including new standards throughout the DMM to support the standards and mail preparation changes implemented since the version issued on January 21, 2024.

Changes to mailing standards will continue to be published through **Federal Register** documents and the *Postal Bulletin* and will appear in the next online version available via the Postal Explorer® website at: <https://pe.usps.com>.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Incorporation by reference.

In view of the considerations discussed above, the Postal Service hereby amends 39 CFR part 111 as follows:

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Amend § 111.1 by revising paragraph (b) as follows:

§ 111.1 Incorporation by reference; Mailing Standards of the United States Postal Service, Domestic Mail Manual.

* * * * *

(b) The Director of the Federal Register approved the DMM, dated April 7, 2025, for incorporation by reference as of May 23, 2025.

■ 3. Amend § 111.3 by adding a new entry to the end of table 1 to § 111.3 to read as follows:

§ 111.3 Amendments to the Mailing Standards of the United States Postal Service, Domestic Mail Manual.

* * * * *

TABLE 1 TO § 111.3—DOMESTIC MAIL MANUAL

Transmittal letter for issue	Dated	Federal Register publication
* * * * *		
DMM	April 7, 2025	[INSERT FEDERAL REGISTER CITATION FOR THIS FINAL RULE].

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–09351 Filed 5–22–25; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2024–0289; FRL–12213–02–R4]

Mississippi: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final action.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action on the authorization of changes to Mississippi’s hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. These changes were outlined in an April 2, 2024 application to the EPA. We have determined that these changes satisfy all requirements needed for final authorization.

DATES: This authorization is effective on July 22, 2025 without further notice unless the EPA receives adverse comment by June 23, 2025. If the EPA receives adverse comment, we will either publish a timely withdrawal of this direct final action in the **Federal Register** informing the public that the authorization will not take effect, or we will publish a notification containing a response to comments that either reverses the decision or affirms that the final action will take effect. In the event that the final action is withdrawn, we would address all public comments and make a final decision on authorization in a subsequent final action.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2024–0289, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be

edited or removed from www.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 whose disclosure 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>.

The EPA encourages electronic submissions and lists all publicly available docket materials electronically at www.regulations.gov. If you are unable to make electronic submissions or require alternative access to docket materials, please notify Jennifer Vogel through the provided contacts in the **FOR FURTHER INFORMATION CONTACT** section. Please also contact Jennifer Vogel if you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you.

FOR FURTHER INFORMATION CONTACT: Jennifer Vogel; RCRA Programs and Cleanup Branch; Land, Chemicals and Redevelopment Division; U.S. Environmental Protection Agency; Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8462; fax number: (404) 562–9964; email address: vogel.jennifer@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Why is the EPA using a direct final action?

The EPA is publishing this action without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. This action is a routine program change. However, in the “Proposed Rules” section of this issue of the **Federal Register**, we are publishing a separate document that will serve as the proposed rule allowing the public an opportunity to comment. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this action, see the **ADDRESSES** section of this document.

If the EPA receives adverse comments, we will either withdraw this action by publishing a document in the **Federal Register** before the action becomes effective, or we will publish a notification containing a response to comments that either reverses the decision or affirms that the final action will take effect. In the event that the final action is withdrawn, the EPA would base any further decision on the authorization of the State’s program changes on the proposal mentioned in the previous paragraph and after consideration of all comments received during the comment period. We would address all public comments and make a final decision on authorization in a subsequent final action.

II. Why are revisions to state programs necessary?

States that have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask the EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must

change their programs because of changes to the EPA's regulations in Title 40 of the Code of Federal Regulations (CFR), parts 124, 260 through 268, 270, 273, and 279.

New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized States at the same time they take effect in unauthorized States. Thus, the EPA shall have the authority to implement those requirements and prohibitions in Mississippi, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

III. What decisions has the EPA made in this action?

Mississippi submitted a complete program revision application (PRA), dated April 2, 2024, seeking authorization of changes to its hazardous waste program corresponding to certain Federal rules promulgated between July 1, 2014 and June 30, 2021 (including RCRA Cluster ¹ XXIV (Checklists ² 233 (A, B, C, D2, E) and 234), RCRA Cluster XXV (Checklists 236 and 237), RCRA Cluster XXVI (Checklists 238 and 239), RCRA Cluster XXVII (Checklists 240 and 241), RCRA Cluster XXVIII (Checklist 242), and RCRA Cluster XXIX (Checklist 243). The EPA concludes that Mississippi's application to revise its authorized program meets all of the statutory and regulatory requirements established under RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, the EPA grants Mississippi final authorization to operate its hazardous waste program with the changes described in the PRA,

and as outlined below in section VI of this document.

Mississippi has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian country, as defined at 18 U.S.C. 1151) and for carrying out the aspects of the RCRA program described in its PRA, subject to the limitations of HSWA, as discussed above.

IV. What is the effect of this authorization decision?

The effect of this decision is that the changes described in Mississippi's PRA as outlined below and in section VI of this document will become part of the authorized State hazardous waste program and will therefore be federally enforceable. Mississippi will continue to have primary enforcement authority and responsibility for its State hazardous waste program. The EPA will maintain its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

- Conduct inspections, and require monitoring, tests, analyses, and reports;
- Enforce RCRA requirements, including authorized State program requirements, and suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which the EPA is authorizing Mississippi are already effective under State law and are not changed by this action.

V. What has Mississippi previously been authorized for?

Mississippi initially received final authorization on June 13, 1984, effective June 27, 1984 (49 FR 24377), to

implement the RCRA hazardous waste management program. The EPA granted authorization for changes to Mississippi's program on August 17, 1988, effective October 17, 1988 (53 FR 31000); August 10, 1990, effective October 9, 1990 (55 FR 32624); March 29, 1991, effective May 28, 1991 (56 FR 13079); June 26, 1991, effective August 27, 1991 (56 FR 29589); May 11, 1992, effective July 10, 1992 (57 FR 20056); April 8, 1993, effective June 7, 1993 (58 FR 18162); October 20, 1993, effective December 20, 1993 (58 FR 54044); March 18, 1994, effective May 17, 1994 (59 FR 12857); June 1, 1995, effective July 31, 1995 (60 FR 28539); August 30, 1995, effective October 30, 1995 (60 FR 5718); February 23, 2005, effective April 25, 2005 (70 FR 8731); August 4, 2008, effective October 3, 2008 (73 FR 45170); and April 3, 2019, effective April 3, 2019 (84 FR 12936).

VI. What changes is the EPA authorizing with this action?

Mississippi submitted a complete PRA, dated April 2, 2024, seeking authorization of changes to its hazardous waste management program in accordance with 40 CFR 271.21. This application included changes associated with Checklists 233, 234, and 236 through 243 from RCRA Clusters XXIV through XXIX. The EPA has determined, subject to receipt of written comments that oppose this action, that Mississippi's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. Therefore, the EPA grants final authorization to Mississippi for the following program changes:

Description of Federal requirement	Federal Register date and page	Analogous state authority ¹
Checklist 219 (2008) ² , Revisions to the Definition of Solid Waste (DSW), as amended by Checklist 233 (2015 and 2018). Checklist 233A, Changes affecting all non-waste determinations and variances. Checklists 233B, Legitimacy-related provisions, including prohibition of sham recycling, definition of legitimacy, definition of contained. Checklist 233C, Speculative Accumulation. Checklist 233D2, 2008 DSW exclusions and non-waste determinations, including revisions from 2015 DSW final rule and 2018 DSW final rule. Checklist 233E, Remanufacturing exclusion.	73 FR 64668 10/20/2008, 80 FR 1694 1/13/2015, 83 FR 24664 5/30/2018.	R. 1.1, 1.2, and 1.16.
Checklist 234, Response to Vacatures of the Comparable Fuels Rule and the Gasification Rule.	80 FR 18777 4/8/2015	R. 1.1 and 1.2.
Checklist 236, Imports and Exports of Hazardous Waste	81 FR 85696 11/28/2016, 82 FR 41015 8/29/2017, 83 FR 38263 8/6/2018.	R. 1.1, 1.2, 1.3, 1.5, 1.7, 1.11, 1.13, 1.14, and 1.21.
Checklist 237, Hazardous Waste Generator Improvements Rule	81 FR 85732 11/28/2016	R. 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.21, and 1.22.
Checklist 238, Confidentiality Determinations for Hazardous Waste Export and Import Documents.	82 FR 60894 12/26/2017	R. 1.1 and 1.3.
Checklist 239, Hazardous Waste Electronic Manifest System User Fee	83 FR 420 1/3/2018	R. 1.1, 1.3, 1.5, 1.7, and 1.11.

¹ A "cluster" is a grouping of hazardous waste rules that the EPA promulgates from July 1st of one year to June 30th of the following year.

² A "checklist" is developed by the EPA for each Federal rule amending the RCRA regulations. The checklists document the changes made by each

Federal rule and are presented and numbered in chronological order by date of promulgation.

Description of Federal requirement	Federal Register date and page	Analogous state authority ¹
Checklist 240, Safe Management of Recalled Airbags	83 FR 61552 11/30/2018	R. 1.1, 1.2, and 1.3
Checklist 241, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine.	84 FR 5816 2/22/2019	R. 1.2, 1.3, 1.7, 1.11, 1.13, 1.15, 1.17, and 1.21.
Checklist 242, Universal Waste Regulations: Addition of Aerosol Cans	84 FR 67202 12/9/2019	R. 1.1, 1.2, 1.7, 1.11, 1.15, 1.16, and 1.21
Checklist 243, Modernizing Ignitable Liquids Determinations	85 FR 40594 7/7/2020	R. 1.1 and 1.2.

Notes

¹ The Mississippi regulatory provisions are from the Mississippi Hazardous Waste Regulations, Title 11, Part 3, Chapter 1, last amended on May 26, 2022.

² Mississippi has adopted the 2008 Federal Revisions to the Definition of Solid Waste Rule, as amended on January 13, 2015, and May 30, 2018.

VII. Where are the revised State rules different than the Federal rules?

When revised State rules differ from the Federal rules in the RCRA State authorization process, the EPA determines whether the State rules are equivalent to, more stringent than, or broader in scope than the Federal program. Pursuant to RCRA section 3009, 42 U.S.C. 6929, State programs may contain requirements that are more stringent than the Federal regulations. Such more stringent requirements can be federally authorized and, once authorized, become federally enforceable. Although the statute does not prevent States from adopting regulations that are broader in scope than the Federal program, States cannot receive Federal authorization for such regulations, and they are not federally enforceable. There are no State requirements in the program revisions listed in the table above that are considered to be broader in scope than the Federal requirements. The EPA has determined that certain regulations included in Mississippi's program revisions listed in the table above are more stringent than the Federal program. These more stringent requirements will become part of the federally enforceable RCRA program in Mississippi when authorized.

Mississippi's program at 11 Miss. Admin. Code Pt. 3, Ch. 1, R.1.3, 1.4, 1.6, 1.8, and 1.12, is more stringent than the Federal Program at 40 CFR 262.18(d), 262.41(a), 264.75, and 265.75. The Mississippi provisions require annual reporting where the Federal provisions require biennial or quadrennial reporting or notification.

There are certain regulatory provisions for which the States cannot be authorized to administer or implement. These provisions include the requirements associated with the operation of the national E-Manifest system and its user fee provisions contained in the Hazardous Waste Electronic Manifest User Fee Rule (Checklist 239). Although Mississippi has adopted these regulations to maintain its equivalency with the Federal program, it has appropriately maintained the Federal references. See

11 Miss. Admin. Code Pt. 3, Ch. 1, R. 1.1, 1.3, 1.5, 1.7, and 1.11.

Because of the Federal Government's special role in matters of foreign policy, the EPA does not authorize States to administer the Federal import/export functions associated with the Revisions to the Definition of Solid Waste (Checklist 233D2), Imports and Exports of Hazardous Waste Rule (Checklist 236), and the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule (Checklist 238). Although Mississippi has adopted these regulations to maintain its equivalency with the Federal program, it has appropriately maintained the Federal references. See 11 Miss. Admin. Code Pt. 3, Ch. 1, R.1.1, 1.2, 1.3, 1.5, 1.7, 1.11, 1.13, 1.21.

VIII. Who handles permits after the authorization takes effect?

When final authorization takes effect, Mississippi will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits that the EPA issued prior to the effective date of authorization until they expire or are terminated. The EPA will not issue any new permits or new portions of permits for the provisions listed in the table above after the effective date of the final authorization. The EPA will continue to implement and issue permits for HSWA requirements for which Mississippi is not yet authorized. The EPA has the authority to enforce state-issued permits after the State is authorized.

IX. How does today's action affect Indian country in Mississippi?

Mississippi is not authorized to carry out its hazardous waste program in Indian country within the State, which includes the Mississippi Band of Choctaw Indians. Therefore, this action has no effect on Indian Country. The EPA retains jurisdiction over Indian country and will continue to implement and administer the RCRA program on these lands.

X. What is codification and is the EPA codifying Mississippi's hazardous waste program as authorized in this action?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. The EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. The EPA is not codifying the authorization of Mississippi's revisions at this time. However, the EPA reserves the ability to amend 40 CFR part 272, subpart Z, for the authorization of Mississippi's program changes at a later date.

XI. Statutory and Executive Order Reviews

This action is not a significant regulatory action subject to review by the Office of Management and Budget (OMB) under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. This action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because actions such as the authorization of Mississippi's revised hazardous waste program under RCRA are exempt from review under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as

specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the states, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), the EPA grants a state’s application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988), by examining the takings implications of this action in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). “Burden” is defined at 5 CFR 1320.3(b).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must

submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This final action will be effective July 22, 2025.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: May 7, 2025.

Kevin J. McOmber,
Regional Administrator.

[FR Doc. 2025–09304 Filed 5–22–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2025–0146; FRL–12697–02–R4]

Alabama: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final action.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action on the authorization of changes to Alabama’s hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. These changes were outlined in a July 11, 2024, application to the EPA. We have determined that these changes satisfy all requirements needed for final authorization.

DATES: This authorization is effective on July 22, 2025 without further notice unless the EPA receives adverse comment by June 23, 2025. If the EPA receives adverse comment, we will

either publish a timely withdrawal of this direct final action in the **Federal Register** informing the public that the authorization will not take effect, or we will publish a notification containing a response to comments that either reverses the decision or affirms that the final action will take effect. In the event that the final action is withdrawn, we would address all public comments and make a final decision on authorization in a subsequent final action.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2025–0146, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.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 whose disclosure 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>.

The EPA encourages electronic submittals and lists all publicly available docket materials electronically at www.regulations.gov. If you are unable to make electronic submittals or require alternative access to docket materials, please notify Jennifer Vogel through the provided contacts in the **FOR FURTHER INFORMATION CONTACT** section. Please also contact Jennifer Vogel if you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you.

FOR FURTHER INFORMATION CONTACT: Jennifer Vogel; RCRA Programs and Cleanup Branch; Land, Chemicals and Redevelopment Division; U.S. Environmental Protection Agency; Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8462; fax number: (404) 562–9964; email address: vogel.jennifer@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Why is the EPA using a direct final action?**

The EPA is publishing this action without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. This action is a routine program change. However, in the “Proposed Rules” section of this issue of the **Federal Register**, we are publishing a separate document that will serve as the proposed rule allowing the public an opportunity to comment. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this action, see the **ADDRESSES** section of this document.

If the EPA receives adverse comments, we will either withdraw this action by publishing a document in the **Federal Register** before the action becomes effective, or we will publish a notice containing a response to comments that either reverses the decision or affirms that the final action will take effect. In the event that the final action is withdrawn, the EPA would base any further decision on the authorization of the State’s program changes on the proposal mentioned in the previous paragraph and after consideration of all comments received during the comment period. We would then address all public comments and make a final decision on authorization in a subsequent final action.

II. Why are revisions to state programs necessary?

States that have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask the EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to the EPA’s regulations in Title 40 of the Code of Federal Regulations (CFR), parts 124, 260 through 268, 270, 273, and 279.

New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized States at the same time they take effect in

unauthorized States. Thus, the EPA shall have the authority to implement those requirements and prohibitions in Alabama, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

III. What decisions has the EPA made in this action?

Alabama submitted a complete program revision application (PRA), dated July 11, 2024, seeking authorization of changes to its hazardous waste program corresponding to certain Federal rules promulgated between July 1, 2013 and June 30, 2022 (including RCRA Cluster ¹ XXIII (Checklist ² 231), RCRA Cluster XXIV (Checklist 233 (A, B, C, D2, E)), RCRA Cluster XXV (Checklists 236 and 237), RCRA Cluster XXVI (Checklists 238 and 239), RCRA Cluster XXVII (Checklists 240 and 241), RCRA Cluster XXVIII (Checklist 242), RCRA Cluster XXIX (Checklist 243), and RCRA Cluster XXX (Checklist 244). The EPA concludes that Alabama’s application to revise its authorized program meets all of the statutory and regulatory requirements established under RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, the EPA grants Alabama final authorization to operate its hazardous waste program with the changes described in the PRA, and as outlined below in section VI of this document.

Alabama has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian country, as defined at 18 U.S.C. 1151) and for carrying out the aspects of the RCRA program described in its PRA, subject to the limitations of HSWA, as discussed above.

IV. What is the effect of this authorization decision?

The effect of this decision is that the changes described in Alabama’s PRA as outlined below and in section VI of this document will become part of the authorized State hazardous waste program and will therefore be federally enforceable. Alabama will continue to have primary enforcement authority and responsibility for its State hazardous waste program. The EPA will maintain its authorities under RCRA sections

¹ A “cluster” is a grouping of hazardous waste rules that the EPA promulgates from July 1st of one year to June 30th of the following year.

² A “checklist” is developed by the EPA for each Federal rule amending the RCRA regulations. The checklists document the changes made by each Federal rule and are presented and numbered in chronological order by date of promulgation.

3007, 3008, 3013, and 7003, including its authority to:

- Conduct inspections, and require monitoring, tests, analyses, and reports;
- Enforce RCRA requirements, including authorized State program requirements, and suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which the EPA is authorizing Alabama are already effective under State law and are not changed by this action.

V. What has Alabama previously been authorized for?

Alabama initially received final authorization on December 8, 1987, effective December 22, 1987 (52 FR 46466), to implement the RCRA hazardous waste management program. The EPA granted authorization for changes to Alabama’s program on the following dates: November 29, 1991, effective January 28, 1992 (56 FR 60926); May 13, 1992, effective July 12, 1992 (57 FR 20422); October 21, 1992, effective December 21, 1992 (57 FR 47996); March 17, 1993, effective May 17, 1993 (58 FR 20422); September 24, 1993, effective November 23, 1993 (58 FR 49932); February 1, 1994, effective April 4, 1994 (59 FR 4594); November 14, 1994, effective January 13, 1995 (59 FR 56407); August 14, 1995, effective October 13, 1995 (60 FR 41818); February 14, 1996, effective April 15, 1996 (61 FR 5718); April 25, 1996, effective June 24, 1996 (61 FR 5718); November 21, 1997, effective February 10, 1998 (62 FR 62262); December 20, 2000, effective February 20, 2001 (65 FR 79769); March 15, 2005, effective May 16, 2005 (70 FR 12593); June 2, 2005, effective August 1, 2005 (70 FR 32247); September 13, 2006, effective November 13, 2006 (71 FR 53989); April 2, 2008, effective June 2, 2008 (73 FR 17924); March 20, 2017, effective May 19, 2017 (82 FR 14327); and December 10, 2018, effective April 19, 2019 (83 FR 63461).

VI. What changes is the EPA authorizing with this action?

Alabama submitted a complete PRA, dated July 11, 2024, seeking authorization of changes to its hazardous waste management program in accordance with 40 CFR 271.21. This application included changes associated with Checklists 231, 233, and 236 through 244 from RCRA Clusters XXIII through XXX. The EPA has determined, subject to receipt of written comments

that oppose this action, that Alabama's hazardous waste program revisions are equivalent to, consistent with, and no

less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for

final authorization. Therefore, the EPA grants final authorization to Alabama for the following program changes:

TABLE 1

Description of Federal requirement	Federal Register date and page	Analogous state authority ¹
Checklist 231, Hazardous Waste Electronic Manifest Rule.	79 FR 7518; 2/7/2014	335-14-1-.01(2)(a) through (2)(c)2.; 335-14-1-.02(1)(a)85., (1)(a)86., (1)(a)170., (1)(a)322.; 335-14-3-.02(1)(a)3. through (1)(a)3.(ii), (5) through (5)(c), (5)(d) through (f); 335-14-4-.02(1)(a)1. through (1)(a)7.; 335-14-5-.05(2)(a)2. through (2)(a)2.(vi), (2)(f) through (2)(k); ² and 335-14-6-.05(2)(a)2. through (2)(a)2.(vi), (2)(f) through (2)(k).
Checklist 219 (2008). ³ Revisions to the Definition of Solid Waste (DSW), as amended by Checklist 233 (2015 and 2018). Checklist 233A, Changes affecting all non-waste determinations and variances. Checklists 233B, Legitimacy-related provisions, including prohibition of sham recycling, definition of legitimacy, definition of contained. Checklist 233C, Speculative Accumulation. Checklist 233D2, 2008 DSW exclusions and non-waste determinations, including revisions from 2015 DSW final rule and 2018 DSW final rule. Checklist 233E, Remanufacturing exclusion.	73 FR 64668; 10/20/2008, 80 FR 1694; 1/13/2015, 83 FR 24664; 5/30/2018.	335-14-1-.02(1)(a), (1)(a)3., (1)(a)51. through (1)(a)51.(iv), (1)(a)108. through (1)(a)108.(iii), (1)(a)123., (1)(a)124., (1)(a)145., (1)(a)151., (1)(a)235., (1)(a)240., (1)(a)289.; 335-14-1-.03(10), (10)(b), (10)(d) through (10)(e), (11)(c) through (11)(c)5., (13), (13)(a), (13)(c) through (13)(e), (14) through (14)(c)5., (22) through (23)(b)2., (23)(c) [reserved]; 335-14-2-.01(2)(b)3., (2)(b)4., (2)(c)3., (2)(c)4. Table 1 [column 3 title], (2)(g); (4)(a)23. through (4)(a)25., (4)(a)27. through (4)(a)27.(vi)(VI); 335-14-2-.08 title through (12)(m)2. [addition of analog to 40 CFR part 261, Subpart H]; 335-14-2-.09 title, (1) through (4)(b), (6) through (8)(c), (10); 335-14-2-.10 title, (1) through (11) [addition of analog to 40 CFR part 261, Subpart J]; 335-14-2-.11 [reserved]; 335-14-2-.12 [reserved]; 335-14-2-.13 title, (1) through (1)(b), (11) through (12)(d)3.(v), (21) through (21)(f)9.(vii); 335-14-2-.27 title and introductory text ⁴ through (20) [incorporation by reference of 40 CFR part 261, Subpart AA]; 335-14-2-.28 title and introductory text ⁴ through (31) [incorporation by reference of 40 CFR part 261, Subpart BB]; 335-14-2-.29 title and introductory text ⁴ through (11) [incorporation by reference of 40 CFR part 261, Subpart CC]; and 335-14-8-.04(3)(a)1.(x).
Checklist 236, Imports and Exports of Hazardous Waste.	81 FR 85696; 11/28/2016, 82 FR 41015; 8/29/2017, 83 FR 38262; 8/6/2018.	335-14-1-.02(1)(a)12, (1)(a)84, (1)(a)236., (2); 335-14-2-.01(4)(d)1., (4)(d)4., (4)(e)1., (4)(e)4., (6)(a)3.(i), (6)(a)5.; 335-14-2-.05(1)(a)5.(ii), (1)(a)5.(v) through (1)(a)5.(vi), (1)(a)5.(ix), (1)(a)5.(xi); 335-14-3-.01(1)(d), (8)(e); 335-14-3-.04(2)(c); 335-14-3-.05 [removal of 40 CFR part 261, Subpart E]; 335-14-3-.06 [removal of 40 CFR part 261, Subpart F]; 335-14-3-.09 title through (5), (6) through (10) [reserved]; 335-14-3 Appendix I [reserved]; 335-14-4-.01(1)(d); 335-14-4-.02(1)(a)2., (1)(c), (1)(e)2., (1)(f)2., (1)(f)2. Note, (1)(g) through (1)(g)4.(ii); 335-14-5-.02(3)(a) through (3)(a)4.(ii); 335-14-5-.05(2)(a)3. through (2)(a)3.(ii), (2)(d); 335-14-6-.02(3)(a) through (3)(a)4.(ii); 335-14-6-.05(2)(a)3. through (2)(a)3.(ii), (2)(d); 335-14-7-.06(1)(b) through (1)(b)3.; 335-14-7-.07(1)(a) Table [Rows 6. through 10.]; and 335-14-11-.02(11); 335-14-11-.03(10)(a), (10)(b), (11); 335-14-11-.04(7); 335-14-11-.05(3)(a); and 335-14-11-.06(1) through (1)(c).
Checklist 237, Hazardous Waste Generator Improvements Rule.	81 FR 85732; 11/28/2016	335-14-1-.01(3); 335-14-1-.02(1)(a)7., (1)(a)36., (1)(a)48., (1)(a)95., (1)(a)137., (1)(a)158., (1)(a)189., (1)(a)215., (1)(a)254., (1)(a)261., (1)(a)288., (1)(a)307., (1)(a)323., (2); 335-14-2-.01(1)(a)1., (4)(a)7., (5) [reserved], (6)(c)2.(iv); 335-14-2-.04(4)(e), (4)(f); 335-14-2-.13(21)(g); 335-14-3-.01(1)(a) through (1)(b), (1)(d), (1)(g)1., (1)(g)2., (1)(i) [reserved], (1)(l) through (1)(l)2., (2) through (3)(c)8., (3)(d) through (8)(e); 335-14-3-.02 title; 335-14-3-.03 title, (3)(b) through (3)(d); (5); 335-14-3-.04 title, (1)(c), (2) through (2)(c), (4), (5); 335-14-3-.12(1) [reserved], (2)(a) through (4)(a), (4)(b)2., (5), (5)(a), (7)(b)3.(iii), (8)(d)2., (9)(a)1., (9)(a)2., (9)(d)2. through (9)(d)2.(ii), (10)(b), (11)(a), (11)(b)3., (11)(d)2., (12)(c), (12)(d), (12)(e)3., (13)(d), (14)(a)1. through (14)(a)3., (14)(b)2., (15)(b)5., (17)(a), (17)(b); 335-14-3-.13(1) through (4)(d); 335-14-3-.14 title, (1) through (13)(i)6. [addition of analog to 40 CFR part 262, Subpart M]; 335-14-4-.05(3)(b), (6)(a), (6)(b); 335-14-5-.01(1)(g)1., (1)(g)3.; 335-14-5-.02(6)(b)4.; 335-14-5-.05(2)(c), (6); 335-14-5-.09(1), (1) Comment, (5); 335-14-5-.10(2)(a); 335-14-5-.27(a); 335-14-5-.28(a); 335-14-5-.30(2)(c)4.; 335-14-6-.01(1)(c)5., (1)(c)7.; 335-14-6-.02(6)(b)4.; 335-14-6-.05(2)(c); ⁵ (6); 335-14-6-.09(5); 335-14-6-.27; 335-14-6-.28; 335-14-6-.30(2)(c)4.; 335-14-7-.07(1)(a) Table [references to 335-14-3-.01(8)]; 335-14-7-.14(9)(a); 335-14-8-.01(1)(c)2, (1)(c)2.(i), (1)(c)2.(iii); 335-14-9-.01(1), (7); 335-14-9-.05(1); 335-14-11-.01(8), (8)(a)2.; 335-14-11-.07(2)(b); and 335-14-17-.02(1)(b)3.
Checklist 238, Confidentiality Determinations for Hazardous Waste Export and Import Documents.	83 FR 60894; 12/26/2017	335-14-1-.01(2)(b), (2)(d)1., (2)(d)2.; 335-14-2-.05(1)(a)5.(iv); and 335-14-3-.09 [first paragraph after title], (4) and (5).
Checklist 239, Hazardous Waste Electronic Manifest System User Fee.	83 FR 420; 1/3/2018	335-14-1-.01(4) through (5), (5)(b) through (5)(b)2.; 335-14-1-.02(1)(a)272. through (1)(a)272.(ii); 335-14-3-.02(1)(a)1., (1)(a)2., (2)(a)2.(f) [reserved], (5)(c) through (5)(c)2., (5)(e), (5)(g), (5)(h); 335-14-3 Appendix I [reserved]; 335-14-4-.02(1)(a)8. [reserved], (1)(a)9., (2)(a), (2)(a)1. through (2)(a)4., (2)(b)1 through (2)(c)2.; 335-14-5-.05(2)(a)2. through (2)(a)(vi), (2)(j) through (2)(j)2., ² (2)(l) through (2)(l)5.; 335-14-5-.29(a); 335-14-6-.05(2)(a)2. through (2)(a)2.(vi), (2)(j) through (2)(j)2., (2)(l) through (2)(l)5.; and 335-14-6-.29 ³ [first paragraph after title].
Checklist 240, Safe Management of Recalled Airbags.	83 FR 61552; 11/30/2018	335-14-1-.02(1)(a)15. through (1)(a)17.; 335-14-2-.01(4)(i) [reserved], (4)(j)1. through (4)(j)3.; and 335-14-3-.01(4)(a)5.(xi).
Checklist 241, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine.	84 FR 5816; 2/22/2019	335-14-1-.02(1)(a)81., (1)(a)97., (1)(a)128. through 129.(ii), (1)(a)131., (1)(a)164., (1)(a)190., (1)(a)191., (1)(a)192., (1)(a)212., (1)(a)225. through (1)(a)225.(iii), (1)(a)246.; 335-14-2-.01(4)(a)1.(ii), (7)(c); 335-14-2-.04(4)(c), (4)(c) Comment, (4)(e) Table [entries for P075]; 335-14-3-.01(1)(m), (1)(n), (3)(c)9., (4)(a)5.(ix), (4)(a)5.(x); 335-14-5-.01(1)(g)13.; 335-14-6-.01(1)(c)15.; 335-14-7-.16 title, (1) through (10)(d)3.; ⁶ 335-14-8-.01(1)(c)2.(xii); 335-14-9-.01(7); 335-14-9-.05(1); and 335-14-11-.07(1)(a), (1)(d). ⁷

TABLE 1—Continued

Description of Federal requirement	Federal Register date and page	Analogous state authority ¹
Checklist 242, Universal Waste Regulations: Addition of Aerosol Cans.	84 FR 67202; 12/9/2019	335–14–1–.02(1)(a)11., (1)(a)159., (1)(a)210. through (1)(a)210.(iii), (1)(a)262., (1)(a)302.(iii) through (1)(a)302.(v), (1)(a)303. through (1)(a)303.(ii)(I); 335–14–2–.01(9)(c) through (9)(e); 335–14–5–.01(1)(g)12.(iii) through (1)(g)12.(v); 335–14–6–.01(1)(c)14.(iii) through (1)(c)14.(v); 335–14–8–.01(1)(c)2.(ix)(III) through (1)(c)2.(ix)(V); 335–14–9–.01(1), 335–14–11–.01(1)(a)3. through (1)(a)5., (3)(b)2., (6) through (6)(c)2.; 335–14–11–.02(4)(c)2.(iii), (4)(c)2.(iv), (4)(e) through (4)(e)4.(vii), (5)(f); and 335–14–11–.03(3)(b)4., (4)(c)2.(iii), (4)(c)2.(iv), (4)(e) through (4)(e)4.(vii), (5)(f).
Checklist 243, Modernizing Ignitable Liquids Determinations.	85 FR 40594; 7/7/2020	335–14–1–.02(2), 335–14–2–.03(2)(a)1., (2)(a)3.(ii) through (2)(a)4., (2)(a)4.(i)(I), (2)(a)4.(i)(IV), 335–14–2 Appendix IX [references to 1010B and 1020C].
Checklist 244, Canada Import Export Recovery and Disposal Code Changes.	86 FR 54381; 10/1/2021	335–14–3–.09 [first paragraph after title], (2), (4), (5); 335–14–5–.02(3)(a)4.(ii); and 335–14–6–.02(3)(a)4.(ii).

Notes:

¹ The Alabama regulatory provisions are from the Alabama Hazardous Waste Regulations, Division 14, Chapter 335, effective June 12, 2023.

² In Alabama's regulations at 335–14–5–.05(2)(j)2., "this section" refers to 335–14–5–.05(2). Alabama will replace "this section" with the appropriate citation in a future rulemaking.

³ Alabama has adopted the 2008 Federal Revisions to the Definition of Solid Waste Rule, as amended on January 13, 2015, and May 30, 2018.

⁴ The EPA is not authorizing the following language in Alabama's regulations at 335–14–2–.27, 335–14–2–.28, and 335–14–2–.29: "Any provision of 40 CFR Part 261, Subpart [AA/BB/CC, as applicable], which is inconsistent with the provisions of ADEM Administrative Code, Division 14, is not incorporated herein by reference." In a future rulemaking, Alabama will remove or revise the foregoing language in 335–14–2–.27, 335–14–2–.28, and 335–14–2–.29, and any similar provisions elsewhere in Alabama's regulations, to clarify that the requirements of Alabama's program must be at least as stringent as the analogous Federal program requirements.

⁵ In Alabama's regulations at 335–14–6–.05(2)(c), there is an incorrect cross-reference to 335–14–2–.01(6). The correct cross-reference is 335–14–3–.01(6). Alabama will correct the cross-reference in a future rulemaking.

⁶ In Alabama's regulations at 335–14–7–.16(1)(b), there is an incorrect cross-reference to 335–14–7–.16(1)(d). The correct cross-reference is 335–14–7–.16(1)(d). Alabama will correct the cross-reference in a subsequent rulemaking. Any reference to "this subpart" in 335–14–7–.16 refers to 335–14–7–.16. Any reference to "this section" in 335–14–7–.16(2)(j)4. refers to 335–14–7–.16(2). Alabama will replace "this subpart" and "this section" with appropriate citations in a future rulemaking.

⁷ In Alabama's regulations at 335–14–11–.07(1)(d), "this part" refers to 335–14–11. Alabama will replace "this part" with the appropriate citation in a future rulemaking.

VII. Where are the revised State rules different than the Federal rules?

When revised State rules differ from the Federal rules in the RCRA state authorization process, the EPA determines whether the State rules are equivalent to, more stringent than, or broader in scope than the Federal program. Pursuant to RCRA section 3009, 42 U.S.C. 6929, State programs may contain requirements that are more stringent than the Federal regulations. Such more stringent requirements can

be federally authorized and, once authorized, become federally enforceable. Although the statute does not prevent States from adopting regulations that are broader in scope than the Federal program, States cannot receive Federal authorization for such regulations, and they are not federally enforceable.

Alabama's program is broader in scope than the Federal program at 40 CFR 262.18(c) by including a requirement at 335–14–3–.01(8)(c) that generators can offer hazardous waste

only to transporters that have been issued an Alabama Hazardous Waste Transport Permit.

The EPA has determined that certain regulations included in Alabama's program revisions listed in Table 1 above are more stringent than the Federal program. These more stringent requirements will become part of the federally enforceable RCRA program in Alabama when authorized. The more stringent requirements are set forth in Table 2 below:

TABLE 2

Alabama more stringent provisions	Federal program	Explanation
335–14–1–.03(22)(a), 335–14–2–.01(4)(a)27.(vi)(I). 335–14–3–.01(2)(f)4)	40 CFR 260.42(a), 40 CFR 261.4(a)(27)(vi)(A). 40 CFR 262.11(f), 40 CFR 262.13	Alabama requires facilities that submit notifications of managing hazardous secondary materials to update the notifications annually, rather than biennially. Alabama adds the following requirement: "In addition to the records described in 335–14–3–.01(2)(f)1. through 3., a small or large quantity generator must maintain sufficient documentation to demonstrate the quantity of hazardous waste generated each calendar month. This documentation must be retained on-site for at least three years from the date the waste was generated."
335–14–3–.01(4)(a) and (4)(d), 335–14–3–.01(6), 335–14–3–.01(7), (7)(b), (7)(c), (7)(d) through (7)(f), 335–14–3–.01(8)(d) through (d)(2).	40 CFR 262.14(a) and (c), 40 CFR 262.16, 40 CFR 262.17, (b), (c), (d) through (f), 40 CFR 262.18(d) through (d)(2).	Alabama requires annual notification by all small and large quantity generators, and by very small quantity generators choosing to have an active EPA ID number.
335–14–3–.01(6)(b)2.(iii), 335–14–3–.01(7)(a)1.(iv).	40 CFR 262.16(b)(2)(iii), 40 CFR 262.17(a)(1)(iv).	Alabama adds the following requirement for the accumulation of hazardous waste in containers by large and small quantity generators: "Containers having a capacity greater than 30 gallons must not be stacked over two containers high."
335–14–3–.01(6)(b)2.(iv), 335–14–3–.01(7)(a)1.(v).	40 CFR 262.16(b)(2)(iv), 40 CFR 262.17(a)(1)(v).	Alabama adds a requirement that large and small quantity generators must keep records of inspections of central accumulation areas in an inspection log or summary that must include certain information.
335–14–3–.01(6)(b)3.(ii)a., (6)(b)3.(ii)b. and (6)(b)3.(vii)a., 335–14–3–.13(3)(b)5.	40 CFR 262.16(b)(3)(ii)(A), (b)(3)(ii)(B), and (b)(3)(vii)(A)(1), 40 CFR 262.232(b)(5).	Alabama does not allow the treatment of hazardous waste in tanks by small quantity generators.

TABLE 2—Continued

Alabama more stringent provisions	Federal program	Explanation
335–14–3–.01(6)(b)6.(i)d., 335–14–3–.01(6)(b)6.(ii)a., 335–14–3–.01(7)(a)5(i)d., 335–14–3–.01(7)(a)5.(ii)a., 335–14–3–.01(7)(c)4.(iv)a., 335–14–3–.13(3)(a)4.(i)a., 335–14–3–.13(3)(a)4.(ii)a., 335–14–3–.13(3)(b)4.(i)a., 335–14–3–.13(3)(b)4.(ii)a.	40 CFR 262.16(b)(6)(i), 40 CFR 262.16(b)(6)(ii)(A), 40 CFR 262.17(a)(5)(i), 40 CFR 262.17(a)(5)(ii)(A), 40 CFR 262.17(c)(4)(iv)(A), 40 CFR 262.232(a)(4)(i)(A), 40 CFR 262.232(a)(4)(ii)(A), 40 CFR 262.232(b)(4)(i)(A), 40 CFR 262.232(b)(4)(ii)(A).	Alabama requires that large and small quantity generators, and very small quantity generators who accumulate hazardous waste generated from an episodic generation event, must mark or label containers and tanks of hazardous waste with all appropriate EPA hazardous waste numbers associated with the hazardous waste as specified in 335–14–2–.03 and 335–14–2–.04.
335–14–3–.01(6)(b)8.(ii)	40 CFR 262.16(b)(8)(ii)	Alabama requires large and small quantity generators to obtain the State's approval before omitting or substituting the preparedness and prevention equipment required by 335–14–3–.01(6)(b)8.(ii).
335–14–3–.01(6)(c)	40 CFR 262.16(c)	To accumulate hazardous waste onsite for 270 days or less under 335–14–3–.01(6)(c), Alabama requires that small quantity generators comply with 335–14–3–.01(b), including the training requirements at 335–14–3–.01(b)(10) which are not required by the Federal program.
335–14–3–.01(7)(a)1.(viii)	40 CFR 262.17(a)(1)	Alabama adds a containment requirement to the conditions for exemption for large quantity generators, as follows: “(viii) Containment. Container storage areas must meet the containment requirements of 335–14–6–.09(6).”
335–14–3–.01(7)(a)10.	40 CFR 262.17(a)(9)	Alabama adds site security requirements to the conditions for exemption for large quantity generators that accumulate hazardous waste.
335–14–3–.01(7)(a)8.(i)(a) through (7)(a)8.(i)a.(VIII), and (7)(a)8.(i)c.	40 CFR 262.17(a)(8)(i)(A) through (a)(8)(ii)(C).	Alabama requires large quantity generators to notify 30 days before, rather than after, the closure of a hazardous waste management unit, and requires additional information in the notices submitted to the State for both unit and facility closures.
335–14–3–.13(3)(a)2., 335–14–3–.13(3)(b)2.	40 CFR 262.232(a)(2), 40 CFR 262.232(b)(2).	Alabama specifies that small quantity generators and very small quantity generators have 30 days after an unplanned episodic generation event to submit a notification form. The Federal program does not specify a time period for the subsequent notification.
335–14–3–.13(3)(b)5	40 CFR 262.232(b)(5)	Alabama does not allow small quantity generators to treat hazardous waste generated from an episodic event on site, and instead requires that such waste be manifested and shipped off site to a designated facility.
335–14–4–.05(6)(a)	40 CFR 263.12(b)	Alabama requires that all containers used to store hazardous waste at transfer facilities must be labeled or marked with the appropriate EPA hazardous waste numbers, regardless of whether a transporter consolidates or mixes the contents of two or more such containers.

There are certain regulatory provisions which the States cannot be authorized to administer or implement. These provisions include the requirements associated with the operation of the national E-Manifest system and its user fee provisions contained in the Hazardous Waste Electronic Manifest User Fee Rule (Checklist 239). Although Alabama has adopted these regulations to maintain its equivalency with the Federal program, it has appropriately maintained the Federal references to reserve the EPA's authority to implement the non-delegable provisions (see 335–14–1–.01(4)(a)4. and (5)(b)2., 335–14–3–.02(2)(a)2.(f), 335–14–5–.05(2)(a)2.(v)(I)–(II) and (2)(j)2., 335–14–6–.05(2)(j)1.).

Because of the Federal Government's special role in matters of foreign policy, the EPA also does not authorize States to administer the Federal import/export functions associated with the Revisions to the Definition of Solid Waste (Checklist 233D2), Imports and Exports of Hazardous Waste Rule (Checklist 236), the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule (Checklist 238), and the Canada Import Export Recovery and Disposal Code Changes Rule (Checklist 244). Although Alabama has adopted

these regulations to maintain its equivalency with the Federal program, it has either appropriately maintained the Federal references in the State's regulations or incorporated the Federal regulations by reference (see 335–14–1–.02(1)(a)84.; 335–14–2–.01(4)(a)25.; 335–14–2–.05(1)(a)5.(ii), (1)(a)5.(v)(I), (1)(a)5.(v)(II)(B).I, (1)(a)5.(v)(II)(B)III., (1)(a)5.(v)(II)(B)VII., (1)(a)5.(vi), (1)(a)5.(ix); 335–14–3–.09; 335–14–4–.02(1)(a)2., (1)(c), (1)(e)2., (1)(f)2.; 335–14–5–.02(3)(a)1. through (3)(a)4.(ii); 335–14–5–.05(2)(a)3., (2)(d); 335–14–6–.02(3)(a)1. through (3)(a)4.(ii); 335–14–6–.05(2)(a)3., (2)(d)).

VIII. Who handles permits after the authorization takes effect?

When final authorization takes effect, Alabama will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits that the EPA issued prior to the effective date of authorization until they expire or are terminated. The EPA will not issue any new permits or new portions of permits for the provisions listed in the tables above after the effective date of the final authorization. The EPA will continue to implement and issue permits for HSWA

requirements for which Alabama is not yet authorized. The EPA has the authority to enforce State-issued permits after the State is authorized.

IX. How does today's action affect Indian country in Alabama?

Alabama is not authorized to carry out its hazardous waste program in Indian country within the State, which includes the Poarch Band of Creek Indians. Therefore, this action has no effect on Indian Country. The EPA retains jurisdiction over Indian country and will continue to implement and administer the RCRA program on these lands.

X. What is codification and is the EPA codifying Alabama's hazardous waste program as authorized in this action?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. The EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. The EPA is not codifying the authorization of Alabama's revisions at this time. However, the EPA reserves the ability to amend 40 CFR part 272, subpart B, for the authorization of

Alabama's program changes at a later date.

XI. Statutory and Executive Order Reviews

This action is not a significant regulatory action subject to review by the Office of Management and Budget (OMB) under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. This action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because actions such as the authorization of Alabama's revised hazardous waste program under RCRA are exempt from review under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), the EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988), by examining the takings implications of this action in accordance with the “Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). “Burden” is defined at 5 CFR 1320.3(b).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This final action will be effective July 22, 2025.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: May 7, 2025.

Kevin J. McOmber,
Regional Administrator.

[FR Doc. 2025–09302 Filed 5–22–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 22–405; FCC 24–105; FR ID 292650]

FM Terrestrial Digital Audio Broadcasting Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved revisions to the information collection requirements under OMB Control Number 3060–1034, as associated with the amended adopted in the Federal Communications Commission's First Report and Order: Rules for FM Terrestrial Digital Audio Broadcasting Systems, FCC 24–105 (FM Digital First R&O). This FM Digital First R&O permits the operation of digital FM stations with asymmetric power levels on the digital sidebands and the accompanying use of FCC 2100, Schedule 335–FM to notify the Commission of such operations. This document is consistent with the FM Digital First R&O, which states that the Commission will publish a document in the **Federal Register** announcing the effective date for these amended rule sections and revise the rules accordingly.

DATES: Effective May 23, 2025. The amendments to instruction 4 (47 CFR 73.404) and instruction 5 (47 CFR 73.406), published at 89 FR 84096 on Oct. 21, 2024, are effective May 23, 2025.

FOR FURTHER INFORMATION CONTACT: Cathy Williams, Office of the Managing Director, Federal Communications Commission, at (202) 418–2918 or Cathy.Williams@fcc.gov.

SUPPLEMENTARY INFORMATION: This document announces that the Office of Management and Budget (OMB) approved the information collection

requirements in 47 CFR 73.404 and 73.406 on April 18, 2025. These rule sections were adopted in the FM Digital First R&O, FCC 24–105. The Commission publishes this document as an announcement of the effective date for these amended rules.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, *Cathy.Williams@fcc.gov*. Please include the OMB Control Number in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov*.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on April 18, 2025, for the information collection requirements contained in 47 CFR 73.404 and 73.406. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number for the information collection requirements in 47 CFR 73.404 and 73.406 is 3060–1034.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1034.

Title: Digital Audio Broadcasting Systems and their Impact on the Terrestrial Radio Broadcast Service; Form 2100, Schedule 335–FM—FM Digital Notification; Form 2100, Schedule 335–AM—AM Digital Notification.

Form Number: Form 2100, Schedule 335–FM.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 215 respondents; 215 responses.

Estimated Hours per Response: 1 hour–8 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 345 hours.

Total Annual Cost: \$128,250.

Obligation to Respond: Required to obtain or retain benefits. The statutory

authority for this collection of information is contained in sections 154(i), 303, 310 and 553 of the Communications Act of 1934, as amended.

Needs and Uses: On September 24, 2024, the Commission adopted the First Report and Order in the Modifying Rules for FM Terrestrial Digital Audio Broadcasting System, MB Docket No. 22–405, FCC 24–105 (FM Digital First R&O) proceeding, to allow digital FM station operation with asymmetric power on the digital sidebands. This asymmetric sideband operation will allow digital FM stations to operate with different power levels on the upper and lower digital sidebands, as a way to facilitate greater digital FM radio coverage without interfering with adjacent-channel FM stations, upon notification to the Commission on FCC Form 2100, Schedule 335–FM. Prior to adoption of the FM Digital First R&O, an FM digital station that wished to employ asymmetric sideband operation had to apply for an experimental authorization and renew that authorization annually. Initiating such operation by notification rather than experimental authorization will be simpler and less expensive to the licensee, and thus less burdensome. Additionally, eliminating the requirement of annual experimental authorization will remove a regulatory barrier and incentivize more digital FM stations to adopt such operations. This submission was therefore made to OMB for approval of new or modified Information Collection requirements stemming from the FM Digital First R&O.

The changes as adopted in the FM Digital First R&O require modifications to Schedule 335–FM and rule §§ 73.404 and 73.406. Specifically, the FM Digital First R&O permits digital FM stations to use asymmetric sideband operation by notifying the Commission using Schedule 335–FM, and modifies that schedule by including fields to report the digital ERP being transmitted on each digital sideband, as well as the total digital ERP. Therefore, Schedule 335–FM is being amended to provide fields for the notifying station to indicate the digital ERP transmitted on each digital sideband, as well as the total digital ERP.

The Commission also made an administrative change to the procedures used by FM station licensees seeking to increase digital power above –14 dBc. Those requests, previously submitted by “informal request,” will now be submitted using Schedule 335–FM. After the effective date of the rules adopted in the First Digital R&O, digital

FM stations must use Schedule 335–FM to request an increase in total digital ERP above –14 dBc, using Table 1 to 73.404(f), and will also report certain digital power decreases on Schedule 335–FM. In sum, after the effective date of the FM Digital First R&O, a digital FM station will report the following actions (or request authority in the case of an increase of total digital ERP above –14 dBc) by submitting Schedule 335–FM: the initiation of hybrid digital operation; the initiation of asymmetric sideband operation at any power level, as well as the discontinuance of asymmetric sideband operation; an increase of total digital ERP above –14 dBc; or a decrease in total digital ERP from a level above –14 dBc to a level at or below –14 dBc. As required with the current informal request process, a station choosing to operate with total digital ERP between –14 dBc and –10 dBc must attach an exhibit demonstrating that the proposed FM digital ERP is permitted for each digital sideband, using Table 1 to 73.404(f). This exhibit will now be an attachment to the Schedule 335–FM submission. As is the case with the current informal request process, a digital FM station choosing to operate with total digital ERP above –14 dBc may initiate such operation upon approval from the Commission.

Schedule 335–FM is amended as follows:

a. To include a question for the notifying station to report when asymmetric sideband operations commenced.

b. To provide fields for the notifying station to indicate the digital ERP transmitted on each digital sideband, as well as the total digital ERP.

c. To include a question for the notifying station to report that it has discontinued digital broadcasts and/or asymmetric sideband operations, and provide the date of the discontinuance.

d. To include a question for the notifying station to report that the total digital ERP (listed in a previous item of the schedule) is greater than –14 dBc. A station choosing to operate with total digital ERP between –14 dBc and –10 dBc must attach an exhibit demonstrating that the proposed FM digital ERP is permitted for each digital sideband, using Table 1 in § 73.404(f).

e. To include a question for the notifying station to report a decrease in the total digital ERP to –14 dBc or below, and provide the date on which such decreased digital ERP operations commenced.

Moreover, to implement the new or modified information collection requirements contained in the FM Digital First R&O, § 73.404(e) and (f) of

the rules are revised to allow digital FM stations to use asymmetric power on the digital sidebands and to use the “Maximum permissible FM digital ERP per-sideband” Table to comport with the current limits on FM digital ERP.

Additionally, the newly adopted digital FM notification requirements are added to rule § 73.406 in new paragraphs (d)(5) and (d)(6).

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2025–09278 Filed 5–22–25; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 250506–0081]

RIN 0648–BN28

International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions for Tropical Tuna in the Eastern Pacific Ocean for 2025 and Beyond

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

ACTION: Final rule.

SUMMARY: NMFS is issuing regulations under the Tuna Conventions Act (TCA) of 1950, as amended, to implement Resolution C–24–01 (*Conservation Measures For Tropical Tunas In The Eastern Pacific Ocean During 2025–2026*) adopted at the 102nd Meeting of the Inter-American Tropical Tuna Commission (IATTC) in September 2024. This final rule maintains and extends management measures for fishing vessels targeting tropical tuna (*i.e.*, bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), and skipjack tuna (*Katsuwonus pelamis*)) in the eastern Pacific Ocean (EPO). The fishing restrictions will apply to large purse seine vessels of class sizes 4–6 (*i.e.*, vessels with a carrying capacity of 182 metric tons (mt) or greater) and longline vessels greater than 24 meters in overall length that fish for tropical tuna in the EPO. This rule is necessary for the conservation of tropical tuna stocks in the EPO and for the United States to satisfy its obligations as a member of the IATTC.

DATES: This rule is effective June 23, 2025.

ADDRESSES: A plain language summary of this rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0119>.

Copies of supporting documents that were prepared for this rule, including the regulatory impact review (RIR) are available via the Federal e-Rulemaking Portal: <http://www.regulations.gov>, docket NOAA–NMFS–2024–0119, or contact Tyler Lawson, NMFS West Coast Region Portland Office, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97205, or tyler.lawson@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Tyler Lawson, NMFS WCR, at (503) 230–5421, tyler.lawson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background on the IATTC

The United States is a member of the IATTC, which was established under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission (1949 Convention). In 2003, the IATTC updated the 1949 Convention through the adoption of the Convention for the Strengthening of the IATTC Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention). The Antigua Convention entered into force in 2010. The United States acceded to the Antigua Convention on February 24, 2016. The full text of the Antigua Convention is available at: https://www.iatcc.org/PDFFiles2/Antigua_Convention_Jun_2003.pdf.

The IATTC consists of 21 member nations and 5 cooperating non-member nations. The IATTC is responsible for the conservation and management of tuna and tuna-like species in the IATTC Convention Area. The IATTC Convention Area is defined as waters of the EPO within the area bounded by the west coast of the Americas and by 50° N latitude, 150° W longitude, and 50° S latitude. The IATTC maintains a scientific research and fishery monitoring program and regularly assesses the status of tuna, sharks, and billfish stocks in the IATTC Convention Area to determine appropriate catch limits and other measures deemed necessary to promote sustainable fisheries and prevent the overexploitation of these stocks.

International Obligations of the United States Under the Antigua Convention

As a Party to the Antigua Convention and a member of the IATTC, the United States is legally bound to implement decisions of the IATTC under the TCA of 1950, as amended, 16 U.S.C. 951 *et*

seq. (Pub. L. 114–81). The TCA directs the Secretary of Commerce, in consultation with the Secretary of State and, with respect to enforcement measures, the U.S. Coast Guard, to promulgate such regulations as may be necessary to carry out the United States’ obligations under the Antigua Convention, including recommendations and decisions adopted by the IATTC. The authority of the Secretary of Commerce to promulgate such regulations has been delegated to NMFS.

IATTC Resolution on Tropical Tuna Conservation

The 102nd Meeting of the IATTC was held in Panama City, Panama, in September 2024. At this meeting, the IATTC adopted Resolution C–24–01 (*Conservation Measures for Tropical Tunas In The Eastern Pacific Ocean During 2025–2026*). Many of the provisions in Resolution C–24–01 are identical in content to those contained in the previous tropical tuna Resolution (C–21–04; *Conservation Measures for Tropical Tuna in the Eastern Pacific Ocean During 2022–2024*), which NMFS implemented in a July 8, 2022 rulemaking (87 FR 40731), and are in effect until they are amended or replaced. Resolution C–24–01 continues to include provisions for a 72-day EPO fishing closure period for purse seine vessels, exemptions from that closure period due to force majeure, catch limits of bigeye tuna caught in the EPO for longline vessels greater than 24 m in overall length, catch limit transfer requirements for bigeye tuna, a requirement that all tropical tuna be retained and landed (with some exceptions), and restrictions on the use and design of fish aggregating devices (FADs).

In addition to continuing the existing measures, Resolution C–24–01 requires the IATTC to reexamine the Resolution at the annual IATTC meeting in 2025 or 2026 based on a yellowfin tuna benchmark assessment or, if a benchmark assessment is not available, the current stock assessment, as long as it is deemed reliable by IATTC scientific staff at that time. Based on that review, if necessary, the Resolution provides that the IATTC will take actions to reduce fishing pressure on yellowfin tuna to a level that allows for sustainable fishing. Alternatively, if the benchmark assessment or stock assessment shows that the yellowfin tuna stock is not overfished nor subject to overfishing, the IATTC will consider options for new measures that reduce the number of days of closure or the elimination of the “corralito” closure

area, which NMFS currently has implemented in 50 CFR 300.25(e)(1) and 300.25(e)(6). If action is taken by the IATTC in 2025 and a new Resolution is adopted, NMFS will consider additional action as appropriate.

The implementation of this Resolution by all IATTC members is intended to prevent overfishing of tropical tuna stocks in the EPO. Based on 2024 IATTC benchmark stock assessments and applying the stock status criteria NMFS identified in the Highly Migratory Species Fisheries Management Plan (HMS FMP), the bigeye and skipjack tuna stocks in the EPO are not subject to overfishing and are not overfished. Based on the most recent IATTC benchmark assessment (2020) for yellowfin tuna in the EPO, NMFS determined the stock is neither overfished nor subject to overfishing. Efforts to complete a new benchmark assessment for yellowfin tuna are underway, and results are anticipated within the next 2 years.

For the 2024 meeting of the IATTC, the IATTC scientific staff recommended that conservation measures from tropical tuna Resolution C–21–04 be extended to prevent overfishing of these stocks. Those measures are already codified and will continue under this rule, as discussed in the following section.

NMFS published a proposed rule on December 5, 2024 (89 FR 96631), for public review and comment. The comment period closed on January 6, 2025. The preamble to the proposed rule contains additional background information that is not repeated here.

Final Regulations

This rule is implemented under the TCA (16 U.S.C. 951 *et seq.*) and includes minor changes to 50 CFR part 300, subpart C. The rule will apply to U.S. commercial fishing vessels using purse seine and longline gear to catch tropical tuna in the IATTC Convention Area. As noted in the preamble to the proposed rule, most of the measures in Resolution C–24–01 do not need to be implemented through this rule because the Resolution continues existing measures that are already codified and do not expire (see 87 FR 40731, July 8, 2022). A full list of those codified measures is included in the preamble of the proposed rule and is not repeated here.

This rule extends the applicability of the system of additional closure days for class size 4–6 purse seine vessels that exceed specified annual catch levels for bigeye tuna that was in place for calendar years 2023 and 2024 (50 CFR 300.25(e)(2)). Under this rule, those regulations remain in effect for 2025 and

future calendar years. The catch levels continue to begin at 1,200 mt of bigeye tuna with 10 additional closure days and increase incrementally by 300 mt and 3 additional closure days beyond that level. U.S. purse seine vessels that exceed a certain annual catch level of bigeye tuna are required to increase the number of closure days they observe in the following year, as specified in table 1.

TABLE 1—BIGEYE TUNA CATCH LEVELS AND CORRESPONDING ADDITIONAL CLOSURE DAYS

Catch level (mt) exceeded	Additional closure days observed
1,200	10
1,500	13
1,800	16
2,100	19
2,400	22

As was true for 2023 and 2024, the additional days of closure must be added to one of the two closure periods indicated in 50 CFR 300.25(e)(1), which requires purse seine vessels to observe one of two specified 72-day closure periods. For vessels observing the first closure period, the additional days must be added at the beginning of the closure period. For vessels observing the second closure period, the additional days must be added to the end of the closure period.

This rule also makes minor revisions to 50 CFR 300.28(c), to clarify the active FAD limits applicable for 2025 and future calendar years. Specifically, this rule updates Table 1 to paragraph (c), which contains the active FAD limits for purse seine vessels by well volume, by removing the expired limits (*i.e.*, limits for calendar years 2022 and 2023) and leaving only those limits that apply for 2025 and future calendar years (*i.e.*, limits that were specified in the previous table as applying “For 2024 calendar year and beyond”). The current limits are shown in table 2.

TABLE 2—ACTIVE FAD LIMITS FOR PURSE SEINE VESSELS

Well volume (cubic meters (m³))	Active FAD limit
1,200 or more	340
426–1,199	210
213–425	85
0–212	50

Although Resolution C–24–01 is in effect through 2026, NMFS does not intend for these regulations to expire concurrently with the Resolution.

Instead, because the IATTC will likely continue to adopt similar conservation and management measures upon expiration of this resolution, and to avoid a lapse in the management of the fishery that may occur between expiration of the regulations and implementation of new measures adopted by the IATTC, these regulations will remain in effect unless and until they are amended or replaced.

The TCA gives NMFS the authority to promulgate such regulations as may be necessary to carry out the United States’ international obligations under the Convention and this chapter, including recommendations and decisions adopted by the IATTC. In past years, NMFS has implemented IATTC resolutions for specific calendar years, and this approach has at times led to lapses in management in the affected fisheries in subsequent years. Given the time-consuming nature of the U.S. domestic rulemaking process, combined with the frequent delayed adoption of IATTC resolutions, implementing domestic measures that do not expire unless and until new measures are in place is necessary to carry out the United States’ international obligations under the Antigua Convention and the TCA because it will ensure there is no lapse in management of the tropical tuna fishery in the EPO.

Thus, regulations will remain in effect until they are amended or replaced. NMFS intends to publish proposed and final rules to implement new resolutions adopted by the IATTC as expeditiously as possible; however, this approach will allow existing regulations to remain in force and prevent any lapse in regulatory coverage caused by expirations.

Because the IATTC adopted Resolution C–24–01 as a 2-year conservation and management measure (2025–2026), the supporting analyses for this rule (discussed later in the Classification section) cover a 2-year time period, with the understanding that NMFS will consider whether these analyses will need to be supplemented should the measures remain in effect for more than 2 years.

Public Comments and Responses

NMFS received one comment during the 30-day comment period on the proposed rule, which closed on January 6, 2025. The comment was from a member of the general public and was supportive of the proposed regulation change, as they felt it aligns with long term benefits for the marine ecosystem and promotes sustainable fisheries management. However, they did express

two concerns with the proposed rule text which are addressed below.

Issue #1: The commenter noted “in order for this new regulation to truly work there needs to be effective enforcement. If there is not adequate monitoring and enforcement, the whole regulation may be undermined as the catch limits and habitat protection may be ignored.”

NMFS Response: NMFS recognizes the importance of monitoring and enforcement for effective fisheries management. The IATTC informs NMFS if a possible instance of non-compliance arises. If warranted, NMFS works with the Office of Law Enforcement to investigate and take appropriate action.

Issue #2: The commenter noted “concerns about . . . the economic impacts on smaller fishing communities. Local small-scale fisheries often rely on certain species, so tightening the catch limits negatively affects these smaller fisheries.”

NMFS Response: NMFS notes that catch limits are not being tightened in this rule and that the bigeye tuna catch limits for purse seine vessels which have been in place for several years are being extended until modified or replaced. The economic impacts to small vs large entities is discussed in the classification section and NMFS concluded that the action is not expected to have a significant adverse economic impact on the profitability of a substantial number of small entities or a disproportionate economic effect on small entities relative to large entities. In response to this comment, NMFS has revised the RIR and the Regulatory Flexibility Act discussion in the Classification section to further support that the action is not expected to have a significant adverse economic impact.

Changes From Proposed Rule

After consideration of public comments on the proposed rule, NMFS does not intend to make any substantive changes in the final rule.

NMFS is making one minor change to the final regulatory text for 50 CFR 300.25(e)(2). Specifically, to clarify that all measures related to the system of additional closure days in place for 2023 and 2024 are being extended and continue to apply in 2025 and beyond, NMFS is revising the final regulatory text to include both subparagraphs of § 300.25(e)(2), instead of just subparagraph (e)(2)(i). The text of subparagraph (e)(2)(ii) is unchanged from the corresponding subparagraph put in place by the previous rule (see 87 FR 40731, July 8, 2022).

Classification

The NMFS Assistant Administrator has determined that this rule is consistent with the TCA and other applicable laws, subject to further consideration after public comment.

Executive Order 12866

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

Paperwork Reduction Act

This final rule does not contain changes to the collection of information requirement for the purposes of the Paperwork Reduction Act of 1995. The existing collection of information requirements would continue to apply under the following Office of Management and Business (OMB) Control Numbers: 0648–0214 (*Pacific Islands Region Logbook Family of Forms*) and 0648–0148 (*West Coast Region Pacific Tuna Fisheries Logbook, Fish Aggregating Device Form, and Observer Safety Reporting*).

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at: <https://www.reginfo.gov/public/do/PRAMain>

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The rationale for the certification is provided in the following paragraphs.

For Regulatory Flexibility Act purposes only, NMFS has established a small business size standard of \$11 million in annual gross receipts for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). This standard applies to all businesses classified under North American Industry Classification System (NAICS) code 11411 for commercial fishing, including all businesses classified as commercial finfish fishing (NAICS 114111), commercial shellfish fishing (NAICS 114112), and other commercial

marine fishing (NAICS 114119) businesses.

NMFS prepared the following analyses for this regulatory action in light of this size standard. All of the entities directly regulated by this regulatory action are commercial finfish fishing businesses. Under this size standard, some U.S. purse seine vessels affected by this action are considered large, and some are small businesses. The longline vessels this action applies to are considered to be small businesses based on above standards.

U.S. Purse Seine Vessels Fishing in the IATTC Convention Area: There are two components to the U.S. tuna purse seine fishery in the EPO: (1) large purse seine vessels (class size 6; greater than 363 mt carrying capacity) that typically have been based in the western and central Pacific Ocean (WCPO), and (2) coastal purse seine vessels with smaller fish hold volumes (class sizes 2–3; between 46–181 mt carrying capacity) that are based on the U.S. West Coast. Although Resolution C–24–01 and the implementing regulations include restrictions for class size 4–5 (182–363 mt carrying capacity) purse seine vessels, there are currently no U.S. vessels of class sizes 4–5 registered to fish in the IATTC Convention Area, nor have there been in the past 10 years. Therefore, to the extent the regulations specify application to class size 4–5 purse seine vessels, they are not expected to have any impact on U.S. vessel owners or operators.

As of September 2024, the United States has 14 active large U.S. purse seine vessels on the IATTC Regional Vessel Register authorized to fish in the EPO. Twelve of these vessels also have Western and Central Pacific Fisheries Commission (WCPFC) Area Endorsements. WCPFC Area Endorsements are NMFS-issued authorizations required for a vessel to fish commercially for HMS on the high seas in the WCPFC Convention Area. NMFS used cannery data from the IATTC and Regional Purse Seine Logbook (RPL) data from Pacific Islands Fisheries Science Center to estimate fish landings in both the EPO and WCPO for the vessels that fished in both Convention Areas within a year.

Because neither gross receipts nor ex-vessel price information specific to individual fishing vessels are available to NMFS, NMFS applied regional price data—as approximations of ex-vessel prices—to annual catches of individual vessels obtained from RPLs and IATTC observer data, to estimate the vessels’ annual receipts.

Using this approach, NMFS estimates that among the affected vessels, the

range in average annual per-vessel receipts in 2021–2023 was \$500,000 to \$13.4 million with an average of approximately \$10 million. Nine of the active purse seine vessels had estimated average annual receipts of less than \$11 million, and thus are considered to be small entities. The remaining five are considered large businesses.

U.S. Longline Vessels that Fish in the IATTC Convention Area: As of September 2024, the IATTC Regional Vessel Register lists 35 large-scale longline vessels (*i.e.*, greater than 24 m in overall length) that have the option to fish in the IATTC Convention Area. The majority of these longline vessels have Hawaii Longline Limited Access Permits (issued under 50 CFR 665.13). Under the Hawaii longline limited access program, no more than 164 permits may be issued. The Hawaii longline fisheries include a tuna-targeting (including bigeye tuna) deep-set fishery and swordfish-targeting shallow-set fishery. Additionally, there are U.S. longline vessels based on the U.S. West Coast, some of which operate under the Pacific HMS permit and high seas permits. U.S. West Coast-based longline vessels operating under the Pacific HMS permit fish primarily in the EPO and are currently restricted to fishing with deep-set longline gear outside of the U.S. West Coast exclusive economic zone.

Between 2019 and 2023, longline vessels that fished in the IATTC Convention Area had average ex-vessel revenues ranging from \$197,301 to \$255,985 for total landings, including those in the EPO and WCPO. The maximum ex-vessel revenue of any longline vessel that fished in the IATTC Convention Area was well below the \$11 million threshold for finfish harvesting businesses. Therefore, all of the longline vessels impacted by the rule will be considered small business entities.

Economic Impacts: The action is not expected to have a significant adverse economic impact on the profitability of a substantial number of small entities or a disproportionate economic effect on small entities relative to large entities. The entities impacted by the action related to purse seine vessels are considered to include both large and small businesses, and the entities impacted by the action related to longline vessels are considered to be small businesses. All of the measures in the Resolution maintain purse seine and longline measures that have been in place in U.S. regulations for years and have become routine for the purse seine and longline fleets. As described above,

the IATTC extended the measures to prevent overfishing.

As discussed previously, this rule extends the applicability of the system of additional closure days for class size 4–6 purse seine vessels that exceed specified annual catch levels for bigeye tuna that was in place for calendar years 2023 and 2024. This action therefore will continue to add 10 closure days for purse seine vessels that catch more than 1,200 mt of bigeye tuna, and will continue to add 3 additional closure days for every additional 300 mt caught beyond the 1,200 mt. In reviewing catch levels for U.S. purse seine vessels from 2017–2020, only one U.S. vessel caught more than 1,200 mt in a single year. Since the 2022 rulemaking was put in place, no U.S. vessels have caught more than 1,200 mt in a single year. Thus, it is not expected that many, if any, U.S. vessels will be required to adhere to additional closure days. For vessels that may need to observe additional closure days, the majority of vessels have the option to fish in the WCPO, pending closures in the WCPFC Convention Area, noting that tropical tuna stocks in the WCPO are considered distinct from EPO stocks.

In addition to extending the applicability of the system of additional closure days, the 2024 tropical tuna Resolution maintains a number of purse seine regulations that have been in place for years, and the purse seine fleet is familiar with these measures. Because the IATTC adopted the previous tropical tuna resolution, C–21–04, as a three-year conservation and management measure (2022–2024), the supporting analyses for that rule covered a three-year time period, with the understanding that those analyses would be supplemented should the measures remain in effect for more than three years. Resolution C–24–01 maintains those measures and those analyses are discussed below.

FAD limits: As previously discussed, this rule makes minor revisions to clarify the active FAD limits applicable for 2025 and future calendar years by updating the table which contains the active FAD limits for purse seine vessels by well volume, by removing the expired limits (*i.e.*, limits for calendar years 2022 and 2023) and leaving only those limits that apply for 2025 and future calendar years (*i.e.*, limits that were specified in the previous table as applying “For 2024 calendar year and beyond”). With respect to limits on active FADs, all large U.S. purse seine vessels currently on the IATTC Regional Vessel Register have a well volume of 1,200 m³ or more. Therefore, the limit of 340 active FADs per large U.S. purse

seine vessel will continue to apply in 2025 and beyond. According to 2018–2020 purse seine effort data provided by IATTC scientific staff, the average number of active FADs per U.S. vessel is approximately 90 and the maximum number per vessel is 271. Since the 2022 rulemaking began to gradually decrease active FAD limits to their current limits, U.S. purse seine vessels have continued to operate within the established limits. Thus, these regulations are not expected to reduce the number of active FADs any U.S. purse seine vessel has in the water. As a result, the continuation of these measures is not expected to reduce the profitability of the fishery, and no disproportionate impacts between small and large businesses are expected.

Buoy restrictions: This rule maintains existing restrictions on buoy deactivations and reactivations which have been in place since 2022 and are not expected to substantially change the fishing behavior of the U.S. fleet. In addition, although there were additional reporting requirements for active FADs, deactivations, and reactivations, vessel operators were already expected to be collecting the necessary information from satellite companies as part of current operations, and therefore reporting this additional information is still not expected to impose an additional burden that would reduce profitability.

Reporting requirements: This rule maintains requirements for reporting cannery data to the IATTC and making data available to NMFS upon request, as well as requirements for NMFS to report VMS data to the IATTC beginning in 2023. Cannery data was already being collected by purse seine vessel owners as a part of current operations. Vessel owners did not need to change any reporting requirements for VMS data because those data were already provided to NMFS and NMFS provides it to the IATTC. Therefore, NMFS still does not expect these reporting requirements to reduce the profitability of the fishery or have a disproportionate impact between small and large businesses.

Force majeure: This rule maintains existing regulations that vessels to request an exemption from observing a full 72-day closure period due to the occurrence of a force majeure events. Since 2013, when the force majeure provisions first went into effect, the United States has requested force majeure exemptions seven times. Because U.S. force majeure events are rare and unpredictable, it is difficult to speculate future situations where a U.S. vessel would need to request force

majeure. The economic effects from these revisions are generally positive for vessels that are granted an exemption due to force majeure, as the measure provides relief to U.S. purse seine vessels that experience an unforeseen circumstance and would otherwise fish fewer days in a calendar year.

In summary, the action is not expected to substantially change the typical fishing practices of affected vessels. Any impact to the income of U.S. vessels is expected to be minor. Therefore, NMFS has determined that the action is not expected to have a significant economic impact on a substantial number of small entities, or a disproportionate economic impact on the small entities relative to the large entities. Therefore, an Initial Regulatory Flexibility Analysis is not required and none has been prepared.

Executive Order 13175

NMFS has determined that this action will 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; therefore, consultation with Tribal officials under Executive Order 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of Executive Order 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of Executive Order is not required and has not been prepared.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing,

Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: May 19, 2025.

Jonathan Marc Kurland,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 300, subpart C, as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

■ 1. The authority citation for part 300, subpart C, continues to read as follows:

Authority: 16 U.S.C. 951 *et seq.*

■ 2. Amend § 300.25 by revising paragraph (e)(2)(i) and (ii) to read as follows:

§ 300.25 Fisheries management.

* * * * *

(e) * * *

(2) * * *

(i) U.S. purse seine vessels that exceed a certain annual catch level of bigeye tuna must increase the number of closure days they observe in the following year, as specified in table 1 to this paragraph (e)(2).

(ii) The additional days of closure must be added to one of the two closure periods indicated in paragraph (e)(1) of this section. For vessels observing the first closure period, the additional days must be added at the beginning of the closure period. For vessels observing the second closure period, the additional days must be added to the end of the closure period. The HMS Branch will confirm the determination of annual catch levels for U.S. purse vessels based on information provided by the IATTC

and notify any U.S. vessel that exceeds a given catch level.

TABLE 1 TO PARAGRAPH (e)(2)

Catch level (mt) exceeded	Additional closure days observed
1,200	10
1,500	13
1,800	16
2,100	19
2,400	22

* * * * *

■ 3. Amend § 300.28 by revising paragraph (c) to read as follows:

§ 300.28 FAD restrictions.

* * * * *

(c) *Restrictions on Active FADs for purse seine vessels.* U.S. vessel owners and operators of purse-seine vessels with the following well volume in cubic meters (m³) must not have more than the following number of Active FADs per vessel in the IATTC Convention Area at any one time, as specified in table 1 to this paragraph (c).

TABLE 1 TO PARAGRAPH (c)

Well volume (m ³)	Active FAD limit
1,200 or more	340
426–1,199	210
213–425	85
0–212	50

* * * * *

[FR Doc. 2025–09281 Filed 5–22–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 99

Friday, May 23, 2025

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 210, 212, 213, 302, 432, 451, and 752

[Docket ID: OPM-2025-0004]

RIN 3206-AO80

Improving Performance, Accountability and Responsiveness in the Civil Service

AGENCY: Office of Personnel Management.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On April 23, 2025, the Office of Personnel Management (OPM) published in the **Federal Register** a notice of proposed rulemaking to increase career employee accountability. The proposed rule invited the public to submit written comments beginning on the proposed rule publication date and ending on May 23, 2025. In response to requests for an extension of the comment period, OPM is extending the comment period to June 7, 2025.

DATES: The public comment period for the proposed rule published on April 23, 2025 (90 FR 17182), is extended. Comments must be received no later than June 7, 2025.

ADDRESSES: You may submit comments, identified by the docket number or Regulation Identifier Number (RIN) for this proposed rulemaking, by the following method:

Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for sending comments.

All submissions must include the agency name and docket number or RIN for this **Federal Register** document. Please arrange and identify your comments about the regulatory text by subpart and section number. If your comments relate to the supplementary information, please reference the heading and page number in the supplementary section. All comments must be received by the end of the comment period for them to be

considered. All comments and other submissions received generally will be posted on the internet at <https://www.regulations.gov> as they are received, without change, including any personal information provided. However, OPM retains discretion to redact personal or sensitive information, including but not limited to, personal or sensitive information pertaining to third parties.

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

FOR FURTHER INFORMATION CONTACT:

Noah Peters, Senior Advisor to the Director, by email at employeeaccountability@opm.gov or by phone at (202) 606-2930.

SUPPLEMENTARY INFORMATION: On April 23, 2025, the Office of Personnel Management (OPM) published in the **Federal Register** a notice of proposed rulemaking titled “Improving Performance, Accountability and Responsiveness in the Civil Service” (see 90 FR 17182). The comment period on this proposed rule was originally scheduled to close May 23, 2025. OPM has received requests for additional time to review and comment on this proposed rule. OPM will be extending the comment period by 15 days. The public comment period will now end on June 7, 2025. Information about submitting comments is in the **ADDRESSES** section of this notice.

Office of Personnel Management

Jerson Matias,

Federal Register Liaison.

[FR Doc. 2025-09356 Filed 5-21-25; 8:45 am]

BILLING CODE 6325-39-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0910; Project Identifier MCAI-2023-01167-R]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020-06-13, which applies to certain Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. AD 2020-06-13 requires determining the accumulated hours time-in-service (TIS) of certain part-numbered main gearbox (MGB) suspension bar rear attachment fittings (fittings) and bolts and establishes reduced life limits. Since the FAA issued AD 2020-06-13, it was determined that modifying the MGB suspension bar fittings link and installing improved MGB suspension bar fitting bolts are necessary. This proposed AD would require modifying the MGB suspension bar link, installing newly-designed bolts, and prohibit installing certain parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by July 7, 2025.

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

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

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

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0910; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

• You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at *regulations.gov* under Docket No. FAA-2025-0910.

FOR FURTHER INFORMATION CONTACT:

Camille Seay, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222-5149; email: *camille.l.seay@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-0910; Project Identifier MCAI-2023-01167-R" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Camille Seay, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY

11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020-06-13, Amendment 39-19882 (85 FR 19080, April 6, 2020) (AD 2020-06-13), for Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters with an MGB suspension bar right-hand (RH) side rear fitting part number (P/N) 330A22-2702-07 and bolt P/N 330A22-0135-20, MGB suspension bar left-hand (LH) side rear fitting P/N 330A22-2702-06 and bolt P/N 330A22-0135-20, or MGB suspension bar front bolt P/N 330A22-0134-20 installed. AD 2020-06-13 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2018-0260, dated December 3, 2018 (EASA AD 2018-0260), to address MGB suspension bar fittings and bolts remaining in service beyond their fatigue life. From review of reported Model EC 225 LP data, EASA advised that the installation of the MGB upper deck fittings of the three MGB suspension bars (front, RH side rear, and LH side rear) could lead to tightening torque loss on the fittings' attachment screws (bolts). Due to design similarities, Model AS 332 C, AS 332 C1, AS 332 L, and AS 332 L1 helicopters could also be affected by the same installation condition.

AD 2020-06-13 requires determining the total hours TIS of the MGB suspension bar RH side and LH side rear fittings, removing these fittings and bolts from service based on the accumulated total hours TIS and other conditions, and thereafter removing these fittings and bolts from service within specific intervals. AD 2020-06-13 also requires removing the front bolts from service during each major inspection "G." The FAA issued AD 2020-06-13 to prevent failure of an MGB attachment assembly, detachment of an MGB suspension bar, and consequent loss of helicopter control.

Actions Since AD 2020-06-13 Was Issued

Since the FAA issued AD 2020-06-13, EASA superseded EASA AD 2018-0260 and issued EASA AD 2023-0194, dated November 8, 2023 (EASA AD 2023-0194), to address an unsafe condition on all Airbus Helicopters Model AS 332 C, AS 332 C1, AS 332 L, and AS 332 L1 helicopters. EASA AD 2023-0194 stated that, following the loss of tightening torque of the attachment screws of the upper deck

fittings of the three MGB suspension bars and previous interim action, Airbus Helicopters developed modification (mod) 0728496 (for helicopters with machined frames) and mod 0729200 (for helicopters with sheet metal frames), which improve the link of the fittings of the MGB suspension bars and include improved fitting screws. After EASA issued EASA AD 2023-0194, EASA superseded EASA AD 2023-0194 with EASA AD 2023-0194R1 Revision 1, dated March 19, 2025 (EASA AD 2023-0194R1) (also referred to as the MCAI). The MCAI states that since EASA AD 2023-0194 was issued, a new risk analysis determined the calendar time compliance time for the modification can be extended. The MCAI further states that EASA AD 2023-0194R1 is considered to be an interim action. This condition, if not addressed, could lead to structural failure of an MGB attachment assembly, detachment of an MGB suspension bar, and consequent loss of control of the helicopter.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2025-0910.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2023-0194R1, which specifies procedures for determining the accumulated service life of the RH side and LH side rear fittings of the MGB suspension bars and repetitively replacing the RH side and LH side rear fittings and screws before exceeding accumulated service life limits. As an alternative to the first replacement of the RH side rear fittings and screws, if certain conditions are met, EASA AD 2023-0194R1 allows measuring the tightening torque, and depending on the measurement results, replacing affected parts with serviceable parts within extended compliance times. EASA AD 2023-0194R1 also specifies procedures for replacing each MGB front fitting screw at the next major inspection (G) and modifying the helicopter to improve the link of the fittings of the MGB suspension bar, which includes installing MGB fitting screws with an improved design. EASA AD 2023-0194R1 prohibits installing certain parts on any helicopter. Finally, EASA AD 2023-0194R1 specifies procedures for a terminating action if the helicopter has been modified as defined in EASA AD 2023-0194R1 and provides credit for certain previously accomplished requirements.

This material is reasonably available because the interested parties have access to it through their normal course

of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain none of the requirements of AD 2020-06-13. This proposed AD would require accomplishing the actions specified in EASA AD 2023-0194R1, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD. See "Differences Between this AD and the MCAI" for a discussion of the general differences included in this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2023-0194R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023-0194R1 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2023-0194R1 does not mean that operators need comply only with that section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2023-0194R1. Material referenced in EASA AD 2023-0194R1 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0910 after the FAA final rule is published.

Differences Between This Proposed AD and the MCAI

Where the MCAI allows an option of an inspection of the torque instead of replacement of the first MGB RH side rear fitting, which includes different replacement compliance times based on the torque inspection results, this proposed AD would not.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect eight helicopters of U.S. registry. Labor rates are estimated at \$85 per hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Determining the total hours TIS of the rear MGB fittings would take 0.5 work-hour for an estimated cost of \$43 per helicopter and \$344 for the U.S. fleet.

Replacing a RH rear MGB fitting and its set of four bolts would take 8 work-hours and parts would cost \$3,589 for an estimated cost of \$4,269 per helicopter and \$34,152 for the U.S. fleet, per replacement cycle.

Replacing a set of four LH rear MGB fitting bolts would take 4 work-hours and parts would cost \$100 for an estimated cost of \$440 per helicopter and \$3,520 for the U.S. fleet, per replacement cycle.

Replacing a LH rear MGB fitting would take 8 work-hours and parts would cost \$3,807 for an estimated cost of \$4,487 per helicopter and \$35,896 for the U.S. fleet, per replacement cycle.

Replacing a set of front MGB fitting bolts (4 bolts per set) would take about 8 work-hours and parts would cost \$98 for an estimated cost of \$778 per helicopter and \$6,224 for the U.S. fleet, per replacement cycle.

Modifying the MGB suspension bar (LH side and RH side) would take 56 work-hours and parts would cost \$115,509 for an estimated cost of \$120,269 per helicopter.

The extent of corrective action that may be needed if there is damage, a crack, or insufficient clearance found while modifying the MGB suspension bar could vary significantly from helicopter to helicopter. The FAA has no way of determining the cost to correct or repair each helicopter or the number of helicopters that may require repair.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2020-06-13, Amendment 39-19882 (85 FR 19080, April 6, 2020); and

■ b. Adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA-2025-0910; Project Identifier MCAI-2023-01167-R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 7, 2025.

(b) Affected ADs

This AD replaces AD 2020–06–13, Amendment 39–19882 (85 FR 19080, April 6, 2020).

(c) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6330, Main rotor transmission mount.

(e) Unsafe Condition

This AD was prompted by tests and analyses performed by the manufacturer. The FAA is issuing this AD to prevent fatigue failure of the main gearbox (MGB) suspension bar attachment fittings and bolts by remaining in service beyond their fatigue life. The unsafe condition, if not addressed, could result in failure of an MGB attachment assembly, detachment of an MGB suspension bar, and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2023–0194R1, dated March 19, 2025 (EASA AD 2023–0194R1).

Note 1 to paragraph (g): EASA AD 2023–0194R1 and Airbus Helicopters material that is referenced in EASA AD 2023–0194R1 refer to MGB suspension bar attachment “bolts” as “screws.”

Note 2 to paragraph (g): Table No. 1 of Airbus Helicopters Alert Service Bulletin No. AS332–53.02.13, Revision 1, dated April 5, 2024, identifies the helicopter group configurations referenced in EASA AD 2023–0194R1.

(h) Exceptions to EASA AD 2023–0194R1

(1) Where EASA AD 2023–0194R1 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2023–0194R1 refers to its effective date, December 17, 2018 (the effective date of EASA AD 2018–0260, dated December 3, 2018), or November 22, 2023 (the effective date of EASA AD 2023–0194, dated November 8, 2023), this AD requires using the effective date of this AD.

(3) Where the material referenced in EASA AD 2023–0194R1 specifies discarding parts, this AD requires removing those parts from service.

(4) This AD does not adopt paragraphs (3) through (5) of EASA AD 2023–0194R1.

(5) Where paragraphs (2) and (6) of EASA AD 2023–0194R1 state “paragraph 3.B.3,”

this AD requires replacing that text with “paragraphs 3.B.2. and 3.B.3.”

(6) Where the modification ASB, as defined and referenced in EASA AD 2023–0194R1, specifies contacting Airbus Helicopters Technical Support if there is visible damage, a crack, or insufficient clearance after replacing hardware, this AD requires, before further flight, accomplishing further action in accordance with a method approved by the Manager, International Validation Branch, FAA; EASA; or Airbus Helicopters’ EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) Where the modification ASB, as defined and referenced in EASA AD 2023–0194R1, specifies to keep parts after removing, for this AD, keeping these parts is not required.

(8) Where the modification ASB, as defined and referenced in EASA AD 2023–0194R1, specifies repairing X3855 frame drilling kit (also identified as a Guide having part number X530P8102101 and referred to as Item “zz”), this AD prohibits using X3855 frame drilling kit for the actions required by this AD if there is any damage that consists of cracks, corrosion, lengthening or deformation of the rods or arms, or excessive wear.

(9) Sections 11 through 14 in Appendix 4.A. of the modification ASB, as defined and referenced in EASA AD 2023–0194R1, are not required by this AD.

(10) This AD does not adopt the Remarks section of EASA AD 2023–0194R1.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2023–0194R1 specifies to submit information to the manufacturer, this AD does not require these actions.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k)(1) of this AD and email to: AMOC@faa.gov.

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

(k) Additional Information

(1) For more information about this AD, contact Camille Seay, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5149; email: camille.l.seay@faa.gov.

(2) For material identified in this AD that is not incorporated by reference, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; website: airbus.com/en/products-services/helicopters/hcare-services/airbusworld.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2023–0194R1, dated March 19, 2025.

(ii) [Reserved]

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

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

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

Issued on May 15, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–09095 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2025–1021; Airspace Docket No. 25–ANE–5]

RIN 2120–AA66

Amendment of Class D, Amendment of Class E4, and Amendment of Class E5 Airspace Over Nantucket, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace at Nantucket Memorial Airport, Nantucket, MA, due to the current designated airspace not properly containing instrument flight rule (IFR) operations. Additionally, this action proposes to amend Class E4 airspace at Nantucket Memorial Airport, Nantucket, MA, due to portions no longer meeting the requirements of its designation. This action also proposes to amend the Class E5 airspace that no longer meets the requirements for its

specific designation due to the amendment or cancellation of Standard Instrument Approach Procedures at Nantucket Memorial Airport, Nantucket, MA. This action also proposes to make editorial changes to the airspace descriptions to reflect current geographic information and naming conventions.

DATES: Comments must be received on or before July 7, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–1021 and Airspace Docket No. 25–ANE–5 using any of the following methods:

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5589.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator.

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class D, amend Class E4, and amend Class E5 airspace in Nantucket, MA.

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

[traffic/publications/airspace_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

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

Incorporation by Reference

Class D and Class E airspace designations are published in paragraphs 5000, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

This action proposes an amendment to 14 CFR part 71 to amend the Class D, E4, and E5 airspace for Nantucket Memorial Airport, Nantucket, MA. Controlled airspace is necessary for the safety and management of IFR operations in the area for existing instrument approach procedures.

This action proposes to amend the Class D airspace extending upward from the surface to and including 2,500 feet MSL for Nantucket Memorial Airport, Nantucket, MA, by increasing it to a 4.4-mile radius excluding that airspace within a .3 mile radius of Waive Heliport, Nantucket, MA, as the current radius of 4.2-miles does not properly contain instrument flight rules operations. This will also update the geographic coordinates for the Nantucket Memorial Airport in the Class D legal description.

This action also proposes to amend the Class E4 airspace over Nantucket, MA, by reducing its size to the new dimensions of 1.4 miles either side of the 044° bearing from the Nantucket Memorial Airport extending from the 4.4 mile radius to 9.4 miles Northeast of the airport. This will also update the geographic coordinates for the Nantucket Memorial Airport in the Class E4 legal description.

This action also proposes to amend Class E5 airspace extending from 700 feet above the surface by changing the dimensions to be within a 6.9-mile radius of Nantucket Memorial Airport and within 2.4 miles each side of the 044° bearing from the Nantucket Memorial Airport 6.9-mile radius to 9.4 miles northeast of the Airport. This will also update the geographic coordinates for the Nantucket Memorial Airport and remove the reference to the Nantucket VORTAC in the Class E5 legal description. This reconfiguration will properly contain the currently published standard instrument approach procedures.

This action will also make an editorial change to the Nantucket, MA, Class D, E4 and E5 airspace descriptions to replace “Airport/Facility Directory” with “Chart Supplement” in accordance with current FAA policy.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” prior to any final regulatory action by the FAA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANE MA D Nantucket, MA [Amended]

Nantucket Memorial Airport, MA
(Lat. 41°15′12″ N, long. 70°03′38″ W)
Wayne Heliport, MA
(Lat. 41°17′06″ N, long. 70°08′59″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.4-mile radius of Nantucket Memorial Airport excluding that airspace within a .3 mile radius of Wayne Heliport. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

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

* * * * *

ANE MA E4 Nantucket, MA [Amended]

Nantucket Memorial Airport, MA
(Lat. 41°15′12″ N, long. 70°03′38″ W)

That airspace extending upward from the surface of the Earth within 1.4 miles either side of the 044° bearing from the Nantucket Memorial Airport extending from the 4.4 mile radius to 9.4 miles Northeast of the airport. This Class E Surface airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace.

* * * * *

ANE MA E5 Nantucket, MA [Amended]

Nantucket Memorial Airport, MA
(Lat. 41°15′12″ N, long. 70°03′38″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Nantucket Memorial Airport and within 2.4 miles each side of the 044° bearing from the Nantucket Memorial Airport extending from the 6.9-mile radius to 9.4 miles northeast of the Airport.

* * * * *

Issued in College Park, Georgia, on May 19, 2025.

Patrick Young,

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

[FR Doc. 2025–09285 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–0142; FRL–12778–01–R1]

Air Plan Approval; Vermont; Regional Haze State Implementation 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 Regional Haze State Implementation Plan (SIP) revision submitted by Vermont on July 1, 2024, as satisfying applicable requirements under the Clean Air Act (CAA) and EPA’s Regional Haze Rule for the program’s second implementation period. Vermont’s SIP submission addresses the requirement that states must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. The EPA is taking this action pursuant to sections 110 and 169A of the Clean Air Act.

DATES: Written comments must be received on or before June 23, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2025–0142 at <https://www.regulations.gov>, or via email to martinelli.ayla@epa.gov. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.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 (CBI) or other information whose disclosure 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 CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID-19.

FOR FURTHER INFORMATION CONTACT: Ayla Martinelli, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 5-MJ), Boston, MA 02109-3912, tel. (617) 918-1057, email martinelli.ayla@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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I. What action is the EPA proposing?

On July 1, 2024, the Vermont Department of Environmental Conservation (VT DEC) submitted a revision to its SIP to address regional haze for the second implementation period. VT DEC made this SIP submission to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308. The EPA is proposing to find that the Vermont regional haze SIP submission for the second implementation period meets the applicable statutory and regulatory requirements and thus proposes to approve Vermont's submission into its SIP.

II. Background and Requirements for Regional Haze Plans

A detailed history and background of the regional haze program is provided in multiple prior EPA proposal actions.¹ For additional background on the 2017 RHR revisions, please refer to Section III. Overview of Visibility Protection Statutory Authority, Regulation, and Implementation of “Protection of Visibility: Amendments to Requirements for State Plans” of the 2017 RHR.² The following is an abbreviated history and background of the regional haze program and 2017 Regional Haze Rule as it applies to the current action.

A. Regional Haze Background

In the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and

wilderness areas.³ CAA 169A. The CAA establishes 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.” CAA 169A(a)(1). 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 (SO₂), nitrogen oxides (NO_x), and, in some cases, volatile organic compounds (VOC) and ammonia (NH₃)). 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.⁴

To address regional haze visibility impairment, the 1999 RHR 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 contribute to any impairment of visibility” in a Class I area to periodically submit SIP revisions to address such impairment. CAA 169A(b)(2);⁵ *see also* 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revisions); 64 FR at 35768 (July 1, 1999).

³ 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. CAA 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

⁴ 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 RHR. 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}). The formula for the deciview is $10 \ln(b_{ext})/10 Mm^{-1}$. 40 CFR 51.301.

⁵ The RHR 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).

¹ See 90 FR 13516 (March 24, 2025).

² See 82 FR 3078 (January 10, 2017).

On January 10, 2017, the EPA promulgated revisions to the RHR, 82 FR 3078 (January 10, 2017), that apply for the second and subsequent implementation periods. The reasonable progress requirements as revised in the 2017 rulemaking (referred to here as the 2017 RHR Revisions) are codified at 40 CFR 51.308(f).

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), which include representation from state and tribal governments, the EPA, and FLMs, were developed in the lead-up to the first implementation period to address regional haze. RPOs evaluate technical information to better understand how emissions from State and Tribal land 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 RHR.

The Mid-Atlantic/Northeast Visibility Union (MANEVU), one of the five RPOs described above, is a collaborative effort of state governments, tribal governments, and various Federal agencies established to initiate and coordinate activities associated with the management of regional haze, visibility, and other air quality issues in the Mid-Atlantic and Northeast corridor of the United States. Member states and tribal governments (listed alphabetically) include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Penobscot Indian Nation, Rhode Island, St. Regis Mohawk Tribe, and Vermont. The Federal partner members of MANEVU are EPA, U.S. National Parks Service (NPS), U.S. Fish and Wildlife Service (FWS), and U.S. Forest Service (USFS).

III. Requirements for Regional Haze Plans for the Second Implementation Period

Under the CAA and EPA's regulations, all 50 states, the District of Columbia, and the 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 visibility impairment in Class I areas. CAA 169A(b)(2)(B). 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 40 CFR 51.308(f)(1) through (f)(3) generally mirroring the order of the steps in the reasonable progress analysis⁶ and (f)(4) through (f)(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. *See* 40 CFR 51.308(f), (f)(2). 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. *See* 40 CFR 51.308(f)(1). 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 CAA section 169A(g)(1) to sources of visibility-impairing pollutants that the state has selected to assess for controls for the second implementation period. *See* 40 CFR 51.308(f)(2). Additionally, as further explained below, the RHR at 40 CFR 51.308(f)(2)(iv) separately provides five “additional factors”⁷ 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 CAA. 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 URP 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. 40 CFR 51.308(f)(2)–(3). There are additional requirements in the rule, including FLM consultation, that apply to all visibility protection SIPs and SIP revisions. *See e.g.*, 40 CFR 51.308(i).

A. Long-Term Strategy for Regional Haze

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 submission 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).

⁶ EPA explained in the 2017 RHR 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).

⁷ The five “additional factors” for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

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.⁸ 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 existing source subject to such requirements.” CAA 169A(g)(1). 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) can be read that Congress intended the relevant determination to be the requirements with which sources would have to comply in order to satisfy the CAA’s reasonable progress mandate.” 82 FR at 3091. Thus, for each source it has selected for four-factor analysis,⁹ a state must consider a “meaningful set” of technically feasible control options for reducing emissions of visibility impairing pollutants. *Id.* at 3088.

The EPA has also explained that, in addition to the four statutory factors, states have flexibility under the CAA and RHR to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.¹⁰ Ultimately, while states have discretion to reasonably weigh the factors and to determine what level of control is needed, 40 CFR 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, 40 CFR 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 40 CFR 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.¹¹ If the outcome of a four-factor analysis is that an emissions reduction measure is necessary to make reasonable progress towards remedying existing or preventing future anthropogenic visibility impairment, that measure must be included in the SIP.

The characterization of information on each of the factors is also subject to the documentation requirement in 40 CFR 51.308(f)(2)(iii). The reasonable progress analysis is a technically complex exercise, and also a flexible one that provides states with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, 40 CFR 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.

Additionally, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five “additional factors”¹² 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, 40 CFR 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. 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. 40 CFR 51.308(f)(2)(ii)(A). Additionally, the RHR 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. 40 CFR 51.308(f)(2)(ii)(B). 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. 40 CFR 51.308(f)(2)(ii)(C). Under all circumstances, a state must document in its SIP submission all substantive consultations with other contributing states. 40 CFR 51.308(f)(2)(ii)(C).

B. Reasonable Progress Goals

Reasonable progress goals “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.” 82 FR at 3091. For the second implementation period, the RPGs are set for 2028. Reasonable progress goals 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, 40 CFR 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.”

RPGs may also serve as a metric for assessing the amount of progress a state

⁸ The CAA provides that, “[i]n determining reasonable progress there shall be taken into consideration” the four statutory factors. CAA 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 planning period.

⁹ “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 RHR 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 at 3088.

¹⁰ See, *e.g.*, Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016), Docket Number EPA-HQ-OAR-2015-0531, U.S. Environmental Protection Agency at 186.

¹¹ 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. For example, states with smoke management programs may choose to submit their smoke management plans to EPA for inclusion in their SIPs but are not required to do so. See, *e.g.*, 82 FR at 3108–09 (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).

¹² The five “additional factors” for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

is making towards the national visibility goal. To support this approach, the RHR requires states with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP 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 URP line (*i.e.*, if visibility conditions are improving more slowly than the rate described by the URP line), 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. 40 CFR 51.308(f)(3)(ii). 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 URP 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.”

C. 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. 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. 40 CFR 51.308(f)(6), (f)(6)(i), (f)(6)(iv).

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, as well as a statewide inventory documenting such emissions. 40 CFR 51.308(f)(6)(ii), (iii), (v). 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. 40 CFR 51.308(f)(6)(vi).

D. 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. *See* 81 FR 26942, 26950 (May 4, 2016); 82 FR at 3119 (January 10, 2017). To this end, every state’s SIP revision for the second implementation period is required to assess changes in visibility and 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. 40 CFR 51.308(g)(1) and (2).

E. 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 FLM or FLMs; pursuant to that consultation, the state must include a summary of the FLMs’ conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the RHR also requires that states “provide the [FLM] 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 [FLM] can meaningfully inform the State’s decisions on the long-term strategy.” 40 CFR 51.308(i)(2). For the EPA to evaluate whether FLM consultation meeting the requirements of the RHR has occurred, the SIP submission 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 FLMs. 40 CFR 51.308(i)(3). Finally, a SIP revision

must provide procedures for continuing consultation between the state and FLMs 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. 40 CFR 51.308(i)(4).

IV. The EPA’s Evaluation of Vermont’s Regional Haze Submission for the Second Implementation Period

A. Background on Vermont’s First Implementation Period SIP Submission

VT DEC submitted its first implementation period regional haze SIP to the EPA on August 31, 2009, with a supplemental submittal on January 3, 2012. The EPA approved Vermont’s first implementation period regional haze SIP submission on May 22, 2012. 77 FR 30212. EPA’s approval included, but was not limited to, the portions of the plan that address the reasonable progress requirements such as Vermont’s implementation of Maximum Achievable Control Technology (MACT) on eligible sources, Vermont’s maintenance of non-EGU point source controls, as well as Vermont’s low sulfur fuel program. Section 5–221 of the VT SIP, “Prohibition of Potentially Polluting Materials in Fuel.” Pursuant to 40 CFR 51.308(g), Vermont was also responsible for submitting a five-year progress report as a SIP revision for the first implementation period, which it did on February 29, 2016. The EPA approved the progress report into the Vermont SIP on December 18, 2017. 82 FR 59969.

B. Vermont’s Second Implementation Period SIP Submission and the EPA’s Evaluation

In accordance with CAA section 169A and the RHR at 40 CFR 51.308(f), on July 3, 2024, VT DEC submitted a revision to the Vermont SIP to address its regional haze obligations for the second implementation period, which runs through 2028. A draft of Vermont’s Regional Haze SIP submission was available for public comment on April 18, 2024, until June 1, 2024. A public hearing was also held on May 22, 2024. VT DEC only received comments from EPA, which are included in the SIP submission.

The following sections describe Vermont’s SIP submission, including analyses conducted by MANEVU and Vermont’s determinations based on those analyses, Vermont’s assessment of progress made since the first implementation period in reducing

emissions of visibility impairing pollutants, and improvements to visibility at its Class I area and nearby Class I areas in other states. This notice also contains EPA's evaluation of Vermont's submission against the requirements of the CAA and RHR for the second implementation period of the regional haze program.

C. Identification of Class I Areas

Section 169A(b)(2) of the CAA 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 RHR 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 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.

Vermont has one mandatory Class I Federal area within its borders, the Lye Brook Wilderness area. Visibility monitoring in this area is accomplished with instruments located at a single site at Mount Snow in West Dover, Vermont. This monitoring station represents the Class I wilderness area. For the second implementation period, MANEVU performed technical analyses¹³ to help assess source and state-level contributions to visibility impairment and the need for interstate consultation. MANEVU used the results of these analyses to determine which states' emissions "have a high likelihood of affecting visibility in MANEVU's Class I areas."¹⁴ Similar to metrics used in the first implementation period,¹⁵ MANEVU used a greater than 2 percent of sulfate plus nitrate emissions contribution criterion to determine whether emissions from individual jurisdictions within the region affected visibility in any Class I areas. The MANEVU analyses for the second implementation period used a combination of data analysis techniques, including emissions data, distance from Class I areas, wind trajectories, and CALPUFF dispersion

modeling. Although many of the analyses focused only on SO₂ emissions and resultant particulate sulfate contributions to visibility impairment, some also incorporated NO_x emissions to estimate particulate nitrate contributions.

One MANEVU analysis used for contribution assessment was CALPUFF air dispersion modeling. The CALPUFF model was used to estimate sulfate and nitrate formation and transport in MANEVU and nearby regions originating from large electric generating unit (EGU) point sources and other large industrial and institutional sources in the eastern and central United States. Information from an initial round of CALPUFF modeling was collated for the 444 EGUs that were determined to warrant further scrutiny based on their emissions of SO₂ and NO_x. The list of EGUs was based on an enhanced "Q/d" analysis¹⁶ that considered recent SO₂ emissions in the eastern United States and an analysis that adjusted previous 2002 MANEVU CALPUFF modeling by applying a ratio of 2011 to 2002 SO₂ emissions. This list of sources was then enhanced by including the top five SO₂ and NO_x emission sources for 2011 for each state included in the modeling domain. A total of 311 EGU stacks (as opposed to individual units) were included in the CALPUFF modeling analysis. Initial information was also collected on the 50 industrial and institutional sources that, according to 2011 Q/d analysis, contributed the most to visibility impact in each Class I area. The ultimate CALPUFF modeling run included a total of 311 EGU stacks and 82 industrial facilities. The summary report for the CALPUFF modeling included the top 10 most impacting EGUs and the top 5 most impacting industrial/institutional sources for each Class I area and compiled those results into a ranked list of the most impacting EGUs and industrial sources at MANEVU Class I areas.¹⁷ Overall, MANEVU found that emission sources located close to Class I areas typically show higher visibility impacts than similarly sized facilities further away. However, visibility degradation appears to be dominated by the more distant emission sources due to their larger

emissions. The CALPUFF modeling did not include any individual EGU or industrial/institutional point sources in Vermont because the state's SO₂ and NO_x emissions were much lower than the other regional sources considered in the CALPUFF modeling analysis.

The second MANEVU contribution analysis used a meteorologically weighted Q/d calculation to assess states' contributions to visibility impairment at MANEVU Class I areas.¹⁸ This analysis focused predominantly on SO₂ emissions and used cumulative SO₂ emissions from a source and a state for the variable "Q," and the distance of the source or state to the IMPROVE monitor receptor at a Class I area as "d." The result is then multiplied by a constant (C_i), which is determined based on the prevailing wind patterns. MANEVU selected a meteorologically weighted Q/d analysis as an inexpensive initial screening tool that could easily be repeated to determine which states, sectors, or sources have a larger relative impact and warrant further analysis. Although MANEVU did not originally estimate nitrate impacts, the MANEVU Q/d analysis was subsequently extended to account for nitrate contributions from NO_x emissions and to approximate the nitrate impacts from area and mobile sources. MANEVU therefore developed a ratio of nitrate to sulfate impacts based on the previously described CALPUFF modeling and applied those to the sulfate Q/d results in order to derive nitrate contribution estimates. Several states, such as Vermont, did not have CALPUFF nitrate to sulfate ratio results, however, because there was no point sources modeled with CALPUFF.

In order to develop a final set of contribution estimates, MANEVU weighted the results from both the Q/d and CALPUFF analyses. The MANEVU mass-weighted sulfate and nitrate contribution results were reported for the MANEVU Class I areas. (The Q/d summary report included results for several non-MANEVU areas as well). If a state's contribution to sulfate and nitrate concentrations at a particular Class I area was 2 percent or greater, MANEVU regarded that state as contributing to visibility impairment in that area. According to MANEVU's analyses, Vermont's highest percent mass-weighted sulfate and nitrate contribution was estimated to be 2.1% at New Hampshire's two Class I areas, with contributions ranging from 0.3% to 0.8% at the other nearby Class I areas.

The EPA concluded in the 1999 RHR that "all [s]tates contain sources whose

¹⁶ "Q/d" is emissions (Q) in tons per year, typically of one or a combination of visibility-impairing pollutants, divided by distance to a class I area (d) in kilometers. The resulting ratio is commonly used as a metric to assess a source's potential visibility impacts on a particular class I area.

¹⁷ See appendix C in the Docket, "2016 MANEVU Source Contribution Modeling Report, CALPUFF Modeling of Large Electrical Generating Units and Industrial Sources" and Appendix D "MANEVU Updated Q/d Contribution Assessment."

¹⁸ See appendix D, "MANEVU Updated Q/d Contribution Assessment."

¹³ The contribution assessment methodologies for MANEVU Class I areas are summarized in appendix E of the docket. "Selection of States for MANEVU Regional Haze Consultation (2018)"

¹⁴ *Id.*

¹⁵ MANEVU supporting materials can be found in the docket of this proposed rulemaking.

emissions are reasonably anticipated to contribute to regional haze in a Class I area,” 64 FR at 35721, and this determination was not changed in the 2017 RHR. Critically, the statute and regulation both require that the cause-or-contribute assessment consider all emissions of visibility-impairing pollutants from a state, as opposed to emissions of a particular pollutant or emissions from a certain set of sources. The screening analyses on which MANEVU relied are useful for certain purposes. MANEVU used information from its technical analysis to rank the largest contributing states to sulfate and nitrate impairment in the seven Class I areas in the MANEVU region and three additional, nearby Class I areas.¹⁹ The rankings were used to determine upwind states that MANEVU deemed important to include in state-to-state consultation (based on an identified visibility impact screening threshold). Additionally, large individual source impacts were used to target MANEVU control analysis “Asks”²⁰ of states and sources both within and upwind of MANEVU.²¹ The EPA finds the nature of the analyses generally appropriate to support decisions on states with which to consult.

With regard to the analysis and determinations regarding Vermont’s contribution to visibility impairment at out-of-state Class I areas, the MANEVU technical work focuses on the magnitude of visibility impacts from certain Vermont emissions on its Class I area and other nearby Class I areas. The MANEVU contribution screening results estimate Vermont’s highest percent mass-weighted sulfate and nitrate contribution to be 2.1% at Great Gulf Wilderness and the Presidential Range-Dry River Wilderness in New Hampshire, with progressively lower contributions at Moosehorn Wilderness Area in Maine and Roosevelt-Campobello International Park in New Brunswick (0.8%), Acadia National Park

in Maine (0.6%), Lye Brook Wilderness Area in Vermont (0.3%), and Brigantine Wilderness Area in New Jersey (0.2%). However, the analyses did not account for all emissions and all components of visibility impairment (e.g., primary PM emissions, and impairment from fine PM, elemental carbon, and organic carbon). In addition, Q/d analyses with a relatively simplistic accounting for wind trajectories and CALPUFF applied to a very limited set of EGUs and major industrial sources of SO₂ and NO_x are not scientifically rigorous tools capable of evaluating contribution to visibility impairment from *all* emissions in a state. The EPA acknowledges that the contribution to visibility impairment from Vermont’s emissions at Class I areas is significantly smaller than that from numerous other MANEVU states.²² And while some MANEVU states noted that the contributions from several states outside the MANEVU region are significantly larger than its own, each state is obligated under the CAA and RHR to address regional haze visibility impairment resulting from emissions from within the state, irrespective of whether another state’s contribution is greater. Additionally, we note that the 2 percent or greater sulfate-plus-nitrate threshold used to determine whether Vermont emissions contribute to visibility impairment at a particular Class I area may be higher than what EPA believes is an “extremely low triggering threshold” intended by the statute and regulations. In sum, based on the information provided, it is clear that emissions from Vermont contribute to visibility impairment in the Class I areas in New Hampshire and otherwise have relatively small contributions to the other nearby Class I areas. However, due to the low triggering threshold implied by the Rule and the lack of rigorous modeling analyses, we do not necessarily agree with the level of the State’s 2% contribution threshold.

Regardless, we note that Vermont did determine that sources and emissions within the state, largely from the inclusion of state-wide NO_x emissions from the mobile source sector and area sources into the modeling, contribute to a 2.1% visibility impairment at NH Class I sites. Furthermore, pursuant to the regulatory requirements, Vermont took part in the emission control strategy consultation process as a member of MANEVU. As part of that process, MANEVU developed a set of

emissions reduction measures identified as being necessary to make reasonable progress in the seven MANEVU Class I areas. This strategy consists of six “Asks” for states within MANEVU and five Asks for states outside the region that were found to impact visibility at Class I areas within MANEVU.²³ Vermont’s submission discusses each of the Asks and explains why or why not each is applicable and how it has complied with the relevant components of the emissions control strategy MANEVU has laid out for its states. Vermont worked with MANEVU to determine potential reasonable measures that could be implemented by 2028, considering the cost of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts, and the remaining useful life of any potentially affected sources. As discussed in further detail below, the EPA is proposing to find that Vermont has submitted a regional haze plan that meets the requirements of 40 CFR 51.308(f)(2) related to the development of a long-term strategy. Thus, we propose to find that Vermont has satisfied the applicable requirements for making reasonable progress towards natural visibility conditions in Class I areas that may be affected by emissions from the state.

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 URP. This section also provides the option for states to propose adjustments to the URP line for a Class I area to account for visibility impacts from anthropogenic sources outside the United States and/or the impacts from wildland prescribed fires that were conducted for certain, specified objectives. 40 CFR 51.308(f)(1)(vi)(B).

The Lye Brook Wilderness area has 2000–2004 baseline visibility conditions of 6.37 deciviews on the 20% clearest days and 23.57 deciviews on the 20%

¹⁹ The Class I areas analyzed were Acadia National Park in Maine, Brigantine Wilderness in New Jersey, Great Gulf Wilderness and Presidential Range—Dry River Wilderness in New Hampshire, Lye Brook Wilderness in Vermont, Moosehorn Wilderness in Maine, Roosevelt-Campobello International Park in New Brunswick, Shenandoah National Park in Virginia, James River Face Wilderness in Virginia, and Dolly Sods/Otter Creek Wildernesses in West Virginia.

²⁰ As explained more fully in Section IV.E.a of this proposed rulemaking, MANEVU refers to each of the components of its overall strategy as an “Ask” of its member states.

²¹ The MANEVU consultation report (Appendix G) explains that “[t]he objective of this technical work was to identify states and sources from which MANEVU will pursue further analysis. This screening was intended to identify which states to invite to consultation, not a definitive list of which states are contributing.”

²² Because MANEVU did not include all Vermont’s emissions or contributions to visibility impairment in its analysis, we cannot definitively state that Vermont’s contribution to visibility impairment is not the most significant. However, that is very likely the case.

²³ See Appendix G “MANEVU Regional Haze Consultation Report and Consultation Documentation.”

most impaired days.²⁴ Vermont calculated an estimated natural background visibility of 2.79 deciviews on the 20% clearest days and 10.24 deciviews on the 20% most impaired days for the Lye Brook Wilderness area.²⁵ The current visibility conditions, which are based on 2015–2019 monitoring data, were 4.88 deciviews on the clearest days and 14.06 deciviews on the most impaired days,²⁶ which represents an improvement from the baseline period of 1.49 deciviews on the 20% clearest days and 9.51 deciviews on the 20% most impaired days.²⁷ In addition, current visibility conditions are 2.09 and 3.82 deciviews greater than natural conditions on the respective sets of days.²⁸ For the second implementation period, Vermont calculated an annual URP of 0.222 deciviews needed to reach natural visibility on the 20% most impaired days.²⁹ Vermont noted that current visibility conditions on the most impaired days in the Lye Brook Wilderness Area, at 14.06 deciviews, are already below the 2028 URP glidepath of 18.24 deciviews for the end of the second SIP planning period.³⁰ Vermont has not proposed any adjustments to the URP to account for impacts from anthropogenic sources outside the United States or from wildland prescribed fires. EPA is proposing to find that Vermont has submitted a regional haze plan that meets the requirements of 40 CFR 51.308(f)(1) related to the calculations of baseline, current, and natural visibility conditions; progress to date; and the uniform rate of progress for the second implementation period.

E. Long-Term Strategy for Regional Haze

a. Vermont's Response to the Six MANEVU Asks

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. CAA

169A(b)(2)(B). 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 strategies, a state must also consider the five additional factors in section 51.308(f)(2)(iv). 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. 40 CFR 51.308(f)(2)(iii).

The following section summarizes how Vermont addresses the requirements of section 51.308(f)(2)(i), including a discussion of the six Asks developed by MANEVU and how Vermont addressed each. The regulations Vermont identifies as a result of its responses to the six Asks comprise Vermont's long-term strategy for the second planning period to address regional haze visibility impairment for each mandatory Class I Federal area that may be affected by emissions from Vermont. In Section IV.E.b. of the NPRM, EPA evaluates Vermont's compliance with the requirements of 40 CFR 51.308(f)(2)(i).

States may rely on technical information developed by the RPOs 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 40 CFR 51.308(f). Where an RPO has performed source selection and/or four-factor analyses (or considered the five additional factors in 40 CFR 51.308(f)(2)(iv)) for its member states, those states may rely on the RPO's analyses for the purpose of satisfying the requirements of 40 CFR 51.308(f)(2)(i) so long as the states have a reasonable basis to do so and all state participants in the RPO process have approved the technical analyses. 40 CFR 51.308(f)(2)(iii). States may also satisfy the requirement of 40 CFR 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-RPO engagement.

Vermont is a member of the MANEVU RPO and participated in the RPO's regional approach to developing a strategy for making reasonable progress towards the national visibility goal in the MANEVU Class I areas. MANEVU's

strategy includes a combination of: (1) Measures for certain source sectors and groups of sectors that the RPO determined were reasonable for states to pursue, and (2) a request for member states to conduct four-factor analyses for individual sources that it identified as contributing to visibility impairment. MANEVU refers to each of the components of its overall strategy as an "Ask" of its member states. On August 25, 2017, the Executive Director of MANEVU, on behalf of the MANEVU states and tribal nations, signed a statement that identifies six emission reduction measures that comprise the Asks for the second implementation period.³¹ The Asks were "designed to identify reasonable emission reduction strategies that must be addressed by the states and tribal nations of MANEVU through their regional haze SIP updates."³² The statement explains that "[i]f any State cannot agree with or complete a Class I State's Asks, the State must describe the actions taken to resolve the disagreement in the Regional Haze SIP."³³

MANEVU's recommendations as to the appropriate control measures were based on technical analyses documented in the RPO's reports and included as appendices to or referenced in Vermont's regional haze SIP submission. One of the initial steps of MANEVU's technical analysis was to determine which visibility-impairing pollutants should be the focus of its efforts for the second implementation period. In the first implementation period, MANEVU determined that sulfates were the most significant visibility impairing pollutant at the region's Class I areas. To determine the impact of certain pollutants on visibility at Class I areas for the purpose of second implementation period planning, MANEVU conducted an analysis comparing the pollutant contribution on the clearest and most impaired days in the baseline period (2000–2004) to the most recent period (2012–2016)³⁴ at MANEVU and nearby Class I areas. MANEVU found that while SO₂ emissions were decreasing and visibility was improving, sulfates still made up the most significant contribution to visibility impairment at MANEVU and nearby Class I areas. According to the analysis, NO_x emissions have begun to

²⁴ See VT Regional Haze SIP Submission, Table 4–1, "Baseline Visibility for the 20% Baseline visibility for the 20% most impaired days and 20% clearest days (2000–2004) in MANEVU mandatory Class I Federal areas."

²⁵ See *id.*, Table 4–2 "Visibility under natural conditions and difference between baseline and natural conditions for the 20% most impaired days and 20% clearest days in MANEVU mandatory Class I Federal areas."

²⁶ See *id.*, Table 4–3: "Baseline, current, and reasonable progress goal haze index levels for Class I areas in or adjacent to the MANEVU Region."

²⁷ *Id.* at 32.

²⁸ *Id.*

²⁹ *Id.* at 33.

³⁰ *Id.* at 32–33.

³¹ See Appendix G "MANEVU Regional Haze Consultation Report and Consultation Documentation."

³² *Id.*

³³ *Id.*

³⁴ The period of 2012–2016 was the most recent period for which data were available at the time of analysis. VT also included 2015–2019 data, discussed above in part D of this section.

play a more significant role in visibility impacts in recent years as SO₂ emissions have decreased. The technical analyses used by Vermont are included in their submission and are as follows:

- 2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANEVU Class I Areas (Appendix L);
- Impact of Wintertime SCR/SNCR Optimization on Visibility Impairing Nitrate Precursor Emissions. November 2017. (Appendix Q);
- High Electric Demand Days and Visibility Impairment in MANEVU. December 2017. (Appendix R);
- Benefits of Combined Heat and Power Systems for Reducing Pollutant Emissions in MANEVU States. March 2016. (Appendix S);
- 2016 MANEVU Source Contribution Modeling Report—CALPUFF Modeling of Large Electrical Generating Units and Industrial Sources April 4, 2017 (Appendix C);
- Contribution Assessment Preliminary Inventory Analysis. October 10, 2016. (Appendix H);
- Four-Factor Data Collection Memo. March 2017. (Appendix K);
- Status of the Top 167 Stacks from the 2008 MANEVU Ask. July 2016. (Appendix M).

MANEVU gathered information on each of the four statutory factors for six source sectors it determined, based on an examination of annual emission inventories, “had emissions [of SO₂ and/or NO_x] that were reasonably anticipated to contribute to visibility degradation in MANEVU:” electric generating units (EGUs), industrial/commercial/institutional boilers (ICI boilers), cement kilns, heating oil, residential wood combustion, and outdoor wood combustion.³⁵ MANEVU also collected data on individual sources within the EGU, ICI boiler, and cement kiln sectors.³⁶ Information for the six sectors included explanations of technically feasible control options for SO₂ or NO_x, illustrative cost-effectiveness estimates for a range of model units and control options, sector-wide cost considerations, potential time frames for compliance with control options, potential energy and non-air-quality environmental impacts of certain control options, and how the remaining useful lives of sources might be considered in a control analysis.³⁷ Source-specific data included SO₂

emissions³⁸ and existing controls³⁹ for certain existing EGUs, ICI boilers, and cement kilns. MANEVU considered this information on the four factors as well as the analyses developed by the RPO’s Technical Support Committee when it determined specific emission reduction measures that were found to be reasonable for certain sources within two of the sectors it had examined—EGUs and ICI boilers.⁴⁰ The Asks were based on this analysis and looked to optimize the use of existing controls, have states conduct further analysis on EGU or ICI boilers with considerable visibility impacts, implement low sulfur fuel standards, or lock-in lower emission rates.

MANEVU Ask 1 is “ensuring the most effective use of control technologies on a year-round basis” at EGUs with a nameplate capacity larger than or equal to 25 megawatts (MW) with already installed NO_x and/or SO₂ controls in order to consistently minimize emissions of haze precursors or obtain equivalent alternative emission reductions.⁴¹ MANEVU observed that EGUs often only run NO_x emissions controls to comply with ozone season trading programs and consequently, NO_x sources may be uncontrolled during the winter and non-peak summer days. MANEVU found that: (1) running existing installed controls [selective catalytic reduction (SCR) and selective non-catalytic reduction (SNCR)] is one of the most cost-effective ways to control NO_x emissions from EGUs; and (2) that running existing controls year-round could substantially reduce the NO_x emissions in many of the states upwind of Class I areas in MANEVU that lead to visibility impairment during the winter from nitrates.⁴² MANEVU included this as an emission management strategy because large EGUs had already been identified as dominant contributors to visibility impairment and the low cost of running already installed controls made it reasonable. One EGU in Vermont was identified as meeting the criteria of Ask 1. This source is McNeil Generating Station of the Burlington Electric

Department, a biomass-fired EGU that can also fire natural gas and oil.

McNeil Generating Station has a nameplate capacity of 50 MW and is the largest point source of NO_x emissions in Vermont, at 130 tons per year (tpy). McNeil employs SCR as NO_x Reasonably Available Control Technology (RACT) in order to qualify for Class I renewable energy credits in New England.⁴³ The facility also employs low NO_x burners when firing natural gas. The facility’s short-term NO_x emissions limits are 0.23 lbs/MMBtu and 145 lbs/hr when burning wood, 0.23 lbs/MMBtu and 57.5 lbs/hr when firing oil, and 0.13 lbs/MMBtu and 88 lbs/hr for natural gas. To meet the NO_x RACT requirement, the facility is also subject to a NO_x limit of 0.075 lbs/MMBtu based on a calendar quarterly average. SO₂ emissions limitations are set at 0.0015 lbs/MMBtu for oil. Wood and natural gas have inherently low SO₂ emissions when burned for fuel. These limits were incorporated into the Title V operating permit, issued on June 14, 2018. These controls are also required to be run at all times, including periods of startup, shutdown, and malfunction, on a year-round basis. VT DEC also determined that the source effectively utilizes NO_x and SO₂ controls year-round. Since these controls are already in effect and are required to operate year-round, VT DEC concluded that it met the requirements of Ask 1.

MANEVU Ask 2 consists of a request that states “Emission sources modeled by MANEVU that have the potential for 3.0 Mm⁻¹ or greater visibility impacts at any MANEVU Class I area, as identified by MANEVU contribution analyses . . . perform a four-factor analysis for reasonable installation or upgrade to emissions controls”. MANEVU developed its Ask 2 list of sources for analysis by performing modeling and identifying facilities with the potential for 3.0 inverse megameters (Mm⁻¹) or greater impacts on visibility at any Class I area in the MANEVU region. For units identified for the Ask 2 analysis, MANEVU requested that states determine reasonable controls through the consideration of the four factors on a state-by-state and unit-by-unit basis. MANEVU’s analysis for Ask 2 did not identify any units in Vermont with a potential impact of 3.0 Mm⁻¹ or greater at any MANEVU Class I area. Based on the lack of identified sources at or above the 3.0 Mm⁻¹ threshold, Vermont

³⁵ See appendix K “Four Factor Data Collection Memo.”

³⁶ See appendix M “Status of the Top 167 Stacks from the 2008 MANEVU Ask. July 2016.”

³⁷ See Appendix K “Four Factor Data Collection Memo”; Appendix L “2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANEVU Class I Areas.”

³⁸ See Appendix G “MANEVU Regional Haze Consultation Report and Consultation Documentation—Final.”

³⁹ See Appendix Q “Impact of Wintertime SCR/SNCR Optimization on Visibility Impairing Nitrate Precursor Emissions.”

⁴³ Vermont’s most recently revised NO_x RACT program was approved into the SIP on 11/26/2019 (84 FR 65011).

³⁵ See appendix K “MANEVU Four Factor Data Collection Memo at 1, March 30, 2017.”

³⁶ See appendix L “2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANEVU Class I Areas, Jan. 31, 2016.”

³⁷ *Id.*

therefore concluded that it satisfied Ask 2.

Ask 3 is for each MANEVU state to pursue an ultra-low sulfur fuel oil standard if it has not already done so. The Ask includes percent by weight standards for #2 distillate oil (0.0015% sulfur by weight or 15 ppm), #4 residual oil (0.25–0.5% sulfur by weight), and #6 residual oil (0.3–0.5% sulfur by weight). Vermont adopted the MANEVU low-sulfur fuel oil strategy into Vermont's Air Pollution Control Regulations (VT APCR 5–221(1)) on September 28, 2011. Beginning in 2014, the first phase of limitations lowered the allowable concentration of sulfur in No. 2 and lighter distillate fuels to 0.05% (500 ppm) by weight. In 2018, the beginning of the second implementation period, the second phase of limitations further lowered the limit to 0.0015% (15 ppm) by weight. In addition, the second phase also lowered the sulfur limit for No. 4 residual oils to 0.25% (2500 ppm) by weight, as well as for No. 5 and No. 6 residual oils, heavier residual oils, and used oils to 0.5% (5000 ppm) by weight. EPA approved APCR revised Section 5–221(1), “Prohibition of Potentially Polluting Materials in Fuel,” into Vermont's SIP on May 22, 2012 [77 FR 30212]. Since Vermont has fully implemented an ultra-low sulfur fuel oil standard, the State therefore concluded that it met Ask 3.

MANEVU Ask 4 requests states to update permits to “lock in” lower emissions rates for NO_x, SO₂, and PM at emissions sources larger than 250 million British Thermal Units (MMBtu) per hour heat input that have switched to lower emitting fuels. The threshold of 250 MMBTU/hour was based on prior BART analysis. Because there aren't any large coal burning units in Vermont, this Ask pertains only to oil burning units. Vermont did not identify any dual/multi-fuel units larger than 250 MMBTU/hour that had made a physical change to switch to a cleaner fuel. All such dual/multi-fuel units are either continuing to burn a mix of fuels or are choosing to maintain their ability to do so in the future. Vermont submitted that there are no such facilities in the State and therefore concluded it met Ask 4.

Ask 5 requests that MANEVU states “control NO_x emissions for peaking combustion turbines that have the potential to operate on high electric demand days” by either: (1) Meeting NO_x emissions standards specified in the Ask for turbines that run on natural gas and fuel oil, (2) performing a four-factor analysis for reasonable installation of or upgrade to emission controls, or (3) obtaining equivalent emission reductions on high electric

demand days.⁴⁴ The Ask requests states to strive for NO_x emission standards of no greater than 25 ppm for natural gas and 42 ppm for fuel oil, or at a minimum, NO_x emissions standards of no greater than 42 ppm for natural gas and 96 ppm for fuel oil. The peaking combustion turbines located at Vermont stationary sources that were identified as meeting the criteria of Ask 5 are: Green Mountain Power (GMP) Unit No. 5 in Berlin, VT and Unit No. 16 in Colchester, VT (Gorge 16). Unit No. 5 is comprised of two combustion turbines (Berlin 5A and 5B) connected to a single electrical power generator. GMP provided VT DEC with four-factor analyses of these three turbines for installation or upgrade to NO_x emission controls. According to the analysis of calendar year 2019, Berlin 5A and 5B were operated 10.9 and 11.4 hours, respectively, with total NO_x emissions equating to .91 tons and .71 tons, respectively. Gorge 16 was operated for 28.9 hours and emitted 1.31 tons of NO_x. GMP concluded there were no additional NO_x controls that GMP could employ on any of the combustion turbines that are both technically and economically feasible. GMP calculated the lowest cost effectiveness value for a control option to be over \$38,000/ton of NO_x removed. VT DEC acknowledged, however, that the year of emissions it asked GMP to use for the analyses, 2019, totaled the lowest emissions from the units for the period spanning 2014 to 2023. Thus, VT DEC recalculated the cost effectiveness of additional controls based on the median annual emissions for that ten-year period for each source because the median represents “typical” annual emissions better than each source's 2019 annual emissions do.⁴⁵ Berlin 5A, Berlin 5B and Gorge 16 emitted median annual emissions of 3.0, 2.8, and 2.9 tons per year, respectively. Based on these median annual emissions values, VT DEC calculates the cost effectiveness values for controls to range from \$17,074/ton of NO_x controlled for water injection to \$48,842,067/ton of NO_x for SCR. VT DEC concluded that requiring the installation of additional emissions controls at these turbines is unreasonable for the second planning period due to a combination of low hours of operation, low annual emissions generated, the limited life expectancy of the units (each unit is over 50 years old), possible non-air quality environmental effects of waste

products from controls (for SCR), and the cost per ton of emissions reduced. Thus, VT DEC concurred with GMP's initial findings that controls on these three sources are not necessary to make reasonable progress. Vermont, based on the low usage, low overall emissions, and the four-factor analyses provided by GMP, concluded it met Ask 5.

Ask 6 requests MANEVU states to report in their regional haze SIPs about programs that decrease energy demand and increase the use of combined heat and power (CHP) and other distributed generation technologies such as fuel cells, wind and solar. Vermont has a Comprehensive Energy Plan which describes strategies to decrease energy demand via energy efficiency and modernize the electrical grid to handle distributed energy resources.⁴⁶ The Comprehensive Energy Plan explains, for example, that the State delivers electric efficiency programs and services primarily through Energy Efficiency Utilities (EEUs) that provide technical, financial, and educational services to improve the energy efficiency of homes, businesses, institutions, and municipal facilities.⁴⁷ Residential energy efficiency investments have been encouraged through rebates and technical assistance, thus far amounting to 13 million tons of decreased carbon dioxide emissions since 2000. More information can be found in Vermont's most recent Climate Action Plan.⁴⁸ In addition, Vermont participates in the Regional Greenhouse Gas Initiative (RGGI), a Northeast and Mid-Atlantic state initiative to reduce greenhouse gas emissions that contribute to global climate change. The initiative creates a market for emissions allowances through a regional cap-and-trade program for greenhouse gas emissions from area power plants. As a co-benefit of this program, emissions of particle producing pollutants are also reduced. Vermont emissions allowances are sold at auctions and the proceeds provide funding for the EEUs mentioned in the Comprehensive Energy Plan.⁴⁹ Vermont is also considering how best to address the implementation of the State's Global Warming Solutions Act, which is managed by Vermont's Agency of

⁴⁶ A copy of Vermont's most recent Comprehensive Energy Plan can be found in the docket of this proposed rulemaking and at: https://publicservice.vermont.gov/sites/dps/files/documents/2022VermontComprehensiveEnergyPlan_0.pdf.

⁴⁷ See Comprehensive Energy Plan at Section 7.5.

⁴⁸ Vermont's most recent Climate Action Plan can be found here: <https://climatechange.vermont.gov/readtheplan>.

⁴⁹ Information on Vermont's involvement in the RGGI can be found here: <https://dec.vermont.gov/air-quality/climate-change/rggi>.

⁴⁴ See appendix G “MANEVU Regional Haze Consultation Report and Consultation Documentation.”

⁴⁵ VT Regional Haze Submission at 50.

Natural Resources (ANR) Climate Office and is expected to further reduce greenhouse gas and, as a co-benefit, particle producing pollutants. Vermont concluded it meets Ask 6.

In sum, Vermont provided four-factor analyses and identified several SIP-approved mechanisms for controlling pollutants that impair visibility and that are necessary for reasonable progress—including its regulations limiting sulfur content in fuels and continued effective use of NO_x controls. Vermont also considers its mobile source emission reduction strategies which reduce NO_x emissions in the state to provide reasonable progress in improving visibility. Additionally, the projected 2028 visibility conditions for Class I areas in Vermont and influenced by emissions from Vermont sources are all below the URP.

b. The EPA's Evaluation of Vermont's Response to the Six MANEUV Asks and Compliance With section 51.308(f)(2)(i)

The EPA is proposing to find that Vermont has satisfied the requirements of section 51.308(f)(2)(i) related to evaluating sources and determining the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors. We are proposing to find that Vermont has satisfied the four-factor analysis requirement through its analysis and actions to address MANEUV Asks 3 and 5. Additionally, in line with recent proposals from the EPA,⁵⁰ it is the Agency's policy that, where visibility conditions for a Class I area impacted by a State are below the URP and the State has considered the four statutory factors, the State will have presumptively demonstrated reasonable progress for the second planning period for that area.

As explained above, Vermont relied on MANEUV's technical analyses and framework (*i.e.*, the Asks) to select sources and develop its long-term strategy. MANEUV conducted an inventory analysis to identify the source sectors that produced the greatest amount of SO₂ and NO_x emissions in 2011; inventory data were also projected to 2018. Based on this analysis, MANEUV identified the top-emitting sectors for each of those two pollutants. For SO₂, those sources include coal-fired EGUs, industrial boilers, oil-fired EGUs, and oil-fired area sources including residential, commercial, and industrial sources. In Vermont, the largest sources of NO_x include on-road

vehicles, non-road vehicles, and EGUs.⁵¹ The RPO's documentation explains that "[EGUs] emitting SO₂ and NO_x and industrial point sources emitting SO₂ were found to be sectors with high emissions that warranted further scrutiny. Mobile sources were not considered in this analysis because any ask concerning mobile sources would be made to EPA and not during the intra-RPO and inter-RPO consultation process among the states and tribes."⁵² EPA proposes to find that Vermont reasonably evaluated the two pollutants—SO₂ and NO_x—that currently drive visibility impairment within the MANEUV region and that the State adequately explained and supported its decision to focus on these two pollutants through its reliance on the MANEUV technical analyses cited in its submission.

Section 51.308(f)(2)(i) requires states to evaluate sources or a group of sources and determine the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors. As explained previously, the MANEUV Asks are a mix of measures for sectors and groups of sources identified as reasonable for states to address in their regional haze plans. While MANEUV formulated the Asks to be "reasonable emission reduction strategies" to control emissions of visibility-impairing pollutants,⁵³ Vermont's responses, in two of the Asks in particular, engage with the requirement that States determine the emission reduction measures that are necessary to make reasonable progress through consideration of the four factors. As laid out in further detail below, the EPA is proposing to find that MANEUV's four-factor analysis conducted to support the emission reduction measures in Ask 3 (ultra-low sulfur fuel oil), in conjunction with Vermont's analysis and explanation of how it has complied with Ask 5 (perform four-factor analyses for measures to control NO_x emissions at certain peaking combustion turbines) satisfy the requirement of section 51.308(f)(2)(i). The emission reduction measures that are necessary to make reasonable progress must be included in the long-term strategy, *i.e.*, in Vermont's SIP. 40 CFR 51.308(f)(2).

For Ask 1, Vermont included an analysis of its one EGU (McNeil Station) subject to the Ask (*i.e.*, a generation capacity ≥25MW with operative NO_x

and/or SO₂ controls). Vermont asserted that it satisfies Ask 1 because McNeil's NO_x and SO₂ emissions limits are based on the use of SCR, low NO_x burners, low sulfur fuel and apply year-round. EPA thus agrees that Vermont satisfied Ask 1.

Ask 2 addresses the sources MANEUV determined have the potential for larger than, or equal to, 3.0 Mm⁻¹ visibility impact at any MANEUV Class I area; the Ask requests MANEUV states to conduct four-factor analyses for the specified sources within their borders. This Ask explicitly engages with the statutory and regulatory requirement to determine the emission reduction measures necessary to make reasonable progress based on the four factors; MANEUV considered it "reasonable to have the greatest contributors to visibility impairment conduct a four-factor analysis that would determine whether emission control measures should be pursued and what would be reasonable for each source."⁵⁴

The RHR recognizes that, due to the nature of regional haze visibility impairment, numerous and sometimes relatively small sources may need to be selected and evaluated for control measures in order to make reasonable progress.⁵⁵ In this case, applying the 3.0 Mm⁻¹ threshold did not identify any sources in Vermont (and only 22 across the entire MANEUV region). We note, however, that the 3.0 Mm⁻¹ threshold used in this Ask is only one part of the MANEUV source identification process and that being below this threshold did not necessarily exclude a source from additional review in connection with another Ask.

EPA agrees that Vermont reasonably determined it has satisfied Ask 2. MANEUV's threshold did not identify any sources in Vermont for four-factor analysis. However, EPA notes that Vermont's point sources have very low NO_x and SO₂ emissions overall. While Vermont did not provide light extinction estimates (Mm⁻¹) for its top-emitting sources, it did note that its top NO_x point source emitter, McNeil Station, averages only about 130 tons of NO_x emissions per year.⁵⁶ Vermont's next top four NO_x emitters account for only about an additional 200 tons of NO_x per year in total.⁵⁷ Similarly, Vermont estimates that its top five highest SO₂ emitters together account

⁵⁴ *Id.*

⁵⁵ See Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016), Docket Number EPA-HQ-OAR-2015-0531, U.S. Environmental Protection Agency at 87–88.

⁵⁶ VT Regional Haze SIP Submission at 48.

⁵⁷ *Id.* at 47–48.

⁵⁰ See proposed rulemakings published April 18, 2025 (90 FR 16478) and May 14, 2025 (90 FR 20425).

⁵¹ See appendix H "Contribution Assessment."

⁵² See appendix G, "MANEUV Regional Haze Consultation Report and Consultation Documentation."

⁵³ *Id.*

for less than 100 tons of SO₂ per year.⁵⁸ Furthermore, while Vermont did not consider the four statutory factors for any sources in response to Ask 2, it did do so in response to Ask 5, where it examined emissions reduction measures necessary for three combustion turbines associated with GMP Unit No. 5 and No. 16 as part of Ask 5.⁵⁹ EPA is basing this proposed finding on the state's examination of its largest operating point sources at the time of SIP submission, and on the emissions from and controls that apply to those sources, as well as on Vermont's existing SIP-approved NO_x and SO₂ rules that effectively control emissions from the largest contributing stationary-source sectors.

Ask 3, which addresses the sulfur content of heating oil used in MANEVU states, is based on a four-factor analysis for the heating oil sulfur reduction regulations contained in that Ask;⁶⁰ specifically, for the control strategy of reducing the sulfur content of distillate oil to 15 ppm. The analysis started with an assessment of the costs of retrofitting refineries to produce 15 ppm heating oil in sufficient quantities to support implementation of the standard, as well as the impacts of requiring a reduction in sulfur content on consumer prices. The analysis noted that, as a result of previous EPA rulemakings to reduce the sulfur content of on-road and non-road-fuels to 15 ppm, technologies are currently available to achieve sulfur reductions and many refiners are already meeting this standard, meaning that the capital investments for further reductions in the sulfur content of heating oil are expected to be relatively low compared to costs incurred in the past. The analysis also examined by way of example, the impacts of New York's existing 15 ppm sulfur requirements on heating oil prices and concluded that the cost associated with further reducing sulfur was relatively small in terms of the absolute price of heating oil compared to the magnitude of volatility in crude oil prices. It also noted that the additional marginal costs would be offset by cost savings due to the benefits of lower-sulfur fuels in terms of equipment life and maintenance and fuel stability. Consideration of the time necessary for compliance with a 15ppm sulfur standard was accomplished through a discussion of the amount of

time refiners had needed to comply with the EPA's on-road and non-road fuel 15 ppm requirement, and the implications existing refinery capacity and distribution infrastructure may have for compliance times with a 15-ppm heating oil standard. The analysis concluded that with phased-in timing for states that have not yet adopted a 15 ppm heating oil standard there "appears to be sufficient time to allow refiners to add any additional heating oil capacity that may be required."⁶¹ The analysis further noted the beneficial energy and non-air quality environmental impacts of a 15 ppm sulfur heating oil requirement and that reducing sulfur content may also have a salutary impact on the remaining useful life of residential furnaces and boilers.⁶²

Vermont's limitations on sulfur in fuel took effect in two phases. The first phase, which began in 2014, lowered the concentration of sulfur in No. 2 and lighter distillate fuels to 500 ppm by weight, dropping to 15 ppm by weight during the second phase which took effect on July 1, 2018.⁶³ The allowable concentration of sulfur in No. 4 residual oils lowered to 2500ppm by weight during the second phase as well.⁶⁴ Additionally, Vermont limited the allowable concentration of sulfur in No. 5 and No. 6 residual oils, heavier residual oils, and used oils to 5000 ppm by weight.⁶⁵ EPA approved Vermont's sulfur in fuel regulation into the SIP in 2012.⁶⁶ EPA agrees that Vermont reasonably relied on MANEVU's four-factor analysis for a low-sulfur fuel oil regulation, which engaged with each of the statutory factors and explained how the information supported a conclusion that a 15 ppm-sulfur fuel oil standard for fuel oils is reasonable. Vermont's SIP-approved ultra-low sulfur fuel oil rule is consistent with Ask 3's sulfur content standards for the three types of fuel oils (distillate oil, #4 residual oil, #6 residual oil) and more. EPA therefore agrees that Vermont reasonably determined that it has satisfied Ask 3.

Vermont concluded that no additional updates were needed to meet Ask 4, which requests that MANEVU states pursue updating permits, enforceable agreements, and/or rules to lock in lower emission rates for sources larger than 250 MMBtu per hour that have switched to lower-emitting fuels. EPA acknowledges that Vermont does not contain any sources subject to this Ask.

Ask 5 addresses NO_x emissions from peaking combustion turbines that have the potential to operate on high electric demand days. Vermont identified the following combustion turbines in the State as meeting the criteria of this Ask: GMP gas turbines No. 5 (Berlin 5A and 5B), and GMP gas turbine No. 16 (Gorge 16). The Ask requests states to strive for certain NO_x emission standards for such sources or to perform four-factor analyses for reasonable installation or upgrade to emission controls. Vermont has not adopted emission rules that meet the stringency of item 5.a. of the Ask. Therefore, Vermont requested four-factor analyses for Berlin 5A and 5B and Gorge 16. Each combustion turbine is owned by Green Mountain Power, was originally installed around the same time (1964–1972), has a similar unit rating (334 MMBtu/hr–355.5 MMBtu/hr), and has NO_x emissions ranging from 0.63 lbs/MMBtu to 0.88 lbs/MMBtu. The median annual NO_x emissions for these sources were: GMP Berlin 5A—3.0 tons, GMP Berlin 5B—2.8 tons, and GMP Gorge 16—2.9 tons. As discussed previously, water injection (0.05 lb/MMBtu) was calculated to be the lowest-cost control option, but VT DEC determined that, at \$17,074 per ton of NO_x controlled, it is not cost effective. Additionally, if employed, this NO_x control would yield an estimated 5 tons per year total reduction across all three units.⁶⁷ Thus, in addition to not being cost effective, employing this additional control would have only a very small impact on Vermont's annual NO_x emissions. EPA agrees that Vermont reasonably concluded from the four-factor analyses that additional NO_x controls for these sources are not necessary for reasonable progress, and that Vermont has met the requirements of Ask 5.

Finally, with regard to Ask 6, Vermont described the State's strategies to decrease air emissions by lowering energy demand via energy efficiency and modernizing the electrical grid to handle distributed energy resources, including in Vermont's Comprehensive Energy Plan. The EPA agrees that Vermont has satisfied Ask 6's request to consider and report in its SIP measures or programs related to energy efficiency, cogeneration, and other clean distributed generation technologies.

In sum, Vermont identified several mechanisms for controlling pollutants that impair visibility—including its regulations limiting sulfur content in fuels (which are in Vermont's SIP), as

⁵⁸ *Id.*

⁵⁹ See Appendix T "Green Mountain Power, Regional Haze Reasonable Progress Four-Factor Analysis," Trinity Consultants (December 18, 2020); VT Regional Haze SIP Submission, at 49–50.

⁶⁰ See Appendix L "2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANEVU Class I Areas."

⁶¹ *Id.* at 8–7.

⁶² *Id.* at 8–8.

⁶³ VT APCR section 5–221(1)(a).

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ See 77 FR 30212.

⁶⁷ See Appendix T "Green Mountain Power, Regional Haze Reasonable Progress Four-Factor Analysis", Trinity Consultants, December 18, 2020.

well as the continued implementation of NO_x RACT for point sources. EPA proposes to find that Vermont has reasonably concluded that these measures are necessary to make reasonable progress for the second planning period.

In addition to these SIP-approved measures, Vermont also identified other federally enforceable and permanent controls, including its mobile source control measures, as key emission reduction strategies. On-road mobile emissions reductions are due in part to Vermont's adoption of amendments to the Low Emission Vehicle (LEV) and Zero Emission Vehicle (ZEV) rules, which incorporate by reference California's motor vehicle emission standard regulations.⁶⁸ These standards ensure that vehicles sold in the state meet increasingly stringent emissions requirements through time. Vermont has also adopted California's Advanced Clean Cars II, Advanced Clean Trucks, Low NO_x Heavy-Duty Omnibus and the Phase 2 Greenhouse Gas rules.⁶⁹ Other efforts to reduce air pollution from on-road mobile sources include adoption of inspection and maintenance of vehicle emissions control systems, enhancement of emissions control technology, upgrading programs for diesel engines, and participation in regional and state-specific efforts to build and incentivize zero emission vehicle infrastructure and ownership.⁷⁰ Vermont states that it is committed to reducing mobile source emissions to reduce visibility impairment, both in Vermont and in other impacted states.⁷¹

EPA is therefore proposing to find the state's approach meets the statutory and regulatory requirements for several reasons. Specifically, EPA is proposing to find—based on Vermont's participation in the MANEVU planning process, how it has addressed the Asks, and the EPA's assessment of Vermont's emissions and point sources—that Vermont has complied with the requirements of section 51.308(f)(2)(i). Vermont's application of MANEVU Asks 3 and 5 engages with the requirement that states evaluate and determine the emission reduction measures necessary to make reasonable progress by considering the four statutory factors.

In determining the emissions reduction measures necessary to make reasonable progress, Vermont

reasonably evaluated and explained its decision to focus on SO₂ and NO_x to address visibility impairment within the MANEVU region. Vermont adequately supported that decision through reasonable reliance on the MANEVU technical analyses cited in its submission. EPA notes that MANEVU concluded that sulfates from SO₂ emissions were still the primary driver of visibility impairment in the second implementation period and that MANEVU conducted a four-factor analysis (included with the State's submittal) to support Ask 3, which addresses SO₂ emissions by requesting that states pursue ultra-low sulfur fuel oil standards. Vermont's EPA-approved sulfur fuel oil rule is included in the State's Long-Term Strategy and sets stringent limits for sulfur content and SO₂ emissions for fuels used for heating and power generation.⁷² Vermont's rule controls SO₂ emissions from area and point sources by limiting the sulfur content of No. 2 and lighter distillate oils to 0.0015% and the sulfur content of No. 4 residual oil and No. 5 and 6 residual oils to 0.25% and 0.5%, respectively.⁷³ EPA previously approved these requirements into Vermont's SIP,⁷⁴ and they went into effect in July 2018.⁷⁵ Vermont's submittal also includes four-factor analyses for three NO_x sources and demonstrates that these and other sources of SO₂ and NO_x within the state have very small emissions of NO_x and SO₂, and are already subject to stringent emission control measures. For instance, while the state contains no ozone nonattainment areas, Vermont nonetheless applies NO_x RACT to certain sources owing to its location within the Ozone Transport Region. EPA approved Vermont's latest NO_x RACT rule in 2019, which has been employed on Vermont's highest NO_x emitting point source, McNeil Generating Station, among others. Vermont estimates point source emissions of NO_x amounted to only 2% of all NO_x emissions in the State.⁷⁶ In addition, and as noted earlier, Vermont estimates that its top five NO_x-emitting point sources together accounted for only about 330 tons of NO_x per year on average, based on 2013–2017 emissions information.⁷⁷ Similarly, NEI data indicate a steady decline in point source emissions of NO_x in Vermont, with the 2017 NEI estimating point source NO_x

emissions at just 393 tpy⁷⁸ and the 2020 NEI at 330 tpy.⁷⁹ Similarly, Vermont estimates its top five SO₂ emitting sources together contributed a total of less than 100 tpy over the 2013–2017 period.⁸⁰ As discussed previously, continued implementation of federal mobile source programs will provide further reductions in NO_x emissions from Vermont. Moreover, EPA notes that the FLMS did not identify any additional sources in Vermont for four-factor analysis or request any revisions or other analyses.⁸¹ In particular, the US Forest Service—the FLM for the Class I areas most impacted by Vermont—stated that it was “satisfied” with Vermont's plan and offered “no suggestions for change.”⁸² Similarly, the National Park Service commended Vermont on its draft submission and had “no further comments at this time.”⁸³ In short, Vermont's SO₂ and NO_x emissions are already quite low, are controlled by EPA-approved limits in the SIP (as a result of Regional Haze and other CAA requirements) and have overall small contributions to visibility impairment in Class I areas. In conclusion, the projected 2028 visibility conditions for Class I areas influenced by emissions from Vermont sources are all below the URP, and EPA proposes to find that Vermont's SIP submittal satisfies the requirements that states determine the emission reduction measures that are necessary to make reasonable progress by considering the four factors, and that their long-term strategies include the enforceable emission limitations, compliance schedules, and other measures necessary to make reasonable progress.

c. Additional Long-Term Strategy Requirements

The consultation requirements of section 51.308(f)(2)(ii) provide 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 necessary to make reasonable progress. Section 51.308(f)(2)(ii)(A) and (B) respectively require states to include in their SIPs measures agreed to during state-to-state consultations or a regional planning process and to consider the

⁷⁸ *Id.* at 62.

⁷⁹ The final 2020 NEI is available here <https://www.epa.gov/air-emissions-inventories/2020-air-emissions-data>.

⁸⁰ VT Regional Haze SIP Submission at 62.

⁸¹ See Appendix X “Federal Land Manager Responses.”

⁸² *Id.*

⁸³ *Id.*

⁶⁸ See <https://dec.vermont.gov/air-quality/laws-and-regulations/recently-adopted-and-proposed-regulations>.

⁶⁹ *Id.*

⁷⁰ VT Regional Haze SIP Submission at 56.

⁷¹ *Id.* at 46.

⁷² VT APCR 5–221(1).

⁷³ *Id.*

⁷⁴ See 77 FR 30212.

⁷⁵ VT APCR 5–221(1).

⁷⁶ VT Regional Haze SIP Submission at 46.

⁷⁷ *Id.* at 47–48.

emission reduction measures identified by other states as necessary for reasonable progress. Section 51.308(f)(2)(ii)(C) speaks to what happens if states cannot agree on what measures are necessary to make reasonable progress.

Vermont participated in and provided documentation of the MANEVU intra- and inter-RPO consultation processes, which included consulting with both MANEVU and non-MANEVU states about emissions reasonably anticipated to contribute to visibility impairment in Vermont's Class I area and emissions from Vermont reasonably anticipated to contribute to visibility impairment in other Class I areas. The consultations addressed developing coordinated emission management strategies containing the emission reductions necessary to make reasonable progress at the Class I areas. Vermont addressed impacts to the MANEVU Class I areas by providing information on the measures it has in place that satisfy each MANEVU Ask.⁸⁴ Vermont included in its Regional Haze SIP submittal all measures agreed to during state-to-state consultations and emission reduction measures identified by other states. While Vermont did not receive any comments from non-MANEVU states during its public comment period to consider additional measures to address visibility impairment in Class I areas outside MANEVU, MANEVU documented issues some non-MANEVU states raised about MANEVU's analyses during consultation. For instance, MANEVU noted in its Consultation Report that upwind states expressed concern regarding the analyses the RPO used for the selection of states for the consultation. MANEVU agreed that these tools, as all models, have their limitations, but nonetheless deemed them appropriate. Additionally, there were several comments regarding the choice of the 2011 modeling base year. MANEVU agreed that the choice of base year is critical to the outcome of the study. MANEVU acknowledged that there were newer versions of the emission inventories and the need to use the best available inventory for each analysis. MANEVU, however, concluded that the selected inventories were appropriate for the analysis. Additionally, upwind states noted that they would not be able to address the MANEVU Asks until they finalize their SIPs. MANEVU believed the assumption of the implementation of the Asks from upwind states in its 2028 control case

modeling was reasonable, and Vermont included both the 2028 base case and control case modeling results in its SIP, representing visibility conditions at the Class 1 areas in the MANEVU States assuming upwind states do not and do implement the Asks, respectively.

In sum, Vermont participated in the MANEVU intra- and inter-RPO consultation and included in its SIP submittal the measures identified and agreed to during those consultations, thereby satisfying section 51.308(f)(2)(ii)(A) and (B). Vermont satisfied section 51.308(f)(2)(ii)(C) by participating in MANEVU's consultation process, which documented the disagreements between the upwind states and the MANEVU states and explained the latter's reasoning on each of the disputed issues. Based on the entirety of MANEVU's intra- and inter-RPO consultation, including the MANEVU responses to other states' concerns and various technical analyses in the SIP submission, we propose to determine that Vermont has satisfied the consultation requirements of section 51.308(f)(2)(ii).

The documentation requirement of 40 CFR 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 reductions measures that are necessary to make reasonable progress through an RPO, as long as the process has been "approved by all State participants." As explained above, Vermont chose to rely on MANEVU's technical information, modeling, and analysis to support development of its long-term strategy. The MANEVU technical analyses on which Vermont relied are listed in the state's SIP submission and include source contribution assessments, information on each of the four factors and visibility modeling information for certain EGUs, and evaluations of emission reduction strategies for specific source categories. Vermont also provided information to further demonstrate the technical bases and emission information it relied on to determine the emission reductions measures that are necessary to make reasonable progress. Based on the documentation provided by the state, we propose to find Vermont satisfies the requirements of section 51.308(f)(2)(iii).

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. Vermont drafted the plan using the 2017 National Emissions Inventory (NEI). The SIP submission included 2017 NEI emission data for NO_x, SO₂, PM, VOCs and NH₃. Additionally, Vermont relied on NO_x emissions data through 2023 in its assessment of measures necessary for reasonable progress of Ask 5 sources as well as 2016–2019 Air Markets Program Data (AMPD) emissions for NO_x and SO₂. Though Vermont provided the section's analysis using 2017 NEI data, the 2020 NEI shows a continued decline in Vermont's NO_x and VOC point source emissions. Using 2020 NEI data would not have affected the State's source selection or analysis.⁸⁵ For instance, NO_x point source emissions in Vermont totaled 393 tons in 2017 and were reduced to 330 tons in 2020. A portion of this reduction came from Vermont's top NO_x emitter, McNeil Station, with NO_x emissions falling from 133 tpy in 2017, to 118 tpy in 2020. Additionally, SO₂ emissions from point sources did not increase, and remained level from 2017 to 2020. Thus, based on Vermont's consideration and analysis of the emission data in their submittal as well as the 2020 NEI data for the state, EPA proposes to find that Vermont has satisfied the emissions information requirement in 51.308(f)(2)(iii).

We also propose to find that Vermont reasonably considered the five additional factors in section 51.308(f)(2)(iv) in developing its long-term strategy. Pursuant to section 51.308(f)(2)(iv)(A), Vermont noted that existing and ongoing state and federal emission control programs that contribute to emission reductions through 2028 would impact emissions of visibility impairing pollutants from point and nonpoint sources in the second implementation period. Vermont included in its SIP a list of control measures with their effective dates, pollutants addressed, and corresponding State regulations.⁸⁶ These measures include SIP approved revisions such as NO_x RACT, which has been employed on the largest NO_x emitter in the state, McNeil Electric Generating Station, and requires the year-round use of SCR at that facility. Additionally, Vermont notes that its limitations on sulfur in fuel address residential combustion of fuel oil, a significant contributor to SO₂ emissions

⁸⁵ The final 2020 NEI is available here <https://www.epa.gov/air-emissions-inventories/2020-air-emissions-data>.

⁸⁶ See Section 5.7 of the VT Regional Haze SIP Submission.

⁸⁴ See appendix G "MANEVU Regional Haze Consultation Report and Consultation Documentation."

in the state. Additionally, as discussed previously, Vermont has adopted the California Advanced Clean Cars II, Advanced Clean Trucks, Low NO_x Heavy-Duty Omnibus and the Phase 2 Greenhouse Gas rules and recently amended its Low Emission Vehicle (LEV) and Zero Emission Vehicle (ZEV) rules, to remain consistent with California's motor vehicle emission standards MANEVU modeling estimated that Vermont NO_x emissions from the mobile source sector contribute to Vermont's impact to visibility impairment at New Hampshire's Class I areas, and Vermont's adoption of these rules should address some of that impact.

Vermont's consideration of measures to mitigate the impacts of construction activities as required by section 51.308(f)(2)(iv)(B) includes recognition that federal regulations require the reduction of SO₂ from construction vehicles and that crustal material plays a very small role in visibility impairment in Lye Brook Wilderness. For these reasons, Vermont deferred evaluation of further controls to mitigate the impacts of construction activities.

Pursuant to section 51.308(f)(2)(iv)(C), Vermont noted that while any source retirements or replacements will result in local benefits, any resultant emissions reductions will not have a significant impact on Class I areas in MANEVU given the state's already small amount of point source emissions.

In considering smoke management as required in 40 CFR 51.308(f)(2)(iv)(D), Vermont explained that fine particulate matter associated with wood smoke in the State comes largely from residential and industrial/commercial/institutional wood combustion, as well as open burning. Currently, Lye Brook Wilderness and other MANEVU Class I areas are impacted most by wildfire smoke emissions from other regions, such as the numerous western and Canadian wildfires. Vermont stated that it will continue to review the impacts of fine particulate matter from agricultural use of fire and prescribed fire for forest and ecosystem management and that, if the impacts become important in maintaining reasonable progress, future revisions to the SIP will include a smoke management plan. Additionally, Vermont will continue to consult with the U.S. Forest Service regarding potential impacts of prescribed fire on visibility in the Lye Brook Wilderness.

Vermont considered the anticipated net effect of projected changes in emissions as required by 51.308(f)(2)(iv)(E) by discussing the new mobile source regulations and The

Global Warming Solutions Act. Vermont anticipates, as the mobile source regulations go into effect, that emissions of NO_x will decrease by 2028. In addition, The Global Warming Solutions will impact emissions from area sources. Together, these reductions will provide further progress in improving visibility in downwind states.

Because Vermont has reasonably considered each of the five additional factors, the EPA proposes to find that Vermont has satisfied the requirements of 40 CFR 51.308(f)(2)(iv).

F. Reasonable Progress Goals

Section 51.308(f)(3) contains the requirements pertaining to RPGs for each Class I area. Because Vermont is host to a Class I area, it is subject to both section 51.308(f)(3)(i) and, potentially, (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 CAA 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 RPG for the most impaired days represents a slower rate of visibility improvement than the uniform rate of progress calculated under 40 CFR 51.308(f)(1)(vi). Under section 51.308(f)(3)(ii)(A), if the state in which a mandatory 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.

Table 6–1 of Vermont's SIP submittal summarizes baseline visibility conditions (*i.e.*, visibility conditions during the baseline period of 2000–

2004) for the most impaired and clearest days and the 2028 RPG for the most impaired days for Vermont's Class I areas, as well as information on natural visibility conditions, the rate of progress described by the URP in 2028, and the modeled 2028 base case (representing visibility conditions in 2028 with existing controls). Baseline visibility conditions at Vermont's Class I areas were 6.37 and 23.57 deciviews for the clearest and most impaired days, respectively. By comparison, Vermont has established 2028 RPGs for the clearest and most impaired days of 3.90 and 13.89 deciviews.⁸⁷

Vermont's 2028 most impaired base case of 13.89 deciviews reflects the visibility conditions that are projected to be achieved based on states' existing measures. As such, EPA was considering the 2028 modeled base case value of 13.89 deciviews to be the appropriate estimate of the RPG for the 20% most impaired visibility days (as opposed to the 13.68 deciviews value that includes measures from the MANEVU Asks). EPA expects that the observed deciview value in 2028 will be equal to or lower than the 13.89 deciview estimate. Even the conservative estimate of 13.89 deciviews on the most impaired days in 2028 constitutes improvement over the baseline visibility conditions of 23.57 deciviews. Therefore, the long-term strategy and the reasonable progress goals 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. 40 CFR 51.308(f)(3)(i).

As noted in the RHR at 40 CFR 51.308(f)(3)(iii), the reasonable progress goals 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. The 2028 RPG for the most impaired days of 13.89 deciviews fulfills the regulatory purpose of the RPGs because visibility conditions at Vermont's Class I area have improved since the baseline period. EPA is therefore proposing to find that Vermont's RPGs satisfy the applicable requirements and provide for reasonable progress towards achieving natural conditions.

Table 6–1 of Vermont's submission shows the URP glidepath value for

⁸⁷ See Table 8–1 of the VT Regional Haze SIP Submission. These values were modeled not including the MANEVU Asks. EPA supports these values as the 2028 RPGs. The values for the clearest and most impaired days including the Asks were 3.86 and 13.68 deciviews, respectively.

Vermont's Class I area in 2028 as 18.24 deciviews. Vermont's RPG is well below the glidepath value. Therefore, the demonstration requirement under section 51.308(f)(3)(ii)(A) is not triggered. Nor has the demonstration requirement under section 51.308(f)(3)(ii)(B) been triggered. Under paragraph (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)(A) must demonstrate that there are no additional emission reduction measures that would be reasonable to include in its long-term strategy. Vermont's SIP revision included the modeled MANEVU 2028 visibility projections at nearby Class I areas.⁸⁸ While these projections may not represent the final RPGs for these Class I areas, all of the base case 2028 projections for the most impaired days at these areas (Acadia, Brigantine, Campobello, Lye Brook, Moosehorn, Dolly Sods, James River Face, Otter Creek, and Shenandoah) are well below the respective 2028 points on the URPs. Therefore, we propose it is reasonable to assume that the demonstration requirement under section 51.308(f)(3)(ii)(B) as it pertains to these areas will not be triggered for Vermont. We propose to find that Vermont has satisfied (f)(3).

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.

The IMPROVE monitor for the Lye Brook Wilderness, indicated as LYEB1 in the IMPROVE monitoring network database, is located on the northern slope of Mount Snow. The monitor site lies in West Dover, Vermont, near Lye Brook, at elevation 1093 meters, latitude 42.57°, and longitude -72.54°. This

monitor is operated and maintained by the U.S. Forest Service.⁸⁹

Section 51.308(f)(6)(i) requires SIPs to provide for the establishment of any additional monitoring sites or equipment needed to assess whether reasonable progress goals to address regional haze for all mandatory Class I Federal areas within the state are being achieved. Vermont has not received any recommendations or advice from EPA or the U.S. Forest Service that additional monitoring is required pursuant to 40 CFR 51.308(f)(4). Therefore, Vermont has no current plans to alter the current strategy as long as this monitoring continues to be federally supported.

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 mandatory Class I Federal areas both within and outside the state. Vermont relied on the MANEVU contribution assessment analysis.⁹⁰ The analysis included Eulerian (grid-based) source models, Lagrangian (air parcel-based) source dispersion models, as well as a variety of data analysis techniques that include source apportionment models, back trajectory calculations, and the use of monitoring and inventory data.

Section 51.308(f)(6)(iii) does not apply to Vermont, as it has a Class I area within its borders.

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. As noted above, the Lye Brook Wilderness IMPROVE monitor is operated and maintained by the U.S. Forest Service. The monitoring strategy for Vermont relies upon the continued availability of the IMPROVE network. Thus, Vermont supports the continued operation of the IMPROVE network through both state and Federal funding mechanisms.

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. Vermont provides for emissions inventories and estimates for future projected emissions

by participating in the MANEVU RPO and complying with EPA's Air Emissions Reporting Rule (AERR). In 40 CFR part 51, subpart A, the AERR requires states to submit updated emissions inventories for criteria pollutants to EPA's Emissions Inventory System (EIS) every three years. The emission inventory data are used to develop the NEI, which provides for, among other things, a triennial statewide inventory of pollutants that are reasonably anticipated to cause or contribute to visibility impairment.

Section 8 of Vermont's submission includes tables of NEI data. The source categories of the emissions inventories included are: (1) Point sources, (2) nonpoint sources, (3) non-road mobile sources, and (4) on-road mobile sources. The point source category is further divided into Air Markets Program Data (AMPD) point sources and non-AMPD point sources.⁹¹ Vermont included NEI emissions inventories for the following years: 2002 (one of the regional haze program baseline years), 2008, 2011, 2014, and 2017; and for the following pollutants: SO₂, NO_x, PM₁₀, PM 2.5, VOCs, CO, and NH₃. Vermont also provided a summary of SO₂ and NO_x emissions for AMPD sources for the years of 2016, 2017, 2018, and 2019. Consideration of 2020 NEI data shows level and declining point source emissions of SO₂ and NO_x respectively and would not have affected the State's source selection or analysis.

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. Vermont relied on the MANEVU 2028 emissions projections for MANEVU states. MANEVU completed two 2028 projected emissions modeling cases—a 2028 base case that considers only on-the-books controls and a 2028 control case that considers implementation of the MANEVU Asks.⁹² Vermont's SIP submittal also includes a commitment to update the statewide emissions inventory periodically.⁹³

The EPA proposes to find that Vermont has met the requirements of 40 CFR 51.308(f)(6) as described above, including through its continued participation in the IMPROVE network and the MANEVU RPO and its on-going compliance with the AERR, and that no

⁹¹ AMPD sources are facilities that participate in EPA's emission trading programs. The majority of AMPD sources are electric generating units (EGUs).

⁹² See "OTC MANEVU 2011 Based Modeling Platform Support Document October 2018—Final." Which can be found in the docket of this proposed rulemaking.

⁹³ See VT Regional Haze SIP Submission at 82.

⁸⁸ See Appendix B "Mid-Atlantic/Northeast U.S. Visibility Data 2004–2019 (2nd RH SIP Metrics)".

⁸⁹ See Vermont's 2023 Annual Network Plan which can be found in the docket of this proposed rulemaking.

⁹⁰ See appendix G "MANEVU Regional Haze Consultation Report and Consultation Documentation."

further elements are necessary at this time for Vermont to assess and report on visibility pursuant to 40 CFR 51.308(f)(6)(vi).

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. Sections 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, 40 CFR 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 that 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.

Vermont's submission describes the status of measures of the long-term strategy from the first implementation period. As a member of MANEVU, Vermont considered the MANEVU Asks and adopted corresponding measures into its long-term strategy for the first implementation period. The MANEVU Asks were: (1) Timely implementation

of Best Available Retrofit Technology (BART) requirements; (2) EGU controls including Controls at 167 Key Sources that most affect MANEVU Class I areas; (3) Low sulfur fuel oil strategy; and (4) Continued evaluation of other control measures. Vermont met all the identified reasonable measures requested during the first implementation period. During the first planning period for regional haze, programs that were put in place focused on reducing sulfur dioxide (SO₂) emissions. The reductions achieved led to vast improvements in visibility at the MANEVU Federal Class I Areas due to reduced sulfates formed from SO₂ emissions. Vermont lists in its submission an expansive list of control measures that help control the emissions of VOCs, NO_x, PM and SO₂ from a wide range of sources.⁹⁴ Vermont's SIP submission includes emission data demonstrating the reductions achieved throughout the state through implementation of the measures mentioned. The state included periodic emission data that demonstrate a decrease in VOCs, NO_x, PM and SO₂ emissions throughout the state.

The EPA proposes to find that Vermont has met the requirements of 40 CFR 51.308(g)(1) and (2) because its SIP submission describes the measures included in the long-term strategy from the first implementation period, as well as the status of their implementation and the emission reductions achieved through such implementation.

Vermont's SIP submission includes the assessments of visibility conditions and changes at the State's class I areas, expressed in terms of 5-year averages, required by section 51.308(g)(3). In particular, Vermont's submission reports current (2015–2019) visibility conditions for the most impaired and clearest days of 14.06 and 4.88 deciviews, respectively, indicating that haze index levels have decreased by 9.51 deciviews on the most impaired days and 1.49 deciviews on the clearest days from baseline visibility conditions (2000–2004).⁹⁵ The SIP submission also indicates that, since the period addressed in Vermont's previous progress report (2010–2014), haze index levels have decreased by 4.44 and 0.22 deciviews on the most impaired and clearest days, respectively. EPA therefore proposes to find that Vermont has satisfied the requirements of 40 CFR 51.308(g)(3).

Pursuant to section 51.308(g)(4), Vermont provided a summary of

emissions of NO_x, SO₂, PM₁₀, PM_{2.5}, VOCs, and NH₃ from all sources and activities, including from point, nonpoint, non-road mobile, and on-road mobile sources, for the time period from 2002 to 2017, based on emission inventory information submitted pursuant to the AERR in 40 CFR part 51, subpart A. With respect to sources that report directly to the EPA, Vermont also included AMPD data for SO₂ and NO_x emissions for 2016 through 2019.

The reductions achieved by Vermont's emission control measures are seen in the emissions inventory. Based on Vermont's SIP submission, NO_x emissions have continuously declined in Vermont from 2002 through 2017, especially in the onroad mobile sector. Vermont considers its mobile source emission reduction strategies as the most viable way to reduce NO_x emissions in the state that may be impacting New Hampshire's Class I area. As discussed previously, Vermont's adoption of California standards for on-road vehicles drives emissions reductions in the on-road sector. Initiatives in Vermont to reduce on-road NO_x emissions include projects using the funding from the Volkswagen Environmental Mitigation trust such as a pilot project for electrifying school and transit buses, the installation of electric vehicle supply equipment to help support and accelerate electric vehicle adoption, and several ongoing heavy-duty vehicle electrification projects. Additionally, there are a wide range of federal rules which reduce emissions from non-road vehicles and equipment.⁹⁶ NO_x emissions are expected to continue to decrease as fleet turnover occurs and the older more polluting vehicles and equipment are replaced by newer, cleaner ones. Vermont sources that report to the EPA's AMPD showed a decline in NO_x emissions in the period since the last progress report (167 tons in 2016 and 133 tons in 2019).⁹⁷

Emissions of SO₂ have shown a steady significant decline in Vermont over the period 2002 to 2017, across all sectors. Large decreases are attributable to Vermont's adoption of the MANEVU low sulfur fuel strategy.⁹⁸ Since some components of the low sulfur fuel strategy have milestones of 2014, 2016 and 2018, and as MANEVU states continue to adopt rules to implement

⁹⁶ See 69 FR 38958 (June 29, 2004), 73 FR 37096 (June 30, 2008), 73 FR 59034 (October 8, 2008)

⁹⁷ See VT Regional Haze SIP Submission at Figure 8–5 “NO_x Emissions for all Data Categories, 2002–2017 (tpy) in Vermont”, and Figure 8–8: “NO_x Emissions from AMPD sources in MANEVU States, 2016–2019 (tpy).”

⁹⁸ *Id.* at 72 (Figure 8–16); *see also id.* at 55–56.

⁹⁴ See Section 8.2 of the VT Regional Haze SIP Submission.

⁹⁵ *Id.* at Section 8.3.

the strategy, additional SO₂ emissions reductions have likely been obtained since 2017 and are expected to continue into the future. Other SO₂ emissions decreases are due to fuel switching due to the availability of less expensive natural gas in recent years, and source shutdowns.

Vermont's submission analyzes the change in PM₁₀ emissions from all NEI point, nonpoint, non-road, and onroad data categories in Vermont, noting that PM₁₀ emissions have steadily declined, particularly between the 2002 inventory to the 2014 inventory.⁹⁹ However, the 2017 inventory shows an increase in PM₁₀ emissions. Vermont attributes this increase to the unpaved road dust sector, where the calculation methodology related to the allocation of vehicle miles travelled (VMT) to unpaved roads used for the 2017 inventory differed from what was used for the 2014 inventory. Vermont's 2017 inventory reports that the second largest PM₁₀ source in the state, emissions from residential wood combustion, actually declined.

Vermont also analyzes PM_{2.5} emissions from all NEI data categories for the period from 2002 to 2017, noting that they have steadily decreased in Vermont.¹⁰⁰ Overall, there is a minor decrease reported from 2002 to 2017 in PM_{2.5} emissions across all NEI categories due to Federal and State regulations. Particulate matter emissions are difficult to determine a reliable trend for, due to changes in methodology between inventories and the uncertainty with vehicle miles traveled data and residential wood combustion estimates. For these reasons, there is significant variation in both particulate matter estimates in the emission inventories.

Figure 8–21 of Vermont's submission shows VOC emissions from all NEI data categories for the period 2002 to 2017 in Vermont. VOC emissions have shown a decline in the state over this time period. However, the sharp decline in nonpoint VOC since 2002 is partly attributable to revised methodology for residential wood combustion, resulting in an overstated decrease. Much of the reduction seen in the nonroad sector for 2017 is likely attributable to changes in methodology, incorporation of the EPA MOVES model between the 2014 and 2017 NEIs, as well as updated vehicle populations and emission factors. VOC emissions from non-road and on-road mobile sources are expected to continue to decrease as older, more polluting

vehicles are replaced by newer, cleaner ones.

Figure 8–24 of Vermont's submission shows ammonia (NH₃) emissions from all NEI data categories for the period 2002 to 2017. The figure displays a general downward trend in Vermont, with some year-to-year variability. The figure displays a sharp reduction in ammonia emissions in 2014. This rapid decline could be due to changes in the calculation methodology for agricultural livestock waste, which is the largest contributor to ammonia emissions. Further decreases in ammonia emissions were achieved in the onroad sectors due to federal engine standards for vehicles and equipment. For many MANEVU states, ammonia emissions for 2014 and 2017 are lower than they were for earlier years. Vermont, like most MANEVU states, saw increases in 2017 relative to 2014, which Vermont states could likely be the result of estimation methodology changes. Emissions from 2002–2008 are not comparable to post-2008 emissions due to methodology changes.

The EPA is proposing to find that Vermont has satisfied the requirements of section 51.308(g)(4) by providing emissions information for NO_x, SO₂, PM₁₀, PM_{2.5}, VOCs, and NH₃ broken down by type of source.

The emissions trend data in the SIP submission¹⁰¹ support Vermont's assessment that no significant increase of haze-causing pollutant emissions has occurred in the state during the reporting period and that changes in emissions have not limited or impeded progress in reducing pollutant emissions and improving visibility. Vermont notes that, both within and outside the State, there has been a shift to cleaner generation of electricity using natural gas in place of fuels such as coal or oil that has contributed to reduced emissions of haze-causing pollutants. The EPA is proposing to find that Vermont 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 FLMs before holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. In addition, section 51.308(i)(2)'s FLM consultation provision requires a state to provide FLMs 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 FLMs 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) further provides that FLMs must be given an opportunity to discuss their assessment of visibility impairment in any Class I area and their 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 FLMs' comments.

The states in the MANEVU RPO conducted FLM consultation early in the planning process concurrent with the state-to-state consultation that formed the basis of the RPO's decision making process. As part of the consultation, the FLMs were given the opportunity to review and comment on the technical documents developed by MANE-VU. The FLMs were invited to attend the intra- and inter-RPO consultations calls among states and at least one FLM representative was documented to have attended seven intra-RPO meetings and all inter-RPO meetings. Vermont participated in these consultation meetings and calls.¹⁰²

As part of this early engagement with the FLMs, on April 12, 2018, the U.S. National Park Service (NPS) sent letters to the MANEVU states requesting that they consider specific individual sources in their long-term strategies.¹⁰³ NPS used an analysis of emissions divided by distance (Q/d) to estimate the impact of MANEVU facilities. To select the facilities, NPS first summed 2014 NEI NO_x, PM₁₀, SO₂, and SO₄ emissions and divided by the distance to a specified NPS mandatory Class I Federal area. NPS summed the Q/d values across all MANEVU states relative to Acadia, Mammoth Cave and Shenandoah National Parks, ranked the Q/d values relative to each Class I area, created a running total, and identified those facilities contributing to 80% of the total impact at each NPS Class I area. NPS merged the resulting lists of

⁹⁹ *Id.* at 67 (Figure 8–10).

¹⁰⁰ *Id.* at 69 (Figure 8–13).

¹⁰¹ *Id.* at Section 8 “Progress Report and Periodic Reports.”

¹⁰² See Appendix G “MANEVU Regional Haze Consultation Report and Consultation Documentation.”

¹⁰³ *Id.*

facilities and sorted them by their states. NPS suggested that a state consider those facilities comprising 80% of the Q/d total, not to exceed the 25 top ranked facilities. The NPS did not identify any facilities in Vermont in this letter.¹⁰⁴

On October 11, 2022, the NPS sent a summary of their review of the draft Regional Haze SIP via email, stating that the NPS “commend[s] Vermont for doing a good job outlining and incorporating the technical analyses produced by MANE–VU” and that “NPS has no further comments at this time.”¹⁰⁵ On September 20, 2022, the U.S. Forest Service indicated by letter that it was “satisfied with the document as provided and offer[ed] no suggestions for change.”¹⁰⁶ In accordance with CAA section 169A(d) and 40 CFR 51.308(i)(3), Vermont included summaries of the consultation and copies of the FLM correspondence in appendices G and X of the SIP submission.

Vermont held a public comment period and public hearing for this Regional Haze SIP Revision. On April 19, 2024, VT DEC published a notice in the Vermont Environmental Notice Bulletin announcing the public hearing and the opportunity to submit written comments on the SIP revision until June 1, 2024.¹⁰⁷ EPA provided written comments on May 30, 2024.¹⁰⁸ Vermont did not receive any other comments.¹⁰⁹ VT DEC held a public hearing in Montpelier, VT on May 22, 2024.¹¹⁰ No one attended the meeting.¹¹¹

For the reasons stated above, the EPA proposes to find that Vermont has satisfied the requirements under CAA section 169A(d) and 40 CFR 51.308(i) regarding consultation with the FLMs on its regional haze SIP for the second implementation period.

J. Other Required Commitments

Vermont’s July 1, 2024, SIP submission includes a commitment to revise and submit a subsequent regional haze SIP when due. The state’s commitment includes submitting periodic progress reports in accordance with section 51.308(f) and a

commitment to evaluate progress towards the reasonable progress goal for 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 in accordance with section 51.308(g).¹¹²

V. Proposed Action

The EPA is proposing to approve Vermont’s July 1, 2024, SIP submission as satisfying the regional haze requirements for the second implementation period contained in 40 CFR 51.308(f).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: May 14, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

[FR Doc. 2025–09274 Filed 5–22–25; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2024–0569; FRL–12446–01–R10]

Air Plan Approval; Oregon; Lane Regional Air Protection Agency, Outdoor Burning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve into the Oregon State Implementation Plan (SIP) the Lane Regional Air Protection Agency (LRAPA) revised outdoor burning rule revisions submitted by the Oregon Department of Environmental Quality (ODEQ) on July 1, 2024, in coordination with LRAPA. The revised rule, applicable in Lane County, Oregon, clarifies terminology, revises formatting, and expands the residential outdoor burning season to allow burning of woody yard trimmings on approved burn days within Lowell city limits from October 1 through June 15. ODEQ included in the submittal a technical demonstration that the requested expansion of the residential outdoor burning season will not interfere with attainment and maintenance of the NAAQS and other applicable Clean Air Act (CAA) requirements. The EPA is proposing to approve this rule because

¹⁰⁴ *Id.*

¹⁰⁵ See Appendix X “Federal Land Manager Responses”.

¹⁰⁶ *Id.*

¹⁰⁷ See VT DEC, “Notice of Intent to submit the State Implementation Plan for Regional Haze Second Implementation Period.”

¹⁰⁸ See Appendix Y “EPA Comments for Vermont Proposed Regional Haze State Implementation Plan.”

¹⁰⁹ See Section 10 of the VT Regional Haze SIP Submission.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.* at Section 1.2.3 and Section 8.

it meets the applicable requirements of the Clean Air Act.

DATES: Comments must be received on or before June 23, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R10-OAR-2024-0569 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [regulations.gov](https://www.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 whose disclosure 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: Tess Bloom, EPA Region 10, 1200 6th Ave., Seattle, WA 98101, at (206) 553-6362, or bloom.tess@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever “we,” “us,” or “our” is used, it is intended to refer to the EPA.

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I. Background

Each State has a Clean Air Act (CAA) State Implementation Plan (SIP), containing control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS) established for the criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, sulfur dioxide). The SIP contains such elements as air pollution control regulations, emission inventories, attainment demonstrations, and enforcement mechanisms. The SIP is a compilation of these elements and is revised and updated by a State over time to keep address updates to Federal

requirements and changing air quality issues or regulations in that State.

The Oregon Department of Environmental Quality (ODEQ) implements and enforces the Oregon SIP through rules set out in Chapter 340 of the Oregon Administrative Rules (OAR), Divisions 200 to 268. These rules apply in all areas of the State, except where the Oregon Environmental Quality Commission (EQC) has designated Lane Regional Air Protection Agency (LRAPA) to administer rules within its area of jurisdiction.

LRAPA has been designated by the EQC to implement and enforce State rules in Lane County, and to adopt local rules that apply within Lane County. LRAPA may promulgate a local rule in lieu of a State rule provided: (1) it is as strict as the corresponding State rule; and (2) it has been submitted to and approved by the EQC. This delegation of authority to LRAPA in the Oregon SIP is consistent with CAA section 110(a)(2)(E) requirements for State and local air agencies.

On July 1, 2024, the ODEQ and LRAPA submitted revisions to the Oregon SIP as it applies in Lane County. These changes include updates to the LRAPA section 47-015(2) outdoor burning rule to expand the outdoor burning season in the city of Lowell (which is located in the Eugene-Springfield metropolitan statistical area), updates and revisions to definitions in section 47-010, and revisions to formatting throughout section 47-001, section 47-005, section 47-010, section 47-015, and section 47-020.

II. Evaluation of Revisions

Minor Administrative Revisions

LRAPA revised sections 47-001 “General Policy”, 47-005 “Exemptions from LRAPA Title 47”, 47-010 “Definitions”, and 47-020 “Letter Permits” with non-substantive formatting changes, such as correcting capitalization and using abbreviations. LRAPA also added five terms to 47-010 “Definitions” and revised one term. Finally, LRAPA updated section 47-015 “Residential Outdoor Burning Requirements” to expand the outdoor burning season within the city limits of Lowell. These substantive changes are described further in the following paragraphs of this preamble.

Definitions

LRAPA revised section 47-010 “Definitions” to include terms used within LRAPA’s existing title 47 that were not previously defined or to add non-substantive formatting changes to

current definitions. Added definitions include section 47-010(1) “Agricultural burning for disease or pest control”, section 47-010(5) “Animal disease emergency”, section 47-010(7) “Burn barrel”, section 47-010(12) “Fire hazard”, and section 47-010(15) “Hazard to public safety”. Section 47-010(17) includes revisions to clarify what material generated by land clearing is considered demolition waste. Section 47-010(20) clarifies language on incinerators that do not have emission limitations specified in title 30 by removing an unnecessary reference to another regulation that has its own applicability outside of title 47 to limit any potential confusion.

Residential Outdoor Burning Requirements

Revisions to section 47-015 include non-substantive formatting revisions. The substantive revisions to section 47-015(2) include the addition of the City of Lowell to the list of cities in section 47-015(2)(g) that may conduct certain outdoor burning during specified seasons. The current-approved SIP only permits outdoor burning of woody yard trimmings in the City of Lowell for approximately four months out of the year—from March 1 through May 31 and from October 1 through October 31. Under the revised section 47-015, outdoor burning of woody yard trimmings is allowed on approved burn days from October 1 through June 15. The net effect of this change is to allow this type of burning in Lowell on approved burn days that occur between November 1 to February 28 and June 1 to June 15.

LRAPA provided an analysis of particulate matter monitoring data to show that the revision to title 47 allowing burning in November, December, January, and February and extending the burn season from May 31 to June 15 will result in negligible increases in particulate matter and is highly unlikely to affect compliance with the PM₁₀ or PM_{2.5} NAAQS. LRAPA provided this analysis to demonstrate that the increase in outdoor burning does not interfere with the 24-hour and annual PM_{2.5} standards and the 24-hour PM₁₀ standard, the types of emissions predominately found in outdoor burning of woody yard trimmings.

First, LRAPA estimated impacts from the change to overall emissions within the area. For this analysis, LRAPA used 2020 as an emissions inventory base year, during which PM_{2.5} emissions totaled 129,197.64 tons if wildfire impacts are included, or 13,012.90 tons if emission from wildfire smoke are excluded. Emissions from all residential

outdoor burning in Lane County totaled 90.06 tons of PM_{2.5} in 2020, accounting for 0.07% of total PM_{2.5} emissions, or 0.69% of non-wildfire emissions. Given that these emissions comprise a very small fraction of total emissions in 2020, if emissions from residential outdoor burning were to double as a result of the proposed SIP revision—an assumption we view as conservative—these emissions would still comprise a small fraction of overall emissions in the area.

LRAPA also noted in its analysis that the proposed revision only applies to the City of Lowell, which has a population that comprises 0.91% of the total for Lane County. Because the revision would only actually increase the number of available burn days for a small subset of Lane County's population, we believe the actual impacts to overall PM_{2.5} emissions would likely be significantly smaller than the quantities estimated in the preceding paragraphs.

With respect to PM₁₀, LRAPA provided an analysis of potential impacts to the NAAQS design value between October and March (when burning would coincide with wood stove use) that indicates that PM₁₀ levels over the past 10 years are consistently less than a third of the 150 µg/m³ PM₁₀ NAAQS. Based on our review of the submission, we conclude that it is highly unlikely that the expected emissions growth from expanding the residential outdoor burn season in Lowell could jeopardize compliance with the PM₁₀ NAAQS.

Similarly, the PM_{2.5} design values measured at the regulatory monitoring sites near Lowell, in Cottage Grove, Eugene, and Oakridge, all were well below the annual and daily standards with wildfire data removed.¹ To further assess PM_{2.5} levels in Lowell, LRAPA reviewed non-regulatory PM_{2.5} sensor data in the area.² LRAPA estimated the annual PM_{2.5} design value from a sensor

in Lowell over the past 5 years to be a third of the current annual PM_{2.5} NAAQS of 9 µg/m³ or less and the estimated 24-hour PM_{2.5} design value to be less than a third of the daily PM_{2.5} NAAQS of 35 µg/m³ with data influenced by wildfire events removed.³ Additionally, LRAPA included an emissions estimate of the potential increase in burn days and found that a conservative doubling of emissions would increase the design value by only 1.4 percent.

Finally, we note that LRAPA sections 47–015 and 47–020 remain in the approved SIP and place further limits on outdoor burning. Specifically, residential outdoor burning is allowed only on approved burning days with the start and end times for burning set as part of the daily burning advisory issued by LRAPA. LRAPA's daily burning advisory and curtailment program⁴ restricts outdoor burning when unfavorable air quality conditions are forecast, such as high PM_{2.5} concentrations or stagnant meteorological conditions. When a curtailment is in place, all outdoor burning is prohibited, including pile burning of woody yard trimmings. In addition, residential outdoor burning is only allowed after obtaining a permit issued by LRAPA pursuant to the SIP-approved permit process (47–020). The rules require LRAPA to review permit applications to ensure all reasonable alternatives to burning have been explored and no practicable alternative method for disposal of the material exists; and to determine that the proposed burning will not cause or contribute to significant degradation of air quality.

Based on our independent review of LRAPA's analysis and for the reasons discussed above, we propose to find that the revisions to 47–015 Residential Outdoor Burning Requirements will not interfere with attainment of the NAAQS or other applicable requirements of the Clean Air Act.

³ On February 7, 2024, the EPA revised the primary PM_{2.5} annual standard by lowering the level from 12 µg/m³ to 9 µg/m³. Information regarding the annual and daily PM_{2.5} annual standard can be found at: <https://www.federalregister.gov/documents/2024/03/06/2024-02637/reconsideration-of-the-national-ambient-air-quality-standards-for-particulate-matter>.

⁴ Section 47–015(1)(c) states: “No person may cause, or allow to be initiated or maintained, any outdoor burning which is prohibited by the burning advisory issued by LRAPA.” Section 47–015(2)(a) states: “Residential outdoor burning is allowed only on approved burning days with a valid fire permit (if required by fire district). The start and end times for burning vary and are set as part of the daily burning advisory issued by LRAPA.”

Rules Not Appropriate for SIP Approval

Title 47 contains several provisions that are not appropriate for SIP approval, including but not limited to rules related to nuisance and fire safety. The EPA's authority to approve SIPs extends to provisions related to attainment and maintenance of the NAAQS and carrying out other specific requirements of section 110 of the CAA.

In this action, the EPA is not approving into the SIP the following provisions of title 47 because they are inappropriate for SIP approval: LRAPA sections 47–010—definition of “nuisance”, 47–015(1)(d), 47–015(1)(h), 47–020(3), 47–020(9)(i), and 47–020(10).

III. Proposed Action

We propose to approve into the Oregon SIP the submitted revisions to the LRAPA title 47 outdoor burning rule, sections 001, 005, 010 (except the definition of “nuisance”), 015 (except (1)(d) and (1)(h)), and 020 (except (3), (9)(i), and (10)). These rules are State effective May 24, 2024, and submitted to the EPA by ODEQ in coordination with LRAPA on July 1, 2024. LRAPA revised title 47 to remove the prohibition on outdoor burning from November through February and June 1 through June 15 and allow outdoor burning of woody yard trimmings in the City of Lowell from October 1 through June 15. Based on the demonstration provided by ODEQ and LRAPA, we propose to find that the revision will not interfere with attainment of the NAAQS or other applicable requirement of the Clean Air Act.

IV. Incorporation by Reference

In this document, we are proposing to include in a final rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, The EPA is proposing to incorporate by reference the provisions described in section II of this document. The EPA has made, and will continue to make, these documents 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).

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 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,

¹ We note that the wildfire influenced data in LRAPA's demonstration are not eligible for exclusion under the EPA's Exceptional Events Rule because they do not meet the rule requirements for regulatory significance at this time (See 40 CFR 50.14(a)). However, to demonstrate the impact of expanding the outdoor burning season in Lowell on the area's PM_{2.5} attainment status, LRAPA excluded the wildfire impacted data from the analysis. The Exceptional Events Rule is available at <https://www.epa.gov/air-quality-analysis/federal-register-notice-final-revisions-exceptional-events-rule>.

² Air sensors are devices that measure air pollution that are lower in cost, portable and generally easier to operate than regulatory-grade monitors (for more information, see <https://www.epa.gov/air-sensor-toolbox>). Sensors are helpful to better understand air quality conditions, but there is more uncertainty associated with sensor measurements because they are not subject to the same quality standards, checks, and assurance as regulatory monitors.

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

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.

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

Dated: May 16, 2025.

Emma Pokon,

Regional Administrator, Region 10.

[FR Doc. 2025–09324 Filed 5–22–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2024–0289; FRL–12213–01–R4]

Mississippi: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Mississippi has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The EPA has reviewed Mississippi's application and has determined, subject to public comment, that these changes satisfy all requirements needed to qualify for final authorization. Therefore, in the "Rules and Regulations" section of this **Federal Register**, we are authorizing Mississippi for these changes as a final action without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Comments must be received on or before June 23, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2024–0289, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.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 whose disclosure 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 <http://www.epa.gov/dockets/commenting-epa-dockets>.

The EPA encourages electronic submittals, but if you are unable to submit electronically or need other assistance, please contact Jennifer Vogel, the contact listed in the **FOR FURTHER INFORMATION CONTACT** section. Please also contact Jennifer Vogel if you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you.

All documents in the docket are listed in the www.regulations.gov index. Publicly available docket materials are available electronically in www.regulations.gov. For alternative access to docket materials, please contact Jennifer Vogel, the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jennifer Vogel; RCRA Programs and Cleanup Branch; Land, Chemicals and Redevelopment Division; U.S. Environmental Protection Agency; Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960; telephone number: (404) 562–8462; fax number: (404) 562–9964; email address: vogel.jennifer@epa.gov.

SUPPLEMENTARY INFORMATION: This document proposes to take action on Mississippi's changes to its hazardous waste management program under the Resource Conservation and Recovery Act (RCRA), as amended. We have published a final action authorizing these changes in the "Rules and Regulations" section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the final action.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will either publish a withdrawal notification promptly in the **Federal Register** informing the public that the final action will not take effect, or we will publish a notification containing a response to comments that either reverses the decision or affirms that the final action will take effect. In the event that the final action is withdrawn, we will address all public comments and make a final decision on authorization in a subsequent final action.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further

information, please see the information provided in the **ADDRESSES** section of this document.

Dated: May 7, 2025.

Kevin J. McOmber,
Regional Administrator.

[FR Doc. 2025–09303 Filed 5–22–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R04–RCRA–2025–0146; FRL–12697–01–R4]

Alabama: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Alabama has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The EPA has reviewed Alabama's application and has determined, subject to public comment, that these changes satisfy all requirements needed to qualify for final authorization. Therefore, in the "Rules and Regulations" section of this **Federal Register**, we are authorizing Alabama for these changes as a final action without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Comments must be received on or before June 23, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–RCRA–2025–0146, at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Once submitted, comments cannot be edited or removed from www.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 whose disclosure 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 <http://www.epa.gov/dockets/commenting-epa-dockets>.

The EPA encourages electronic submissions, but if you are unable to submit electronically or need other assistance, please contact Jennifer Vogel, the contact listed in the **FOR FURTHER INFORMATION CONTACT** section. Please also contact Jennifer Vogel if you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you.

All documents in the docket are listed in the www.regulations.gov index. Publicly available docket materials are available electronically in www.regulations.gov. For alternative access to docket materials, please contact Jennifer Vogel, the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jennifer Vogel; RCRA Programs and Cleanup Branch; Land, Chemicals and Redevelopment Division; U.S.

Environmental Protection Agency;
Atlanta Federal Center, 61 Forsyth
Street SW, Atlanta, Georgia 30303–8960;
telephone number: (404) 562–8462; fax
number: (404) 562–9964; email address:
vogel.jennifer@epa.gov.

SUPPLEMENTARY INFORMATION: This document proposes to take action on Alabama's changes to its hazardous waste management program under the Resource Conservation and Recovery Act (RCRA), as amended. We have published a final action authorizing these changes in the "Rules and Regulations" section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the final action.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will either publish a withdrawal notification promptly in the **Federal Register** informing the public that the final action will not take effect, or we will publish a notification containing a response to comments that either reverses the decision or affirms that the final action will take effect. In the event that the final action is withdrawn, we would address all public comments and make a final decision on authorization in a subsequent final action.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

Dated: May 7, 2025.

Kevin J. McOmber,
Regional Administrator.

[FR Doc. 2025–09301 Filed 5–22–25; 8:45 am]

BILLING CODE 6560–50–P

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

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to 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.

Comments regarding this information collection received by June 23, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Rural Development Cooperative Agreements.

OMB Control Number: 0570–0074.

Summary of Collection: Pursuant to the Federal Agricultural Improvement Act of 1996 (Pub. L. 104–127), the U.S. Department of Agriculture (USDA) received authorization from Congress under 7 U.S.C. 2204b(b)(4) to enter into cooperative agreements for the purpose of improving the coordination and effectiveness of programs that benefit rural areas. This authority is referred to as the Rural Development Cooperative Agreement (RDCA) program. There are three agencies within USDA that administer programs that specifically target rural areas: the Rural Business-Cooperative Service (RBS), the Rural Housing Service (RHS), and the Rural Utilities Service (RUS).

Each year, USDA receives proposals from the public that are not in response to a specific program announcement. These proposals are called unsolicited proposals. If a proposal is related to one or more programs administered by RD, it will be routed for review and possible consideration for a cooperative agreement using the RDCA authority. If the proposal is unique or innovative, then an agency has authority to enter into a cooperative agreement without competition (see 2 CFR 415.1(d)(6)).

USDA may, alternatively, issue an invitation to submit applications for a cooperative agreement using the RDCA authority. These proposals are called solicited proposals. Solicited proposals would typically be announced via a **Federal Register** Notice. An example of a solicited proposal is an initiative covered under this collection package called the Rural Placemaking Innovation Challenge (RPIC). RPIC is a technical assistance and planning process rural community leaders use to create places where people want to live, work and play. This initiative provides planning support and technical assistance to foster placemaking activities in rural communities. Funds will help enhance capacity for broadband access; preserve cultural and historic structures; and support the development of transportation, housing, and recreational spaces. RPIC is awarded through a competitive solicitation procedure—and proposals are evaluated

using a Scoring Process. The scoring criterion is targeted to applications that support communities that would address (1) Distressed Areas as defined by the Economic Innovation Group Distressed Communities Index (DCI) proposal and (2) Broadband Infrastructure Planning.

Need and Use of the Information: The Agency provides forms and/or guidelines to assist in collection and submission of the information required. In some cases, use of Agency forms is optional and the applicant may submit the information required on other forms. The Agency will utilize standard and existing Rural Development forms to the greatest extent possible to continue to meet the needs of the program. The forms or related items completed by the applicant are submitted to and evaluated by the Agency. Failure to collect proper information from applicants could result in improper determinations of servicing assistance, hinder the government's recovery of such loans as well as encumber customer service.

Description of Respondents: Individuals or Households.

Number of Respondents: 64.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 1,056.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–09252 Filed 5–22–25; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the

information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by June 23, 2025. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Field Crops Production—Substantive Change.

OMB Control Number: 0535–0002.

Summary of Collection: General authority for these data collection activities is granted under 7 U.S.C. 2204 which specifies that “The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . .”. The primary objective of the National Agricultural Statistics Service (NASS) is to provide data users with timely and reliable agricultural production and economic statistics, as well as environmental and specialty agricultural related statistics. To accomplish this objective, NASS relies on the use of diverse surveys that show changes within the farming industry over time.

The primary functions of the National Agricultural Statistics Service (NASS) are to prepare and issue State and national estimates of crop and livestock production, disposition, and prices and to collect information on related environmental and economic factors. The Field Crops Production Program consists of probability field crops surveys and supplemental panel surveys. NASS will use surveys to

collect information through a combination of the internet, mail, telephone, and personnel interviews. The general authority for these data collection activities is granted under 7 U.S.C. 2204.

The National Agricultural Statistics Service (NASS) is requesting a substantive change to the Field Crops Production information collection request (OMB No. 0535–0002) to reinstate the Small Grains County Estimates Survey beginning with the 2025 production year to be conducted in summer-fall 2025. The questionnaire will remain unchanged. The changes in this request increases burden hours.

Need and Use of the Information: NASS collects information on field crops to monitor agricultural developments across the country that may impact on the nation’s food supply. The Secretary of Agriculture uses estimates of crop production to administer farm program legislation and import and export programs. Collecting this information less frequently would eliminate the data needed to keep the Department abreast of changes at the State and national level.

Description of Respondents: Farms; Business or other for-profits.

Number of Respondents: 426,675.

Frequency of Responses: Reporting:

Weekly, Monthly, Quarterly, Annually.

Total Burden Hours: 139,806.

National Agricultural Statistics Service

Title: Conservation Effects Assessment Project (CEAP) Survey.

OMB Control Number: 0535–0245.

Summary of Collection: General authority for these data collection activities is granted under 7 U.S.C. 2204 which specifies that “The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . .”. The primary objective of the National Agricultural Statistics Service (NASS) is to provide data users with timely and reliable agricultural production and economic statistics, as well as environmental and specialty agricultural related statistics. To accomplish this objective, NASS relies on the use of diverse surveys that show changes within the farming industry over time.

The National Agricultural Statistics Service (NASS) is requesting a substantive change to the National Resources Inventory Conservation Effects Assessment Project (NRI CEAP) survey. NASS requests to use the seven minimum category version of the race/ethnicity question (including examples) as contained in the Office of

Management and Budget’s Statistical Policy Directive 15. Using the minimum categories with examples would allow NASS to keep the questionnaire at 44 pages and reduce burden to the public compared to using the standard race/ethnicity question version. Disclosure and data quality concerns would prevent most summarized data from the standard race/ethnicity version from publication.

Need and Use of the Information: The survey will utilize personal interviews to administer a questionnaire that is designed to obtain from farm operators field-specific data associated with selected National Resources Inventory sub-sample units in the contiguous 48 States. Data collected in this survey will be used in conjunction with previously collected data on soils, climate, and cropping history to model impacts of conservation practices on the larger environment. USDA needs updated scientifically credible data on residue and tillage management, nutrient management, and conservation practices in order to quantify and assess current impacts of farming practices and to document changes.

Description of Respondents: Farms and Ranches.

Number of Respondents: 20,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 17,173.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–09250 Filed 5–22–25; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Forest Service

Flathead Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Flathead 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. 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 Flathead National Forest within Flathead County, consistent with the Federal Lands Recreation Enhancement Act.

DATES: In-person meetings will be held on June 9, 2025, 4:30 p.m. to 7:30 p.m. and June 11, 2025, 4:30 to 7:30 p.m., mountain daylight time.

Written and Oral Comments: Anyone wishing to provide in-person oral comments must pre-register by 11:59 p.m. mountain daylight time on June 6, 2025. Written public comments will be accepted by 11:59 p.m. mountain daylight time on June 6, 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 committee meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held in-person at the Flathead National Forest Supervisor's Office, located at 650 Wolfpack Way, Kalispell, Montana. Committee information and meeting details can be found at the following website: <https://www.fs.usda.gov/main/flathead/workingtogether/advisorycommittees> or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to ivy.gehling@usda.gov or via mail (postmarked) to Ivy Gehling, 650 Wolfpack Way, Kalispell, MT 59901. 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. mountain daylight time, June 6, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to ivy.gehling@usda.gov or via mail (postmarked) to Ivy Gehling, 650 Wolfpack Way, Kalispell, MT 59901.

FOR FURTHER INFORMATION CONTACT: William Wehunt, Designated Federal Officer, by phone at (406) 758-5280 or email at william.wehunt@usda.gov; or Ivy Gehling, RAC Coordinator, by phone at (406) 758-5251 or email at ivy.gehling@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Hear from Title II project proponents and discuss Title II project proposals;
2. Make funding recommendations on Title II projects;

3. Approve meeting minutes; and
4. Schedule the next meeting.

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.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the committee.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Dated: April 16, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025-07052 Filed 5-22-25; 8:45 am]

BILLING CODE 3411-15-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Ohio Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual panel briefings.

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 Ohio Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold panel briefing via Zoom. The purpose of these briefings is to hear testimony on antisemitism in Ohio.

DATES:

- *Panel Briefing I:* Wednesday, July 9, 2025, from 10:00 a.m. to 12:00 p.m. Eastern Time
- *Panel Briefing II:* Wednesday, July 16, 2025, from 10:00 a.m. to 12:00 p.m. Eastern Time

ADDRESSES: The meetings will be held via Zoom.

Briefing I (July 9th)

- *Registration Link (Audio/Visual):* https://www.zoomgov.com/webinar/register/WN_Tg9NMQLrR-aNfA5FmQJMsA
- *Join by Phone (Audio Only):* (833) 435-1820 USA Toll Free; Webinar ID: 160 426 9653

Briefing II (July 16th)

- *Registration Link (Audio/Visual):* https://www.zoomgov.com/webinar/register/WN_ny6UOUYQTC-5Y_7V5uv7fA
- *Join by Phone (Audio Only):* (833) 435-1820 USA Toll Free; Webinar ID: 160 800 3995

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnarowski, Designated Federal Officer, at mwojnarowski@usccr.gov or (202) 618-4158.

SUPPLEMENTARY INFORMATION: These Committee briefings are available to the public through the registration links above. Any interested members of the public may attend these briefings. An open comment period will be provided to allow members of the public to make oral comments as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the briefings will include a list of persons who are present at each briefing. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they

initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting "CC" in the meeting platform. To request additional accommodations, please email svillanueva@usccr.gov at least 10 business days prior to each briefing.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following a scheduled meeting. Written comments may be emailed to Sarah Villanueva at svillanueva@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 618-4158.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via the file sharing website, <https://bit.ly/4g3IB4K>. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at svillanueva@usccr.gov.

Agenda

- I. Opening Remarks
- II. Panelist Presentations
- III. Committee Q&A
- IV. Public Comment
- V. Closing Remarks
- VI. Adjournment

Dated: May 20, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-09308 Filed 5-22-25; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wyoming 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 Wyoming Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Zoom at 2:00 p.m. MT on Tuesday, June 10, 2025. The purpose of this meeting is to discuss the Committee's policy brief on the topic,

Housing Discrimination and Fair Housing Practices in Wyoming.

DATES: Tuesday, June 10, 2025, from 2:00 p.m.–3:00 p.m. Mountain Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual):
https://www.zoomgov.com/webinar/register/WN_fc0yWK06SfqoSxNy-sE3Nw.

Join by Phone (Audio Only): (833) 435-1820 USA Toll-Free; Meeting ID: 161 366 0850.

FOR FURTHER INFORMATION CONTACT:

Kayla Fajota, Designated Federal Officer, at kfajota@usccr.gov or (434) 515-2395.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any 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 for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Kayla Fajota at kfajota@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515-2395.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via the file sharing website, www.box.com. 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. Approval of Prior Meeting Minutes
- III. Discussion: Policy Brief
- IV. Next Steps
- V. Public Comment
- VI. Adjournment

Dated: May 20, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-09309 Filed 5-22-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Current Population Survey, School Enrollment Supplement

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 26, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Commerce.

Title: Current Population Survey, School Enrollment Supplement.

OMB Control Number: 0607-0464.

Form Number(s): There are no forms. All interviews are conducted using computers.

Type of Request: Regular submission, Request for Extension without Change of a currently approved collection.

Number of Respondents: 54,000.

Average Hours per Response: 3 minutes.

Burden Hours: 2,700.

Needs and Uses: These data provide basic information on the school enrollment status of various segments of the population necessary as background for policy formulation and implementation. This supplement is the only annual source of data on public/private elementary and secondary school enrollment, as well as the

characteristics of private school students and their families. As part of the Federal Government's efforts to collect data and provide timely information to government entities for policymaking decisions, this supplement provides national trends in enrollment and progress in school. Consequently, this supplement is the only source of historical data at the national level on the age distribution and family characteristics of college students, and on the demographic characteristics of pre-primary school enrollment.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, sections 8(b), 141, and 182 authorize the Census Bureau and title 29, United States Code, section 2 authorizes the Bureau of Labor Statistics to collect this information. The Education Sciences Reform Act of 2002 (ESRA, title 20, United States Code, section 9543) authorizes the National Center for Education Statistics to collect this information.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0464.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–09265 Filed 5–22–25; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–816]

Welded Stainless Steel Pressure Pipe From the Socialist Republic of Vietnam: 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 Sonha SSP Vietnam Sole Member Company Limited (Sonha SSP) and Vinlong Stainless Steel (Vietnam) Co., Ltd. (Vinlong) sold subject merchandise to the United States at less than normal value (NV) during the period of review (POR) July 1, 2022, through June 30, 2023.

DATES: Applicable May 23, 2025.

FOR FURTHER INFORMATION CONTACT: Luke Caruso and Stephanie Trejo, 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) 482–2081 and (202) 482–4390, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 2024, Commerce published the *Preliminary Results* of the 2022–2023 administrative review of the antidumping duty order ¹ on welded stainless steel pressure pipe (welded pressure pipe) from the Socialist Republic of Vietnam (Vietnam) in the **Federal Register** and invited interested parties to comment. ² On December 3, 2024, Commerce fully extended the deadline for the final results of this administrative review until February 10, 2025. ³ On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by ninety days. ⁴ For a summary of the events that occurred since the *Preliminary Results*,

see the Issues and Decision Memorandum. ⁵ Commerce conducted this administrative 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 this *Order* is circular welded austenitic stainless steel pressure pipe, not greater than 14 inches in outside diameter, from Vietnam. For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.

Vietnam-Wide Entity

Under Commerce's policy regarding the conditional review of the Vietnam-wide entity, ⁷ the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the Vietnam-wide entity in this review, the entity is not under review, and the entity's rate (*i.e.*, 16.25) is not subject to change. ⁸

With the exception of Sonha SSP and Vinlong, Commerce considers all other companies for which a review was requested and initiated but did not demonstrate separate rate eligibility to be part of the Vietnam-wide entity. ⁹ Therefore, for these final results, we continue to consider Mejonson Industrial Vietnam Co., Ltd., to be part of the Vietnam-wide entity because it did not file a separate rate application or certification.

Analysis of Comments Received

All issues raised in an interested party's case brief are addressed 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://>

⁵ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Welded Stainless Steel Pressure Pipe from the Socialist Republic of Vietnam; 2023–2023," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁶ See *Order*.

⁷ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

⁸ See *Order*.

⁹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 62322 (September 11, 2023).

¹ See *Welded Stainless Steel Pressure Pipe from Malaysia, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 79 FR 42289 (July 21, 2014) (*Order*).

² See *Welded Stainless Steel Pressure Pipe from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 65849 (August 13, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

³ See Memorandum, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2022–2023" dated December 3, 2024.

⁴ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

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>.

Changes Since the Preliminary Review

Based on an analysis of the comments received, we made one change to the margin calculation from the *Preliminary Results* for Sonha SSP.¹⁰ Additionally, we have continued to find that the

application of facts available with an adverse inference is warranted for Vinlong Stainless.¹¹

Vietnam-Wide Entity

Because no party requested a review of the Vietnam-wide entity, and Commerce no longer considers the Vietnam-wide entity as an exporter conditionally subject to administrative reviews,¹² we did not conduct a review of the Vietnam-wide entity. Thus, the

weighted-average dumping margin for the Vietnam-wide entity (*i.e.*, 16.25 percent)¹³ is not subject to change as a result of this review.

Final Results of Review

We determine that the following weighted-average dumping margin exists for the period July 1, 2022, through June 30, 2023:

Exporter	Weighted-average dumping margin (percent)
Sonha SSP Vietnam Sole Member Company Limited/Sonha International Corporation ¹⁴	144.59
Vinlong Stainless Steel (Vietnam) Co., Ltd	144.59

Disclosure

We intend to disclose the calculations performed for these final results of review to interested parties 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)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protections (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review 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).

For Sonha SSP which has a final weighted-average dumping margin that is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of the sales, in accordance with 19 CFR 351.212(b)(1). Where the respondent did not report entered value, we will calculate importer-specific per-unit duty assessment rates based on the ratio of the total amount of antidumping

duties calculated for the examined sales to the total quantity of those sales. Where an importer-specific assessment rate is *de minimis* (*i.e.*, less than 0.5 percent), the entries by that importer will be liquidated without regard to antidumping duties.

Pursuant to Commerce's practice, we will instruct CBP to liquidate entries from Vinlong at 144.59 percent.

Pursuant to a refinement in our non-market economy practice, for sales that were not reported in the U.S. sales data submitted by Sonha SSP or Vinlong, we will instruct CBP to liquidate entries associated with those sales at the rate for the Vietnam-wide entity. For entries of subject merchandise during the POR produced by Sonha SSP or Vinlong for which it did not know its merchandise was destined for the United States, we intend to instruct CBP to liquidate such entries at the Vietnam-wide rate if there is no rate for the intermediate company or companies involved in the transaction.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for Sonha SSP and Vinlong Stainless the cash deposit rate will be the margin listed above; (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that have

separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin for the Vietnam-wide entity (*i.e.*, 16.25 percent);¹⁵ and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter(s) that supplied that non-Vietnamese exporter. 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 the POR. 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

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary

¹⁰ See Issues and Decision Memorandum at Comment 5.

¹¹ *Id.* at 3–4.

¹² See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and*

Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings, 78 FR 65963, 65969–70 (November 4, 2013).

¹³ See *Order*.

¹⁴ We are treating these companies as a single entity for purposes of this review. For a complete

discussion, see Memorandum, "Affiliation and Collapsing of Sonha International and Sonha SSP Vietnam Sole Member Company Limited," dated August 6, 2024.

¹⁵ See *Order*.

information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 terms of an APO is a violation subject to sanction.

Notification to Interested Parties

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

Dated: May 12, 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

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
 - Comment 1: Whether Commerce Erred in Applying Adverse Facts Available to Vinlong
 - Comment 2: Surrogate Country Selection
 - Comment 3: Selection of Surrogate Financial Statements
 - Comment 4: Whether Certain Financial Statements are Suitable for Use
 - Comment 5: Whether Commerce Should Incorporate Electricity Obtained from Sonha SSP's Affiliated Supplier
 - Comment 6: Whether Commerce Should Coordinate with Customs and Border Protection Regarding Certain Entries of Vinlong
 - Comment 7: Whether Benchmark Selection Criteria from Countervailing Duty Proceedings Are Relevant for Surrogate Country Selection
 - Comment 8: Whether Commerce May Review Information Noted in Case Briefs That Were not Addressed in the Preliminary Results
 - Comment 9: Whether the Commerce Has Treated Respondents Fairly
- VI. Recommendation

[FR Doc. 2025-09319 Filed 5-22-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE712]

Endangered Species; File No. 24016

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

ACTION: Notice; receipt of application for a permit modification.

SUMMARY: Notice is hereby given that Jason Kahn, Ph.D., National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910, has requested a modification to scientific research Permit No. 24016-01.

DATES: Written comments must be received on or before June 23, 2025.

ADDRESSES: The modification request and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 24016 Mod 5 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 24016 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin, Ph.D., or Shasta McClenahan, Ph.D., (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 24016-01, issued on August 16, 2023 (88 FR 63085, September 14, 2023) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222 through 226).

Permit No. 24016-01 authorizes the permit holder to conduct scientific research on Atlantic (*Acipenser oxyrinchus*) and shortnose (*A. brevirostrum*) sturgeon in freshwater and estuary areas of the Chesapeake Bay and other coastal rivers, assessing sturgeon population and reproductive capacity, as well as monitoring spawning activity, movement, and habitat through telemetry. Atlantic and shortnose sturgeon may be captured using gill or trammel nets, trawls, and trapping nets. All animals are marked with passive integrated transponder (PIT) and Floy tags, genetic tissue sampled, measured, weighed, photographed and released. Subsets of animals are also anesthetized, internally or externally acoustically tagged,

biologically sampled (*i.e.*, fin ray, blood, gametes), endoscoped and ultrasounded. Larvae and eggs are collected with D-nets, trawls (*i.e.*, epibenthic sleds), egg mats, or directly sampled from mature females using an egg extraction device. Up to one adult/sub-adult and one juvenile Atlantic sturgeon may be unintentionally killed annually. The permit holder requests authorization to increase the number of adult/subadult Atlantic sturgeon captured from 130 to 200, annually, in the York River, Virginia, to continue the mark-recapture program to understand abundance. Atlantic sturgeon may be captured using the above methods and may be marked, biologically sampled, ultrasound, endoscoped, weighed, measured, and photographed/videoed prior to release. The permit is valid through January 31, 2031.

Dated: May 20, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025-09325 Filed 5-22-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE910]

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

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Bluefish Advisory Panel will hold a public meeting, jointly with the Atlantic States Marine Fisheries Commission (ASMFC) Bluefish Advisory Panel.

DATES: The meeting will be held on Thursday, June 12, 2025, from 4 p.m. to 5:30 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held via webinar. Webinar connection, agenda items, and any additional information will be available at www.mafmc.org/council-events.

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

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive

Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Advisory Panel to develop a fishery performance report (FPR) that describes recent performance of the bluefish commercial and recreational fisheries. The intent of the FPR is to facilitate a venue for structured input from the Advisory Panel for the bluefish specifications process. The FPR will be used by the MAFMC's Scientific and Statistical Committee (SSC) and the Bluefish Monitoring Committee (MC) when recommending 2026-2027 management measures designed to achieve the recommended bluefish catch and landings limits.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Council Office, (302) 526-5251, at least 5 days prior to the meeting date.

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

Dated: May 19, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025-09262 Filed 5-22-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE868]

Marine Mammals; File No. 28931

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Passion Planet, 33-34 Rathbone Place, London, W1T 1JN, United Kingdom (Responsible Party: Phillippa Tagg), has applied in due form for a permit to conduct commercial and educational photography on marine mammals.

DATES: Written comments must be received on or before June 23, 2025.

ADDRESSES: These documents are available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 28931 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Amy Hapeman, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film marine mammals feeding on menhaden in the New York Bight for a 3-part documentary series. Filmmakers would observe and collect footage of up to 93 humpback whales (*Megaptera novaeangliae*); 1,289 short-beaked common dolphins (*Delphinus delphis*); 129 bottlenose dolphins (*Tursiops truncatus*), 821 Risso's dolphins (*Grampus griseus*); and 68 gray seals (*Halichoerus grypus*) annually from a vessel, underwater with a pole cam, and via an unmanned aircraft system. The permit is requested for 2 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 19, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025-09296 Filed 5-22-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO or Agency) as

part of its continuing effort to reduce paperwork and respondent burden, is announcing an opportunity for public comment on a proposed extension of a collection of information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on an extension of an existing collection proposed by the Agency.

DATES: Submit comments on or before: July 22, 2025.

ADDRESSES: Submit comments identified by Information Collection 0651-0088, Improving Customer Experience (OMB Circular A-11, Section 280 Implementation), by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments to <https://www.regulations.gov>, will be posted to the docket unchanged.

- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

- *Instructions:* Please submit comments only and cite Information Collection 0651-0088, Improving Customer Experience (OMB Circular A-11, Section 280 Implementation), in all correspondence related to this collection. To confirm receipt of your comment(s), please check [regulations.gov](https://www.regulations.gov), approximately 2-3 business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Drew Hall, Government Information Specialist, Office of the Chief Administrative Officer, via email to Drew.Hall1@uspto.gov, 571-270-1715.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under the PRA, (44 U.S.C. 3501-3520) Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or

provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, USPTO is publishing notice of the proposed collection of information set forth in this document.

Under the Government Service Delivery Improvement Act¹ and the 21st Century Integrated Digital Experience Act,² along with OMB guidance, agencies are obligated to continually improve the services they provide the public and to collect qualitative and quantitative data from the public to do so.

The purpose of this request is to facilitate USPTO's ability to collect feedback from the public to continue to improve its services, thereby facilitating its compliance with statutory requirements and general principles of good governance.

USPTO will only submit collections if they meet the following criteria.

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used for general service improvement and program management purposes
- The agency will follow the procedures specified in any relevant OMB guidance for the required reporting to OMB of data from surveys.
- Outside of the reporting mentioned in the bullet immediately above, if the Agency intends to release journey maps, user personas, reports, or other data-related summaries stemming from this collection, the Agency must include appropriate caveats around those summaries, noting that conclusions should not be generalized beyond the sample, considering the sample size and response rates. The Agency must submit

the data summary itself (e.g., the report) and the caveat language mentioned above to OMB before it releases them outside the Agency. OMB will engage in a passback process with the agency.

Method of Collection

The USPTO will collect this information by electronic means when possible, as well as by mail, fax, telephone, technical discussions, and in-person interviews. USPTO may also utilize observational techniques to collect this information.

Data

Form Number(s): OMB Control No. 0651–0088.

Type of Review: Renewal of an existing collection.

B. Annual Reporting Burden

Affected Public: Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. Respondents may include individuals, businesses, and organizations that interact with a Federal Government agency or program, either directly or via a Federal contractor.

Estimated Number of Respondents: 1,101,500.

Estimated Time per Response: Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 1.5 hours to participate in an interview.

Estimated Total Annual Burden Hours: 100,800.

C. Public Comments

The USPTO invites 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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2025–09357 Filed 5–22–25; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: June 22, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

5340–00–NIB–0142—Electronic Push Button Lockset, Philadelphia-style Lever, Small Format Interchangeable Core
5340–00–NIB–0143—Electronic Push Button Lockset, Philadelphia-style Lever, Large Format Interchangeable Core

Authorized Source of Supply: Cincinnati Association For The Blind and Visually Impaired, Cincinnati, OH

Contracting Activity: DLA Troop Support, Philadelphia, Pa

NSN(s)—Product Name(s): 7530–00–NIB–0193—Folder, Medical, Outpatient
Authorized Source of Supply: LC Industries, Inc., Durham, NC

Contracting Activity: Strategic Acquisition Center, Fredericksburg, Va

¹ 5 U.S.C. 321–24.

² 44 U.S.C. 3501 note.

NSN(s)—Product Name(s): 6515-00-NIB-8388—Kit, Surgical Team, Air Force Austere Custom Packs (AFAST-CP)
Authorized Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: DLA Troop Support, Philadelphia, Pa

NSN(s)—Product Name(s): 8105-00-NIB-1021—Bag, Paper, Grocers 8105-00-NIB-1024—Grocery Bag, Paper 8105-00-NIB-1025—Grocery Bag, Paper
Authorized Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: Defense Commissary Agency, Fort Gregg-Adams, VA

Service(s)
Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 1, Burlington Federal Building, Burlington, VT
Authorized Source of Supply: Northern New England Employment Services, Portland, ME
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R1
Service Type: Document Destruction
Mandatory for: Railroad Retirement Board, Headquarters Building, Chicago, IL
Contracting Activity: Railroad Retirement Board, RRB—Acquisition Mgmt Division
Service Type: Laundry Service
Mandatory for: FEMA, National Emergency Training Center, Emmitsburg, MD
Authorized Source of Supply: Louise W. Eggleston Center, Inc., Norfolk, VA
Contracting Activity: Federal Emergency Management Agency, Preparedness Section(Pre20)
Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 3, LeHigh Valley International Airport, TSA Space, Allentown, PA
Mandatory Source of Supply: Via of the Lehigh Valley, Inc., Bethlehem, PA
Contracting Activity: Public Buildings Service, PBS R3
Service Type: Operation of USDA Cental Shpg. & Rcvg.
Mandatory for: US Department of Agriculture, Central Shipping and Receiving Facility, Washington, DC
Mandatory Source of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: USDA, Departmental Administration, USDA, OCP-POD-ACQ-MGMT-Branch-FTC
Service Type: Janitorial/Custodial
Mandatory for: US Army Reserve, Butler USARC/BMA #110 S-S, Butler, PA
Authorized Source of Supply: VGS, Inc., Cleveland, OH
Contracting Activity: DEPT OF THE ARMY, W6QK ACC-PICA
Service Type: Janitorial/Grounds and Related Services
Mandatory for: US Army Reserve, Elihu Root USARC, Utica, NY
Mandatory Source of Supply: Human Technologies Corporation, Utica, NY
Contracting Activity: DEPT OF THE ARMY,

W6QK ACC-PICA

Michael R. Jurkowski,
Director, Business Operations.

[FR Doc. 2025-09314 Filed 5-22-25; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* June 22, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Deletions

On April 18, 2025 (90 FR 16511), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.
3. There are no known regulatory alternatives which would accomplish

the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

MR11130—Carving Kit, Pumpkin, Assorted Colors

MR 11508—Cat Teaser

MR 11510—Toy, Pet, Squeaky

MR 13050—Iced Tea Tumbler, 16 Ounces, Green

MR 13051—Iced Tea Tumbler, 16 Ounces, Pink

MR 13052—Bento Box, 1 Compartment

MR 13053—Bento Box, 2 Compartments

MR 13054—Bento Box, 3 Compartments

MR 13055—Bento Box, Round, 2

Compartments

MR 13064—Set, Pan, Spring Form, 3 Piece

MR 13105—Muffin Pan, Mini, 24-Cup

MR 13087—Set, Cookie Sheet, 3 Piece

MR 13501—Wing Corkscrew

Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC

Contracting Activity: Military Resale-Defense Commissary Agency

NSN(s)—Product Name(s):

8440-00-290-0567—Belt, Trousers, Type XV, Size 33 (36")

8440-00-290-0568—Belt, Trousers, Size 39" (42")

8440-00-412-2312—Belt, Trousers, Type VII, Black, 39

8440-00-412-2326—Belt, Trousers, Type VIII, White, 33

8440-00-412-2341—Belt, Trousers, Type VIII, White, 39

8440-00-577-4177—Belt, Trousers, Type III, Khaki, 39

8440-00-634-5632—Belt, Trousers, Type III, Khaki, 33

8440-00-270-0541—Belt, Trousers, Type V, White, 33

8440-00-270-0542—Belt, Trousers, Type V, White, 39

Authorized Source of Supply: Travis

Association for the Blind, Austin, TX

Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):

MR 532—Cutlery, Heavy Duty

Authorized Source of Supply: LC Industries, Inc., Durham, NC

Contracting Activity: NEXCOM-Navy Exchange Service Command, Virginia Beach, VA

NSN(s)—Product Name(s):

MR 543—Flatware, Plastic, Seasonal, Red and Blue, Includes Shipper 10543

MR 586—Dual Action Dish Wand with Brush

MR 1055—Mop, Cellulose Sponge, Includes Shipper 11055

Authorized Source of Supply: LC Industries, Inc., Durham, NC

Contracting Activity: Military Resale-Defense

Commissary Agency
NSN(s)—Product Name(s):
 7930-01-621-6646—Detergent,
 Dishwashing, EPA Certified, BX/4
 Bottles
 7930-01-694-9775—Cleaner, Degreaser,
 Multipurpose, EPA Certified
 7930-01-618-2179—Rinse Additive,
 Dishwasher, EPA Certified, 2 Bottles
 7930-01-694-9778—Pre-Soak, Flatware,
 EPA Certified
 7930-01-695-1910—Cleaner, Floor,
 Environmentally Safe
 7930-01-671-7469—Dish Soap, Manual,
 EPA Certified
 6850-01-695-0086—De-Limer/De-Scaler,
 Dishwasher, EPA Certified
Authorized Source of Supply: Goodwill
 Vision Enterprises, Rochester, NY
Contracting Activity: GSA/FSS GREATER
 SOUTHWEST ACQUISITI, FORT
 WORTH, TX
NSN(s)—Product Name(s): 7510-01-683-
 3781—Toner Cartridge, LaserJet,
 Remanufactured, HP 78X, Black, Page
 Yield 3000
Authorized Source of Supply: Alabama
 Industries for the Blind, Talladega, AL
Contracting Activity: GSA/FAS ADMIN
 SVCS ACQUISITION BR(2, NEW YORK,
 NY
Service(s)
Service Type: Medical Transcription
Mandatory for: Department of Veterans
 Affairs, Durham VA Medical Center,
 Durham, NC
Authorized Source of Supply: Lighthouse for
 the Blind of Houston, Houston, TX
Contracting Activity: VETERANS AFFAIRS,
 DEPARTMENT OF, 246-NETWORK
 CONTRACTING OFFICE 6
Service Type: Eyewear Prescription Service
Mandatory for: Department of Veterans
 Affairs: Veteran Integrated Services
 Network 7 (Alabama, Georgia and South
 Carolina)
Authorized Source of Supply: Winston-Salem
 Industries for the Blind, Inc, Winston-
 Salem, NC
Contracting Activity: VETERANS AFFAIRS,
 DEPARTMENT OF, NAC
Service Type: Eyewear Prescription Service
Mandatory for: VA Outpatient Clinic, Port
 Richey, FL
Authorized Source of Supply: Winston-Salem
 Industries for the Blind, Inc, Winston-
 Salem, NC
Contracting Activity: VETERANS AFFAIRS,
 DEPARTMENT OF, NAC
Service Type: Eyewear Prescription Service
Mandatory for: Department of Veterans
 Affairs Medical Center: 6439 Garners
 Ferry Road, Columbia, SC
Authorized Source of Supply: Winston-Salem
 Industries for the Blind, Inc, Winston-
 Salem, NC
Contracting Activity: VETERANS AFFAIRS,
 DEPARTMENT OF, NAC
Service Type: Eyewear Prescription Service
Mandatory for: Department of Veterans
 Affairs Medical Center Outpatient Clinic:
 3510 Augusta Road, Greenville, SC
Authorized Source of Supply: Winston-Salem
 Industries for the Blind, Inc, Winston-

Salem, NC
Contracting Activity: VETERANS AFFAIRS,
 DEPARTMENT OF, NAC

Michael R. Jurkowski,
Director, Business Operations.
 [FR Doc. 2025-09315 Filed 5-22-25; 8:45 am]
BILLING CODE 6353-01-P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2009-0102]

Agency Information Collection Activities; Extension of Collection; National Electronic Injury Surveillance System (NEISS) and Follow-Up Activities for Product Related Injuries

AGENCY: Consumer Product Safety
Commission.

ACTION: Notice of information collection;
request for comment.

SUMMARY: As required by the Paperwork
Reduction Act of 1995, the Consumer
Product Safety Commission (CPSC or
Commission) announces that the
Commission has submitted to the Office
of Management and Budget (OMB) a
request for extension of approval of
information collection to obtain data on
consumer product-related injuries, and
follow-up activities for product-related
injuries. OMB previously approved the
collection of information under control
number 3041-0029. OMB's most recent
extension of approval will expire on
May 31, 2025. On February 27, 2025,
CPSC published a notice in the **Federal
Register** to announce the agency's
intention to seek extension of approval
of the collection of information. The
Commission received four comments.
By publication of this notice, the
Commission announces that CPSC has
submitted to the OMB a request for
extension of this collection of
information.

DATES: Submit comments on the
collection of information by June 23,
2025.

ADDRESSES: Submit comments about
this request by email: OIRA_submission@omb.eop.gov or fax: 202-
395-6881. Comments by mail should be
sent to the Office of Information and
Regulatory Affairs, Attn: OMB Desk
Officer for the CPSC, Office of
Management and Budget, Room 10235,
725 17th Street NW, Washington, DC
20503. Written comments that are sent
to OMB also should be submitted
electronically at <http://www.regulations.gov>, under Docket No.
CPSC-2009-0102.

FOR FURTHER INFORMATION CONTACT:
Cynthia Gillham, Consumer Product
Safety Commission, 4330 East West
Highway, Bethesda, MD 20814; (301)
504-7791, or by email to: pra@cpsc.gov.

SUPPLEMENTARY INFORMATION: CPSC
seeks to renew the following currently
approved collection of information:
Title: National Electronic Injury
Surveillance System (NEISS) and
Follow-up Activities for Product Related
Injuries.

OMB Number: 3041-0029.

Type of Review: Extension of
collection.

Frequency of Response: On occasion.

Affected Public: Hospitals and
individuals.

General Description of Collection: The
Consumer Product Safety Act (CPSA)
requires the Commission to collect
information related to the cause and
prevention of death, injury, and illness
associated with consumer products. 15
U.S.C. 2054(a). CPSC conducts
continuing studies and investigations of
deaths, injuries, diseases, other health
impairments, and economic losses
resulting from incidents involving
consumer products. CPSC obtains
information about product-related
deaths, injuries, and illnesses from a
variety of sources, including news
outlets, death certificates, consumer
complaints, and medical facilities. In
addition, CPSC operates the National
Electronic Injury Surveillance System
(NEISS) to collect data on consumer
product-related injuries treated in
hospital emergency departments in the
United States. CPSC also uses the NEISS
system to collect information on
childhood poisonings in accordance
with the Poison Prevention Packaging
Act of 1970.

From these sources, the CPSC selects
cases of interest for further investigation
by contacting individuals who
witnessed or were injured in incidents
involving consumer products. These
investigations are conducted on-site
(face-to-face), by telephone, or by the
internet. This information is also
collected by contacting state and local
officials, including police, coroners and
fire investigators, and others with
knowledge of the incident.

CPSC uses the information from this
collection to support development and
improvement of voluntary standards;
proceedings for the development of
mandatory standards and regulations;
information and education campaigns;
and administrative and judicial
proceedings for enforcement of the
statutes, standards, and regulations
administered by the agency. The
information collected informs the

agency in its efforts to remove unsafe products from channels of distribution and consumers' homes, and it provides information to the public about the safety of consumer products.¹

Estimated Number of Respondents: CPSC estimates a total number of 3,110 respondents, annually. CPSC estimates 160 respondents to NEISS, which includes hospitals that directly report information to NEISS and hospitals that allow access to a CPSC contractor who collects the data for NEISS. CPSC estimates 2,950 individual respondents expected to be interviewed by CPSC for further investigations of reported cases.

Estimated Time per Response: All NEISS data are reported electronically and NEISS coders directly submit data to CPSC through the internet on a CPSC-developed application called WebNEISS. The NEISS coders review an estimated 4.5 million emergency department charts annually. Each chart review requires approximately 30 seconds to review and determine if the record is reportable. On average, the

1.15 million reportable records take 2 minutes each to enter into WebNEISS. Records that qualify for a special study take an additional 90 seconds to 2 minutes to code. Collecting emergency department records for review, correcting error messages, and other tasks takes between 2.5 and 6 hours weekly. Respondents also spend about 8–36 hours per year participating in related activities (training, evaluations, and communicating with other hospital staff). The average burden per respondent is 720 hours. However, the total burden hours on each respondent varies, due to differences in the sizes of the hospitals (e.g., small rural hospitals versus large metropolitan hospitals). The smallest hospital will report an estimated 250 cases with a burden of about 150 hours, while the largest hospital will report an estimated 65,000 cases with a burden of about 4,500 hours.

Information for follow-up investigations from NEISS and other

sources is collected through traditional face-to-face, telephone, or internet-based interviews with consumers, witnesses, and other knowledgeable parties, such as fire, police, and healthcare professionals. On average, an on-site interview takes about 4.5 hours. CPSC staff also complete about 750 in-depth investigations (IDIs) by telephone through the use of a Computer Assisted Telephone Interview (CATI) or self-administered Computer Assisted Internet Interviews (CAII) questionnaires. Each CATI or CAII IDI requires about 20 minutes to complete. CPSC estimates 13,523 annual burden hours on these respondents: 13,275 hours for face-to-face interviews and 248 hours for in-depth telephone or internet interviews.

Total Estimated Annual Burden: Table 1 summarizes the burden of the collection. The total estimated annualized burden to respondents is 128,523 hours (115,248 for NEISS respondents and 13,523 for individuals).

TABLE 1—AVERAGE ANNUAL BURDEN

	Respondents	Frequency	Responses	Burden per response (minutes)	Total burden (hours)
NEISS	160	7,188	1,150,000	6.0	115,000
Other Respondents	2,950	1	2,950	275.0	13,523
Total	3,110	371	1,152,950	6.7	128,523

Total Estimated Annual Cost to Respondents: The total costs to NEISS respondents are estimated at approximately \$6.9 million. NEISS respondents enter into contracts with CPSC and are compensated for these costs. The average cost per respondent is estimated to be about \$43,000. The average cost per burden hour is estimated to be \$60 per hour (including wages and overhead). However, the actual cost to each respondent varies due to the type of respondent (hospital versus CPSC contractor), size of hospital, and regional differences in wages and overhead. Therefore, the actual annual cost for any given respondent may vary between \$3,000 at a small rural hospital, and \$550,000 at the largest metropolitan hospital.

CPSC estimates the value of the time required for reporting by other respondents to be \$46.84 an hour, the average cost for employee compensation

for civilian workers (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," September 2024: https://www.bls.gov/news.release/archives/ecec_12172024.pdf). At this valuation, the estimated annual cost to the public is about \$633,417 (13,523 burden hours × \$46.84 per hour = \$633,417.32).

Response to Public Comments: The Commission received four public comments. Three commenters, two anonymous and one from ASTM International Committee F15 on Consumer Products, expressed support for the renewal of information collection, with one anonymous commenter suggesting that the Commission utilize artificial intelligence (AI) to enhance information gathering and analysis. With the implementation of WebNEISS in 2024, CPSC integrated AI into the NEISS data collection to identify potential

misentries based on logical inconsistencies. CPSC staff continue to explore, test, implement, and utilize advanced AI in all phases of the NEISS data collection, processing, and dissemination.

The remaining commenter is Best Practice Quality LLC, which states it is a consulting firm. It recommended expanding the data fields to include product identifiers, usage context, and product condition to improve the quality and utility of NEISS data. It encouraged CPSC to provide prompts to hospital personnel to capture details about product involvement. It also encouraged the use of modern technologies to reduce reporting burden while providing accuracy. In addition, it encouraged collaboration with stakeholders to refine the data taxonomy and align NEISS inputs with evolving product safety standards.

¹ Through Interagency Agreements, the CPSC also has used and can use the NEISS system to collect information on injuries for the Centers for Disease Control and Prevention (CDC) (NEISS All Injury Program (NEISS-AIP)). In addition to the standard

data variables that have been collected and can be collected on all NEISS injuries, the NEISS-AIP collects additional variables on several studies for CDC (Firearm-Related Injuries, Adverse Drug Events, Assaults, and Self-Inflicted Violence) and

one study on non-crash motor vehicle-related injuries for the National Highway and Transportation Safety Administration (NHTSA).

NEISS is a voluntary program that relies on existing medical records information collected by hospital emergency departments using their existing infrastructure. Doctors, nurses, and intake personnel note what occurred that led to the injury, which often includes the mention of a consumer product, however, they rarely capture product brand names and models in their work as such information is rarely relevant to patient care. The narratives will sometimes describe whether a product was new or used, and the way the product was involved, to provide usage context. CPSC makes efforts to encourage medical staff at NEISS hospitals to include consumer product information in their records documentation, but the staff in the hospital departments ultimately decide what will go into the medical record which exists primarily for the hospital and its patients.

CPSC does not include brands or models in the data it shares publicly with ASTM due to restrictions in section 6(b) of the Consumer Product Safety Act. 15 U.S.C. 2055(b). With regard to the use of modern technologies, as mentioned above, CPSC uses AI-assisted logic in the use of its internet-enabled application to collect data.

Making changes to data taxonomy is done judiciously, as one of the functions of NEISS is to be able to detect changes over time to determine whether safety advances and interventions have been successful and to what degree. Agency staff meets regularly to discuss coding practices, including adding or altering product codes to account for changes in the products associated with injuries. Staff assigned to voluntary standards work have contributed to these deliberations, which has led to changes as needed.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2025-09251 Filed 5-22-25; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery; Request for Nominations

AGENCY: Department of the Army, DoD.

ACTION: Notice; request for nominations.

SUMMARY: The Advisory Committee on Arlington National Cemetery is an independent Federal Advisory

Committee chartered to provide the Secretary of Defense, through the Secretary of the Army, independent advice and recommendations on Arlington National Cemetery, including, but not limited to cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the Committee's advice and recommendations. The Committee is comprised of no more than nine (9) members. Membership will consist of those individuals with expertise in one or more of the following disciplines: bereavement practices and administrative oversight; organizational management; veterans' services; memorial erection; and master planning for extending the life of a cemetery. The purpose of this notice is to solicit nominations from a wide range of highly qualified persons to be considered for appointment to the Committee. Nominees may be appointed as members of the Committee and its sub-committees for terms of service ranging from one to four years. This notice solicits nominations to fill Committee membership vacancies that may occur through September 30, 2026. Nominees must be preeminent authorities in their respective fields of interest or expertise.

DATES: All nominations must be received (see **ADDRESSES**) no later than July 1, 2025.

ADDRESSES: Interested persons may submit a resume for consideration by the Department of the Army to the Committee's Alternate Designated Federal Officer at the following address: Advisory Committee on Arlington National Cemetery, ATTN: Alternate Designated Federal Officer (ADFO/Mr. Davis), Arlington National Cemetery, Arlington, VA 22211; and by email at ANC-Advisory-Committee@army.mil.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew R. Davis, Alternate Designated Federal Officer, by telephone (877) 907-8585 or by email at matthew.r.davis.civ@army.mil.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Arlington National Cemetery was established pursuant to title 10, United States Code (U.S.C.) section 7723. The selection, service, and appointment of members of the Committee are publicized in the Committee Charter, available on the Arlington National Cemetery website <https://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter>. The substance of the provisions of the Charter is as follows:

a. Selection. The Committee Charter provides that the Committee shall be comprised of no more than nine members, all of whom are preeminent authorities in their respective fields of interest or expertise.

By direction of the Secretary of the Army, all resumes submitted in response to this notice will be presented to and reviewed by a panel of three senior Army leaders. Potential nominees shall be prioritized after review and consideration of their resumes for the appropriate qualifications: demonstrated technical and professional expertise; preeminence in a field(s) of interest or expertise; potential contribution to membership balance in terms of the points of view represented and the functions to be performed; potential organizational and financial conflicts of interest; commitment to our Nation's veterans and their families; and published points of view relevant to the objectives of the Committee. The panel will provide the DFO with a prioritized list of potential nominees for consideration by The Executive Director, Army National Military Cemeteries who will make an initial recommendation to the Secretary of the Army. The Secretary of the Army, in consultation with the Special Assistant to the Secretary of Defense for White House Liaison, may request that the Secretary of Veterans Affairs and the Secretary of the American Battle Monuments Commission each nominate one individual for appointment to the ACANC to be considered by the DoD Appointing Authority. The Executive Director, Army National Military Cemeteries; the Secretary of the Army; and the Secretary of Defense are not limited or bound by the recommendations of the Army senior leader panel. Sources in addition to this **Federal Register** notice may be utilized in the solicitation and selection of nominations. The Secretary of the Army, in informal consultation with the SATSD(WHL), reviews the final list of nominees to choose candidates to be nominated for appointment by the DoD Appointing Authority.

b. Service. The Secretary of Defense may approve the appointment of a Committee member for a one-to-four year term of service; however, no member, unless authorized by the Secretary of Defense, may serve on the Committee or authorized subcommittee for more than two consecutive terms of service. The Secretary of the Army shall designate the Committee Chair/Co-Chair from the total Advisory Committee membership. The Committee meets at the call of the DFO, in consultation with the Committee Chair/Co-Chair. It is

estimated that the Committee meets up to three times per year.

c. Appointment. The operations of the Committee and the appointment of members are subject to the Federal Advisory Committee Act (5 U.S.C. ch. 10) and departmental implementing regulations, including Department of Defense Instruction 5105.04, Department of Defense Federal Advisory Committee Management Program, available at <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/510504p.pdf>. Appointed members who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 and shall serve as special government employees. Committee members appointed as special government employees shall serve without compensation except for reimbursable

travel and per diem expenses associated with official Committee activities.

Additional information about the Committee is available on the internet at: <https://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter>.

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2025-09348 Filed 5-22-25; 8:45 am]

BILLING CODE 3711-CC-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-29]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-29, Policy Justification, and Sensitivity of Technology.

Dated: May 20, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P


DEFENSE SECURITY COOPERATION AGENCY

 2800 Defense Pentagon
 Washington, DC 20301-2800

March 12, 2024

The Honorable Mike Johnson
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-29, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost \$1.69 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 24-29

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Poland

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$1.52 billion
Other	\$.17 billion
TOTAL	\$1.69 billion

Funding Source: National Funds
 (iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to seven hundred forty-five (745)
 AIM-120C-8 Advanced Medium
 Range Air-to-Air Missiles
 (AMRAAM)

Up to sixteen (16) AIM-120C-8
 AMRAAM Guidance Sections
 Fifty (50) LAU-129 Guided Missile

Launchers

Non-MDE:

Also included are AIM-120 Captive Air Training Missiles, missile containers, and control section spares; Common Munitions Built-in-Test Reprogramming Equipment; ADU-891 Adapter Group Test Sets; munitions support and support equipment; spare and repair parts, consumables, accessories, and repair and return support; contract

logistics support; classified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training support; transportation support; studies and surveys; United States (U.S.) Government and contractor engineering, technical, and logistical support services; and other related elements of logistics and program support.

(iv) *Military Department: Air Force* (PL-D-YAF)

(v) *Prior Related Cases, if any: PL-D-YAE, PL-D-QAV*

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time*

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*

(viii) *Date Report Delivered to Congress: March 12, 2024*

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—AIM-120C-8 Advanced Medium-Range Air-to-Air Missiles

The Government of Poland has requested to buy up to seven hundred forty-five (745) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM), up to sixteen (16) AIM-120C-8 AMRAAM guidance sections, and fifty (50) LAU-129 Guided Missile Launchers. Also included are AIM-120 Captive Air Training Missiles, missile containers, and control section spares; Common Munitions Built-in-Test Reprogramming Equipment; ADU-891 Adapter Group Test Sets; munitions support and support equipment; spare and repair parts, consumables, accessories, and repair and return support; contract logistics support; classified software delivery and support; classified and unclassified publications and technical documentation; personnel training and training support; transportation support; studies and surveys; U.S. Government and contractor engineering, technical, and logistical support services; and other related elements of logistics and program support. The estimated total cost is \$1.69 billion.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Poland's capability to meet current and

future threats by ensuring it has modern, capable air-to-air munitions. This sale will further advance the already high level of Polish Air Force interoperability with U.S. Joint Forces and other regional and NATO forces. The Government of Poland already has AMRAAMs in its inventory and will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Government of Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-29

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM-120C-8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air-launched, aerial intercept guided missile featuring digital technology and micro-miniature, solid-state electronics. AMRAAM capabilities include look-down and shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high and low-flying and maneuvering targets. This potential sale will include Captive Air Training Missiles, AMRAAM guidance section spares and control section spares, and LAU-129 guided missile launchers.

2. The Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is supporting equipment used to interface with weapon systems to initiate and report BIT results and to upload and download flight software. CMBRE supports multiple munitions platforms with a range of applications that perform preflight checks, periodic maintenance checks, loading of Operational Flight Program data, loading of munitions mission planning data, loading of Global Positioning System (GPS) cryptographic keys, and declassification of munitions memory.

3. The ADU-891 Adapter Group Test Set provides the physical and electrical interface between the CMBRE and the missile.

4. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to Poland.

[FR Doc. 2025-09346 Filed 5-22-25; 8:45 am]

BILLING CODE 6001-FR-C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-26]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-26, Policy Justification, and Sensitivity of Technology.

Dated: May 20, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

March 12, 2024

The Honorable Mike Johnson
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-26, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost \$219.1 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-26

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Poland

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$181.3 million
Other	\$ 37.8 million

TOTAL \$219.1 million

Funding Source: Foreign Military Financing and National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two hundred thirty-two (232) AIM-9X Sidewinder Block II Tactical Missiles
 Sixteen (16) AIM-9X Sidewinder Block II Tactical Missile Guidance Units

Non-MDE:

Also included are missile containers; training aids; active optical target detectors; spares; support equipment; missile support; United

States (U.S.) Government and contractor technical assistance; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (PL-P-ABH)

(v) *Prior Related Cases, if any:* PL-P-AAV

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress*: March 12, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—AIM-9X Block II Sidewinder Missiles

The Government of Poland has requested to buy two hundred thirty-two (232) AIM-9X Sidewinder Block II Tactical Missiles and sixteen (16) AIM-9X Sidewinder Block II Tactical Missile Guidance Units. Also included are missile containers; training aids; active optical target detectors; spares; support equipment; missile support; U.S. Government and contractor technical assistance; and other related elements of logistics and program support. The estimated total cost is \$219.1 million.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Poland's capability to meet current and future operational needs. The additional missiles will allow Poland to bolster its defenses while increasing NATO interoperability. Poland already has these missiles in its inventory and will have no difficulty absorbing the additional weapons into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Poland. However, periodic travel on a temporary basis will be required in conjunction

with program, technical, and management oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-26

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The AIM-9X Block II Sidewinder Missile represents a substantial increase in performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag and high angle of attack airframe, and the ability to integrate the Helmet Mounted Cueing System. The most current AIM-9X Block II Operational Flight Software developed for all International Partner countries, which is authorized by U.S. Government export policy, provides fifth-generation infrared missile capabilities such as Lock-On-After-Launch, Weapons Data Link, Surface Attack, and Surface Launch. No software source code or algorithms will be released.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Poland can provide substantially

the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Poland.

[FR Doc. 2025-09345 Filed 5-22-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-18]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

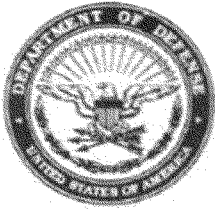
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-18, Policy Justification, and Sensitivity of Technology.

Dated: May 20, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

March 15, 2024

The Honorable Mike Johnson
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-18, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Italy for defense articles and services estimated to cost \$90.6 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-18

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Italy

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$63.2 million
Other	\$27.4 million

TOTAL	\$90.6 million
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(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Foreign Military Sales case IT-P-AKZ was below congressional notification threshold at \$34.1 million (\$24.1 million in MDE) and included twenty-eight (28) AIM-9X Sidewinder Block II+ Tactical Missiles; two (2) AIM-9X Block II+ Tactical Guidance Units; ten (10) AIM-9X Captive Air Training Missiles (CATM); and one (1) AIM-9X CATM Guidance Unit. The Government of Italy has requested the case be amended to include an additional twelve (12) AIM-9X Sidewinder Block II+ Tactical Missiles; two (2) AIM-9X Block II+ Tactical Guidance Units; four (4) AIM-

9X CATM; and one (1) AIM-9X CATM Guidance Unit.

Foreign Military Sales case IT-P-ALA was below congressional notification threshold at \$17.6 million (\$9.7 million in MDE) and included ten (10) AIM-9X Sidewinder Block II+ Tactical Missiles; one (1) AIM-9X Block II+ Tactical Guidance Unit; six (6) AIM-9X CATM; and one (1) AIM-9X CATM Guidance Unit. The Government of Italy has requested the case be amended to include an additional sixteen (16) AIM-9X Sidewinder Block II+ Tactical Missiles; two (2) AIM-9X Block II+ Tactical Guidance Units; four (4) AIM-

9X CATM; and one (1) AIM-9X CATM Guidance Unit.

These amendments will cause the cases to exceed the MDE notification threshold, and thus notification of the entire program is required. The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

- Sixty-six (66) AIM-9X Sidewinder Block II+ Tactical Missiles
- Seven (7) AIM-9X Block II+ Tactical Guidance Units
- Twenty-four (24) AIM-9X CATM
- Four (4) AIM-9X CATM Guidance Units

Non-MDE:

Also included are active optical target detectors; containers; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; United States (U.S.) Government engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (IT-P-AKZ, IT-P-ALA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* March 15, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Italy—AIM-9X Sidewinder Missiles

The Government of Italy has requested to buy twenty-eight (28) AIM-9X Sidewinder Block II+ Tactical Missiles; four (4) AIM-9X Block II+ Tactical Guidance Units; eight (8) AIM-9X Captive Air Training Missiles (CATM); and two (2) AIM-9X CATM Guidance Units that will be added to previously implemented cases whose values were under the congressional notification threshold. The original Foreign Military Sales cases, valued at \$34.1 million (\$24.1 million in MDE) and \$17.6 million (\$9.7 million in MDE), respectively, included a total of thirty-eight (38) AIM-9X Sidewinder Block II+ Tactical Missiles; three (3) AIM-9X Block II+ Tactical Guidance Units; sixteen (16) AIM-9X CATM; and two (2) AIM-9X CATM Guidance Units. This notification is for a combined total of sixty-six (66) AIM-9X Sidewinder Block II+ Tactical Missiles; seven (7)

AIM-9X Block II+ Tactical Guidance Units; twenty-four (24) AIM-9X CATM; and four (4) AIM-9X CATM Guidance Units. Also included are active optical target detectors; containers; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; U.S. Government engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$90.6 million.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Italy's capability to meet current and future threats by providing training missiles and guidance units for Italy's F-35 fleet in support of NATO's defense mission. Italy will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, located in Arlington, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Italy. However, periodic travel on a temporary basis will be required on an interim basis for training and technical assistance.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-18

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM-9X Block II and Block II+ (Plus) Sidewinder Tactical Missile represents a substantial increase in performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe, and the ability to integrate the Helmet Mounted Cueing System. The most current AIM-9X Block II/II+ Operational Flight Software developed for all international partners, which is authorized for export by U.S.

Government export policy, provides fifth-generation infrared missile capabilities such as Lock-On-After-Launch, Weapons Data Link, Surface Attack, and Surface Launch. No software source code or algorithms will be released.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Italy can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Italy.

[FR Doc. 2025-09350 Filed 5-22-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-33]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

Pamela Young at (703) 953-6092, pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

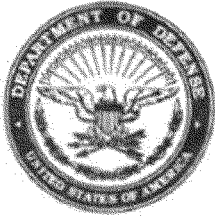
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24-33, Policy Justification, and Sensitivity of Technology.

Dated: May 20, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

March 12, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-33, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost \$1.77 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 24-33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Poland

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$1.67 billion
Other	\$.10 billion
TOTAL	\$1.77 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to eight hundred twenty-one (821) AGM-158B-2 Joint Air-to-Surface Standoff Missiles with Extended Range (JASSM-ER) All-Up-Rounds

Non-MDE:

Also included are AGM-158 JASSM classified test equipment; weapon system support; integration and test support and equipment; classified software delivery and support; unclassified publications and technical documentation; transportation; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (PL-D-YAG)

(v) *Prior Related Cases, if any:* PL-D-YAB, PL-D-YAD

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* March 12, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—AGM-158B-2 Joint Air-to-Surface Standoff Missile with Extended Range All-Up-Rounds

The Government of Poland has requested to buy up to eight hundred twenty-one (821) AGM-158B-2 Joint Air-to-Surface Standoff Missiles with Extended Range (JASSM-ER) All-Up-Rounds. Also included are AGM-158 JASSM classified test equipment; weapon system support; integration and test support and equipment; classified software delivery and support; unclassified publications and technical documentation; transportation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$1.77 billion.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Poland's capability to meet current and future threats by providing advanced,

long-range strike systems for employment from Polish Air Force air platforms. This sale will further advance the already high level of Polish Air Force interoperability with U.S. joint forces and other regional and NATO forces. Poland already has JASSM-ERs in its inventory and will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Orlando, FL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Government of Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24-33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AGM-158B-2 Joint Air-to-Surface Standoff Missile with Extended Range (JASSM-ER) All-Up-Rounds is a low-observable, highly-survivable, subsonic cruise missile designed to penetrate next-generation air defense systems enroute to target. The JASSM-ER is designed to kill hard, medium-hardened, soft, and area-type targets. The extended range was obtained by going from a turbo jet to a turbo-fan engine and by reconfiguring the fuel tanks for added capacity. This potential sale will include inert missiles with test instrumentation kits.

2. The AGM-158B-2 system capabilities include all the capabilities of the AGM-158B. The AGM-158B-2 configuration will have different internal components to address multiple obsolescence issues as well as subcomponent updates to position for M-Code and other potential upgrades.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or

be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to Poland.

[FR Doc. 2025-09347 Filed 5-22-25; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Defense Human Resources Activity, Department of Defense (DoD).

ACTION: Notice of revised per diem rates in non-foreign areas outside the Continental U.S.

SUMMARY: Defense Human Resources Activity publishes this Civilian Personnel Per Diem Bulletin Number 328. Bulletin Number 328 lists current per diem rates prescribed for reimbursement of subsistence expenses while on official Government travel to Alaska, Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States. The Fiscal Year (FY) 2025 lodging rate review for Guam, American Samoa, Midway Islands, Northern Mariana Islands, and Wake Island resulted in rate changes for multiple locations. The meal rate for Wake Island was also updated during this review.

DATES: The updated rates take effect March 1, 2025.

FOR FURTHER INFORMATION CONTACT: Mr. John Kenney, 571-372-1300, john.p.kenney.civ@mail.mil.

SUPPLEMENTARY INFORMATION: This document notifies the public of revisions in per diem rates prescribed by the Per Diem, Travel, and Transportation Allowance Committee for travel to non-foreign areas outside the continental United States. The FY 2025 lodging rate review for Guam, American Samoa, Midway Islands, Northern Mariana Islands, and Wake Island resulted in lodging rate increases for three locations. The review also resulted in a meal rate increase for Wake Island. Bulletin Number 328 is published in the **Federal Register** to ensure that Government travelers

outside the DoD are notified of revisions to the current reimbursement rates.

If you believe the lodging, meal or incidental allowance rate for a locality listed in the following table is insufficient, you may request a rate

review for that location. For more information about how to request a review, please see the Defense Travel Management Office's Per Diem Rate Review Frequently Asked Questions (FAQ) page at [https://](https://www.travel.dod.mil/Travel-Transportation-Rates/Per-Diem/)

www.travel.dod.mil/Travel-Transportation-Rates/Per-Diem/.

Dated: May 20, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	[OTHER]	01/01	12/31	230	121	351	02/01/2024
ALASKA	ADAK	01/01	12/31	230	121	351	02/01/2024
ALASKA	ANCHORAGE	05/01	08/31	279	145	424	02/01/2024
ALASKA	ANCHORAGE	09/01	04/30	229	145	374	02/01/2024
ALASKA	BARROW	05/01	08/31	301	129	430	02/01/2024
ALASKA	BARROW	09/01	04/30	266	129	395	02/01/2024
ALASKA	BARTER ISLAND LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	BETHEL	01/01	12/31	230	101	331	02/01/2024
ALASKA	BETTLES	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	CAPE LISBURNE LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	CAPE NEWENHAM LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	CAPE ROMANZOF LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	CLEAR AB	01/01	12/31	230	121	351	02/01/2024
ALASKA	COLD BAY	01/01	12/31	230	121	351	02/01/2024
ALASKA	COLD BAY LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	COLDFOOT	01/01	12/31	249	93	342	02/01/2024
ALASKA	COPPER CENTER	01/01	12/31	230	121	351	02/01/2024
ALASKA	CORDOVA	01/01	12/31	230	106	336	02/01/2024
ALASKA	CRAIG	05/01	09/30	274	94	368	02/01/2024
ALASKA	CRAIG	10/01	04/30	179	94	273	02/01/2024
ALASKA	DEADHORSE	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	DELTA JUNCTION	01/01	12/31	230	106	336	02/01/2024
ALASKA	DENALI NATIONAL PARK	05/01	09/30	274	118	392	02/01/2024
ALASKA	DENALI NATIONAL PARK	10/01	04/30	179	118	297	02/01/2024
ALASKA	DILLINGHAM	01/01	12/31	320	113	433	02/01/2024
ALASKA	DUTCH HARBOR-UNALASKA	01/01	12/31	230	129	359	02/01/2024
ALASKA	EARECKSON AIR STATION	01/01	12/31	146	74	220	02/01/2024
ALASKA	EIELSON AFB	05/16	09/30	254	108	362	02/01/2024
ALASKA	EIELSON AFB	10/01	05/15	179	108	287	02/01/2024
ALASKA	ELFIN COVE	01/01	12/31	230	121	351	02/01/2024
ALASKA	ELMENDORF AFB	05/01	08/31	279	145	424	02/01/2024
ALASKA	ELMENDORF AFB	09/01	04/30	229	145	374	02/01/2024
ALASKA	FAIRBANKS	05/16	09/30	254	108	362	02/01/2024
ALASKA	FAIRBANKS	10/01	05/15	179	108	287	02/01/2024
ALASKA	FORT YUKON LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	FT. GREELEY	01/01	12/31	230	106	336	02/01/2024
ALASKA	FT. RICHARDSON	05/01	08/31	279	145	424	02/01/2024
ALASKA	FT. RICHARDSON	09/01	04/30	229	145	374	02/01/2024
ALASKA	FT. WAINWRIGHT	05/16	09/30	254	108	362	02/01/2024
ALASKA	FT. WAINWRIGHT	10/01	05/15	179	108	287	02/01/2024
ALASKA	GAMBELL	01/01	12/31	230	121	351	02/01/2024
ALASKA	GLENNALLEN	01/01	12/31	230	121	351	02/01/2024
ALASKA	HAINES	01/01	12/31	230	113	343	02/01/2024
ALASKA	HEALY	05/01	09/30	274	118	392	02/01/2024
ALASKA	HEALY	10/01	04/30	179	118	297	02/01/2024
ALASKA	HOMER	05/01	09/30	274	124	398	02/01/2024
ALASKA	HOMER	10/01	04/30	179	124	303	02/01/2024
ALASKA	JB ELMENDORF-RICHARDSON	05/01	08/31	279	145	424	02/01/2024
ALASKA	JB ELMENDORF-RICHARDSON	09/01	04/30	229	145	374	02/01/2024
ALASKA	JUNEAU	02/01	10/31	274	118	392	02/01/2024
ALASKA	JUNEAU	11/01	01/31	214	118	332	02/01/2024
ALASKA	KAKTOVIK	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	KAVIK CAMP	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	KENAI-SOLDOTNA	05/01	10/31	274	113	387	02/01/2024
ALASKA	KENAI-SOLDOTNA	11/01	04/30	179	113	292	02/01/2024
ALASKA	KENNICOTT	01/01	12/31	230	121	351	02/01/2024
ALASKA	KETCHIKAN	05/01	09/30	275	118	393	02/01/2024
ALASKA	KETCHIKAN	10/01	04/30	160	118	278	02/01/2024
ALASKA	KING SALMON	01/01	12/31	230	121	351	02/01/2024
ALASKA	KING SALMON LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	KLAWOCK	01/01	12/31	230	94	324	02/01/2024
ALASKA	KODIAK	02/01	10/31	231	109	340	02/01/2024
ALASKA	KODIAK	11/01	01/31	138	109	247	02/01/2024
ALASKA	KOTZEBUE	01/01	12/31	230	121	351	02/01/2024
ALASKA	KULIS AGS	05/01	08/31	279	145	424	02/01/2024
ALASKA	KULIS AGS	09/01	04/30	229	145	374	02/01/2024
ALASKA	MCCARTHY	01/01	12/31	230	121	351	02/01/2024
ALASKA	MCGRATH	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	MURPHY DOME	05/16	09/30	254	108	362	02/01/2024
ALASKA	MURPHY DOME	10/01	05/15	179	108	287	02/01/2024
ALASKA	NOME	05/01	08/31	274	118	392	02/01/2024
ALASKA	NOME	09/01	04/30	242	118	360	02/01/2024
ALASKA	NOSC ANCHORAGE	05/01	08/31	279	145	424	02/01/2024
ALASKA	NOSC ANCHORAGE	09/01	04/30	229	145	374	02/01/2024

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	NUIQSUT	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	OLIKTOK LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	PALMER	05/01	09/30	274	131	405	02/01/2024
ALASKA	PALMER	10/01	04/30	196	131	327	02/01/2024
ALASKA	PETERSBURG	01/01	12/31	230	108	338	02/01/2024
ALASKA	POINT BARROW LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	POINT HOPE	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	POINT LONELY LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	PORT ALEXANDER	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	PORT ALSWORTH	01/01	12/31	230	121	351	02/01/2024
ALASKA	PRUDHOE BAY	01/01	12/31	230	121	* 351	02/01/2024
ALASKA	SELDOVIA	05/01	09/30	274	124	398	02/01/2024
ALASKA	SELDOVIA	10/01	04/30	179	124	303	02/01/2024
ALASKA	SEWARD	04/01	09/30	284	164	448	02/01/2024
ALASKA	SEWARD	10/01	03/31	179	164	343	02/01/2024
ALASKA	SITKA-MT. EDGE CUMBE	05/01	09/30	274	116	390	02/01/2024
ALASKA	SITKA-MT. EDGE CUMBE	10/01	04/30	199	116	315	02/01/2024
ALASKA	SKAGWAY	05/01	09/30	274	118	392	02/01/2024
ALASKA	SKAGWAY	10/01	04/30	179	118	297	02/01/2024
ALASKA	SLANA	01/01	12/31	230	121	351	02/01/2024
ALASKA	SPARREVOHN LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	SPRUCE CAPE	03/01	09/30	274	109	383	02/01/2024
ALASKA	SPRUCE CAPE	10/01	02/28	179	109	288	02/01/2024
ALASKA	ST. GEORGE	01/01	12/31	230	121	351	02/01/2024
ALASKA	TALKEETNA	01/01	12/31	230	123	353	02/01/2024
ALASKA	TANANA	05/01	08/31	274	118	392	02/01/2024
ALASKA	TANANA	09/01	04/30	242	118	360	02/01/2024
ALASKA	TATALINA LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	TIN CITY LRRS	01/01	12/31	230	121	351	02/01/2024
ALASKA	TOK	01/01	12/31	230	113	343	02/01/2024
ALASKA	VALDEZ	05/16	09/15	274	110	384	02/01/2024
ALASKA	VALDEZ	09/16	05/15	179	110	289	02/01/2024
ALASKA	WAINWRIGHT	01/01	12/31	295	77	372	02/01/2024
ALASKA	WASILLA	06/01	09/30	274	104	378	02/01/2024
ALASKA	WASILLA	10/01	05/31	179	104	283	02/01/2024
ALASKA	WRANGELL	05/01	09/30	275	118	393	02/01/2024
ALASKA	WRANGELL	10/01	04/30	160	118	278	02/01/2024
ALASKA	YAKUTAT	06/01	09/30	350	111	461	02/01/2024
ALASKA	YAKUTAT	10/01	05/31	179	111	290	02/01/2024
AMERICAN SAMOA	AMERICAN SAMOA	01/01	12/31	149	103	252	05/01/2023
AMERICAN SAMOA	PAGO PAGO	01/01	12/31	149	103	252	05/01/2023
GUAM	GUAM (INCL ALL MIL INSTAL)	01/01	12/31	179	124	303	03/01/2025
GUAM	JOINT REGION MARIANAS (ANDERSEN).	01/01	12/31	179	124	303	03/01/2025
GUAM	JOINT REGION MARIANAS (NAVAL BASE).	01/01	12/31	179	124	303	03/01/2025
GUAM	TAMUNING	01/01	12/31	179	124	303	03/01/2025
HAWAII	[OTHER]	01/01	12/31	229	157	386	02/01/2023
HAWAII	CAMP H M SMITH	01/01	12/31	202	157	359	02/01/2023
HAWAII	CNI NAVMAG PEARL HARBOR-HICKAM.	01/01	12/31	202	157	359	02/01/2023
HAWAII	FT. DERUSSEY	01/01	12/31	202	157	359	02/01/2023
HAWAII	FT. SHAFTER	01/01	12/31	202	157	359	02/01/2023
HAWAII	HICKAM AFB	01/01	12/31	202	157	359	02/01/2023
HAWAII	HONOLULU	01/01	12/31	202	157	359	02/01/2023
HAWAII	ISLE OF HAWAII: HILO	01/01	12/31	199	146	345	02/01/2023
HAWAII	ISLE OF HAWAII: LOCATIONS OTHER THAN HILO.	01/01	12/31	229	173	402	02/01/2023
HAWAII	ISLE OF KAUAI	01/01	12/31	325	165	490	02/01/2023
HAWAII	ISLE OF LANAI	01/01	12/31	229	157	386	02/01/2023
HAWAII	ISLE OF MAUI	01/01	12/31	354	153	507	02/01/2023
HAWAII	ISLE OF MOLOKAI	01/01	12/31	229	157	386	02/01/2023
HAWAII	ISLE OF OAHU	01/01	12/31	202	157	359	02/01/2023
HAWAII	JB PEARL HARBOR-HICKAM	01/01	12/31	202	157	359	02/01/2023
HAWAII	KAPOLEI	01/01	12/31	202	157	359	02/01/2023
HAWAII	KEKAHA PACIFIC MISSILE RANGE FAC.	01/01	12/31	325	165	490	03/01/23
HAWAII	KILAUEA MILITARY CAMP	01/01	12/31	199	146	345	02/01/2023
HAWAII	LIHUE	01/01	12/31	325	165	490	02/01/2023
HAWAII	MCB HAWAII	01/01	12/31	202	157	359	02/01/2023
HAWAII	NCTAMS PAC WAHIAWA	01/01	12/31	202	157	359	02/01/2023
HAWAII	NOSC PEARL HARBOR	01/01	12/31	202	157	359	02/01/2023
HAWAII	PEARL HARBOR	01/01	12/31	202	157	359	02/01/2023
HAWAII	PMRF BARKING SANDS	01/01	12/31	325	165	490	02/01/2023
HAWAII	SCHOFIELD BARRACKS	01/01	12/31	202	157	359	02/01/2023
HAWAII	TRIPLER ARMY MEDICAL CENTER.	01/01	12/31	202	157	359	02/01/2023
HAWAII	WHEELER ARMY AIRFIELD	01/01	12/31	202	157	359	02/01/2023
MIDWAY ISLANDS	MIDWAY ISLANDS	01/01	12/31	125	81	206	05/01/2023
NORTHERN MARIANA ISLANDS	ROTA	01/01	12/31	161	125	286	03/01/2025
NORTHERN MARIANA ISLANDS	SAIPAN	01/01	12/31	161	113	274	05/01/2023
NORTHERN MARIANA ISLANDS	TINIAN	01/01	12/31	161	95	256	03/01/2025
PUERTO RICO	[OTHER]	01/01	12/31	183	116	299	06/01/2024

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
PUERTO RICO	AGUADILLA	01/01	12/31	149	97	246	06/01/2024
PUERTO RICO	BAYAMON	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	BAYAMON	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	CAROLINA	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	CAROLINA	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	CEIBA	01/01	12/31	183	110	293	06/01/2024
PUERTO RICO	CULEBRA	01/01	12/31	183	116	299	06/01/2024
PUERTO RICO	FAJARDO [INCL ROOSEVELT RDS NAVSTAT].	01/01	12/31	183	110	293	06/01/2024
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	HUMACAO	01/01	12/31	183	110	293	06/01/2024
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	LUQUILLO	01/01	12/31	183	110	293	06/01/2024
PUERTO RICO	MAYAGUEZ	01/01	12/31	129	116	245	06/01/2024
PUERTO RICO	PONCE	01/01	12/31	149	146	295	06/01/2024
PUERTO RICO	RIO GRANDE	01/01	12/31	219	97	316	06/01/2024
PUERTO RICO	SABANA SECA [INCL ALL MILI- TARY].	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	SABANA SECA [INCL ALL MILI- TARY].	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	SAN JUAN & NAV RES STA	12/01	06/30	245	148	393	06/01/2024
PUERTO RICO	SAN JUAN & NAV RES STA	07/01	11/30	217	148	365	06/01/2024
PUERTO RICO	VIEQUES	01/01	12/31	183	125	308	06/01/2024
VIRGIN ISLANDS (U.S.)	ST. CROIX	07/01	10/31	247	115	362	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. CROIX	11/01	06/30	299	115	414	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. JOHN	04/15	12/15	324	150	474	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. JOHN	12/16	04/14	414	150	564	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. THOMAS	04/15	12/15	324	150	474	10/01/2024
VIRGIN ISLANDS (U.S.)	ST. THOMAS	12/16	04/14	414	150	564	10/01/2024
WAKE ISLAND	WAKE ISLAND	01/01	12/31	136	78	214	03/01/2025

* Where meals are included in the lodging rate, a traveler is only allowed a meal rate on the first and last day of travel.

[FR Doc. 2025–09317 Filed 5–22–25; 8:45 am]

BILLING CODE 6001–FR–P

ELECTION ASSISTANCE COMMISSION

Technical Guidelines Development Committee (TGDC) Notice of Vacancy

AGENCY: Election Assistance Commission.

ACTION: Notice of vacancy.

SUMMARY: Pursuant to the Help America Vote Act (HAVA) and the Charter of the EAC Technical Guidelines Development Committee (TGDC), the EAC is posting this notice of vacancy for a Board of Advisors representative to the TGDC. The vacancy shall be filled jointly by the EAC and the Director of the National Institute of Standards and Technology (NIST).

ADDRESSES: Pursuant to the TGDC Charter, the EAC will post the notice on the EAC website: <https://www.eac.gov>. Interested Board of Advisors members should contact the Alternate Designated Federal Official Adam Thomas by email, athomas@eac.gov.

SUPPLEMENTARY INFORMATION:

The Technical Guidelines Development Committee (TGDC) is a non-discretionary Federal Advisory Committee established by the Help America Vote Act of 2002 (HAVA),

Public Law 107–252, 116 Stat. 1666 (2002). The TGDC assists the EAC in developing the Voluntary Voting System Guidelines (VMSG). The chairperson of the TGDC is the director of the National Institute of Standards and Technology (NIST). The TGDC is composed of 14 other members appointed jointly by EAC and the director of NIST.

HAVA mandates that the 14 other members appointed jointly by the EAC and NIST must include an equal number of members of the EAC Standards Board, members of the EAC Board of Advisors, and members of the Architectural and Transportation Barrier Compliance Board. The TGDC Charter requires that notice of vacancies on the Committee for those individuals jointly appointed by EAC and NIST be published in the **Federal Register** as well as on the Commission's website. Pursuant to HAVA and the TGDC charter, the EAC is publishing this notice of vacancy on the TGDC for a representative of the EAC Board of Advisors. This vacancy shall be filled through a joint appointment of a current member of the EAC Board of Advisors by the EAC and NIST.

Camden Kelliher,

General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2025–09336 Filed 5–22–25; 8:45 am]

BILLING CODE 4810–71–P

DEPARTMENT OF ENERGY

[Docket No. 22–110–LNG]

NFE Altamira FLNG, S. de R.L. de C.V.; Application To Amend Export Term Through December 31, 2050, for Existing Non-Free Trade Agreement Authorization

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed on April 1, 2025, by NFE Altamira FLNG, S. de R.L. de C.V. (NFE Altamira). NFE Altamira seeks to amend the export term set forth in its current authorization to export liquefied natural gas (LNG) to non-free trade agreement countries, DOE/FECM Order No. 5156, to a term ending on December 31, 2050. NFE Altamira filed the Application under the Natural Gas Act (NGA). Protests, motions to intervene, notices of intervention, and written comments on the requested term extension are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable,

requests for additional procedures, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, on June 9, 2025.

ADDRESSES:

Electronic Filing by Email (strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-4749 or (202) 586-7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Irene V. Norville, U.S. Department of Energy (GC-76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 702-5679, irene.norville@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On August 31, 2024, in Order No. 5156, DOE authorized NFE Altamira to re-export U.S.-sourced natural gas in the form of LNG (whether the U.S.-sourced natural gas is purchased in the United States or Mexico) in a volume equivalent to 145 billion cubic feet per year of natural gas, pursuant to NGA section 3(a), 15 U.S.C. 717b(a).¹ NFE Altamira is authorized to export this LNG by vessel from the existing New Fortress Energy Altamira FLNG Project (Project), located off the coast of Altamira, Tamaulipas, Mexico, to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries)

for a five-year term extending through August 30, 2029.

In the Application,² NFE Altamira asks DOE to extend its current export term to a term ending on December 31, 2050, because it contends that “the record developed before DOE/FECM already contains sufficient analysis supporting a Non-FTA authorization term through 2050.”³ Additional details can be found in the Application, posted on the DOE website at: https://www.energy.gov/sites/default/files/2025-04/NFE%20Non-FTA%20Term%20Extension%20Request_2-110-LNG.pdf.

DOE Evaluation

On August 25, 2020, DOE issued a policy statement entitled, “Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050” (Policy Statement).⁴ In the Policy Statement, DOE adopted a term through December 31, 2050 (inclusive of any make-up period), as the standard export term for long-term non-FTA authorizations.⁵ As the basis for its decision, DOE considered its obligations under NGA section 3(a), the public comments supporting and opposing the proposed Policy Statement, and a wide range of information bearing on the public interest.⁶ DOE explained that, upon receipt of an application under the Policy Statement, it would conduct a public interest analysis of the application under NGA section 3(a). DOE further stated that “the public interest analysis will be limited to the application for the term extension—meaning an intervenor or protestor may challenge the requested extension but not the existing non-FTA order.”⁷

In Order No. 5156, DOE noted that although NFE Altamira originally requested an export term that extends through December 31, 2050, the export term would be five years due to the absence of a complete record on which to grant a non-FTA authorization

through the year 2050.⁸ Order No. 5156 provided that NFE Altamira may apply for an amendment to extend the five-year export term, which DOE would evaluate based on the record in existence at the time of the amendment application.⁹

Accordingly, in reviewing NFE Altamira's Application, DOE will consider any issues required by law or policy under NGA section 3(a), as informed by the Policy Statement, DOE's regulations, and any other documents deemed appropriate. To the extent appropriate, DOE will consider the study entitled, *2024 LNG Export Study: Energy, Economic and Environmental Assessment of U.S. LNG Exports* (2024 LNG Export Study),¹⁰ DOE's response to public comments received on that Study,¹¹ and any other relevant information contained in the record of this proceeding. Parties that may oppose the Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 15 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention. The public previously was given an opportunity to intervene in, protest, and comment on NFE Altamira's long-term non-FTA application. Therefore, DOE will not consider comments or protests that do not bear directly on the requested term extension.

⁸ Order No. 5156 at 27–28.

⁹ *See id.* at 28.

¹⁰ *See* OnLocation, Inc., *Energy, Economic and Environmental Assessment of U.S. LNG Exports* (Dec. 17, 2024), https://www.energy.gov/sites/default/files/2024-12/LNGUpdate_SummaryReport_Dec2024_230pm.pdf. The 2024 LNG Export Study, including all appendices, is available at <https://fossil.energy.gov/app/docketindex/docket/index/30>.

¹¹ U.S. Dep't of Energy, *Energy, Economic and Environmental Assessment of U.S. LNG Exports: Response to Comments Received on Study*; https://www.energy.gov/sites/default/files/2025-05/2024%20LNG%20Export%20Study_Response%20to%20Comments_Final_05.19.2025.pdf (May, 2025).

¹ *NFE Altamira FLNG, S. de R.L. de C.V.*, DOE/FECM Order No. 5156, Docket No. 22–110–LNG, Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Nations (Aug. 31, 2024) [hereinafter Order No. 5156].

² *NFE Altamira FLNG, S. de R.L. de C.V.*, Request for Extension of Term, DOE/FECM Order No. 5156, Docket No. 22–110–LNG (Apr. 1, 2024). NFE Altamira's FTA authorization, under Docket No. 22–110–LNG, DOE/FECM Order No. 4960 (Mar. 3, 2023), granted a term extending through December 31, 2050, and is not subject to this Notice. *See* 15 U.S.C. 717b(c).

³ *Id.* at 3.

⁴ U.S. Dep't of Energy, *Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050*; Notice of Final Policy Statement and Response to Comments, 85 FR 52237 (Aug. 25, 2020) [hereinafter Policy Statement].

⁵ *See id.*, 85 FR 52247.

⁶ *See id.*

⁷ *Id.*

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to this proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to “Docket No. 22–110–LNG” or “NFE Altamira FLNG Application” in the title line.

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Application and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties’ written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

Signed in Washington, DC, on May 19, 2025.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2025–09291 Filed 5–22–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 16–144–LNG]

Change In Control: Louisiana LNG Infrastructure LLC

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of change in control.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Statement of Change in Control filed by Louisiana LNG Infrastructure LLC (Louisiana LNG) on May 1, 2025 (Statement). The Statement describes an anticipated change in Louisiana LNG’s upstream ownership. The Statement was filed under the Natural Gas Act, and in accordance with DOE’s regulations and DOE’s Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas (CIC Procedures).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, June 9, 2025.

ADDRESSES:

Electronic Filing by Email (strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE’s receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–

4749 or (202) 586–7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Irene V. Norville, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 702–5679, irene.norville@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Summary of Change in Control

According to the Statement, Louisiana LNG is currently an indirect, wholly-owned subsidiary of Woodside Energy Holdings (NA) LLC, a Delaware limited liability company and an indirect, wholly-owned subsidiary of Woodside Energy Group Ltd (Woodside), an Australian company. Louisiana LNG states that, earlier this year, Woodside entered into a binding agreement with Stonepeak Wallaby I Acquiror LP (Stonepeak), a Delaware limited partnership, under which Stonepeak will acquire a 40 percent equity interest in Louisiana LNG (Proposed Transaction). Specifically, Stonepeak will contribute approximately \$5.7 billion in equity toward the expected capital expenditure for the development of the first three liquefaction plants (and associated common facilities) of the Woodside Louisiana LNG Project, the proposed facility—currently under construction—from which Louisiana LNG holds authorization to export liquefied natural gas (LNG).

Louisiana LNG states that the Proposed Transaction is anticipated to close in the second quarter of 2025. Louisiana LNG further states that, after the Proposed Transaction is consummated, it will continue to be the sole holder of the export authorizations at issue.

The Statement includes a chart illustrating the ownership structure of Louisiana LNG following the closing of the Proposed Transaction. Additional details can be found in the Statement, posted on the DOE website at: <https://www.energy.gov/sites/default/files/2025-05/LALNG%20CIC%20%28Stonepeak%29.pdf>.

DOE Evaluation

DOE will review the Statement in accordance with its CIC Procedures.¹ Consistent with the CIC Procedures, this notice addresses Louisiana LNG’s existing authorization to export LNG to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and

¹ 79 FR 65541 (Nov. 5, 2014).

with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FE Order No. 4373,² as amended.³ If no interested person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying authorization inconsistent with the public interest.

Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move to intervene, protest, and answer the Statement.⁴ Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Statement. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to "Docket No. 16–144–LNG" or "Louisiana LNG Change in Control" in the title line.

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the

filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Statement, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

Signed in Washington, DC, on May 19, 2025.

Amy R. Sweeney,
Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2025–09289 Filed 5–22–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN24–2–000]

American Efficient, LLC, Modern Energy Group LLC, MIH LLC, Midcontinent Energy LLC, Wylan Energy, LLC, Affirmed Energy LLC; Updated Notice of Designation of Commission Staff as Non-Decisional

With respect to an order issued by the Commission on December 16, 2024, in the above-captioned docket, with the exceptions noted below, the staff of the Office of Enforcement are designated as non-decisional in deliberations by the Commission in this docket.¹

Accordingly, pursuant to 18 CFR 385.2202 (2024), they will not serve as advisors to the Commission or take part in the Commission's review of any offer of settlement. Likewise, as non-decisional staff, pursuant to 18 CFR 385.2201 (2024), they are prohibited from communicating with advisory staff concerning any deliberations in this docket.

Exceptions to this designation as non-decisional are:

Nicholas Stavlas
Michael Raibman
Thomas Olson
Mark Maneche
Yvonne Yegge
Kevin Dinan
Charles Kitcher
Jennifer Gordon
Gareth Jones
Ian McDonald
Erin Miller
Sara Brehm

¹ *American Efficient, LLC, Modern Energy Group LLC, MIH LLC, Midcontinent Energy LLC, Wylan Energy, LLC, Affirmed Energy LLC*, 189 FERC ¶ 61,196 (2024).

Daniel Birkam
Serrita Hill
Steven Bundick

Dated: May 19, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–09326 Filed 5–22–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25–898–000.
Applicants: Rockies Express Pipeline LLC.

Description: Compliance filing: REX 2025–05–19 Annual Penalty Charge Reconciliation to be effective N/A.

Filed Date: 5/19/25.

Accession Number: 20250519–5099.

Comment Date: 5 p.m. ET 6/2/25.

Docket Numbers: RP25–899–000.
Applicants: Tallgrass Interstate Gas Transmission, LLC.

Description: Compliance filing: TIGT 2025–05–19 Annual Penalty Charge Reconciliation to be effective N/A.

Filed Date: 5/19/25.

Accession Number: 20250519–5104.

Comment Date: 5 p.m. ET 6/2/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <https://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including

² FECM, formerly called the Office of Fossil Energy (FE), changed its name on July 4, 2021.

³ Louisiana LNG's Statement also applies to the company's existing authorization to export LNG to FTA countries in the same docket. DOE will respond to that portion of the filing separately pursuant to the CIC Procedures, 79 FR at 65542.

⁴ Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

landowners, community organization, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: May 19, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-09333 Filed 5-22-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2722-023, 15373-000]

PacifiCorp; Notice of Application for Surrender of License and Issuance of a Conduit Exemption Accepted for Filing, Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of License and Issuance of a Conduit Exemption.

b. *Project Nos:* 2722-023 & 15373-000.

c. *Date Filed:* September 10, 2024.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* Pioneer Hydroelectric Project.

f. *Location:* The project is located along Ogden Canyon Conduit, near Ogden, in Weber County, Utah. The project occupies federal lands within the Uinta-Wasatch-Cache National Forest managed by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Eve Davies, Principal Scientist/Licensing Project Manager, PacifiCorp, 1407 West North Temple, Salt Lake City, Utah 84116, eve.davies@pacificorp.com, (801) 232-1704.

i. *FERC Contact:* Chris Chaney, (202) 502-6778, christopher.chaney@ferc.gov.

j. *Cooperating agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if

applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, protests, recommendations, and terms and conditions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, protests, recommendations, and terms and conditions using the Commission's eFiling system at <https://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket numbers P-2722-023 and P-15373-000. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* PacifiCorp's application seeks an exemption from the licensing requirements of Part 1 of the Federal Power Act (conduit exemption, P-15373), and an administrative surrender of the license for the Pioneer Project (surrender, P-2722). The proposal does not involve any construction, modification,

deconstruction, or ground disturbance. PacifiCorp would continue operating the project as it currently does; however, certain currently licensed facilities would be removed from the Commission's jurisdiction as part of the surrender, while other facilities would remain under the Commission's jurisdiction as part of the conduit exemption, as detailed below.

Facilities To Be Removed From Commission Jurisdiction Under the Proposed Surrender: (1) an intake structure; (2) a 75-inch-diameter, 5.5-mile-long flowline (Ogden Canyon Conduit); (3) a 27-foot-high by 35-foot-diameter surge tank; (4) a 6-foot-diameter, 4,564-foot-long steel penstock; (5) a 3,000-foot-long tailrace canal; and (6) appurtenant facilities. These facilities would remain in place and operational as part of the water supply system.

Facilities To Remain Under Commission Jurisdiction Under the Conduit Exemption: (1) a brick powerhouse with two generating units having a total installed capacity of 5 megawatts and (2) appurtenances.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <https://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital

letters the title ““COMMENTS”, “REPLY COMMENTS”, “PROTEST”, “MOTION TO INTERVENE”, or “TERMS AND CONDITIONS”, as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: May 19, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–09327 Filed 5–22–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–207–000]

Distrigas of Massachusetts LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Bog Compressor Project

On April 14, 2025, Distrigas of Massachusetts LLC filed an application in Docket No. CP25–207–000 requesting Authorization pursuant to section 3 of the Natural Gas Act to construct and operate certain natural gas facilities. The proposed project is known as the BOG Compressor Project (Project) and would involve installing a redundant boil-off gas (BOG) compressor to capture BOG emissions from the existing liquefied natural gas storage system.

On April 25, 2025, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application

for the Project. Among other things, that notice alerted agencies issuing Federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a Federal authorization within 90 days of the date of issuance of the Commission staff’s environmental document for the Project.

This notice identifies Commission staff’s intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.¹

Schedule for Environmental Review

Issuance of EA June 27, 2025
90-day Federal Authorization Decision
Deadline² September 25, 2025

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project’s progress.

Project Description

The proposed Project includes construction and operation of the following facilities within the existing liquefied natural gas storage system fence-line:

- one 500-horsepower (hp) electric driven BOG compressor unit;
- modifications to the Water/Glycol Heating and Cooling System;
- new heating, ventilation, and air conditioning system on the existing BOG compressor building;
- electrical service connection and new medium voltage to low voltage transformer within the Terminal;
- 400 feet of new 12-inch-diameter piping; and
- ancillary systems for process control, instrumentation, communications, and hazard detection, which will be integrated with the existing plant control system.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1747049057.

² The Commission’s deadline applies to the decisions of other Federal agencies, and State agencies acting under federally delegated authority, that are responsible for Federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission’s deadline for other agency’s decisions applies unless a schedule is otherwise established by Federal law.

service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Additional information about the Project is available from the Commission’s Office of External Affairs at (866) 208–FERC or on the FERC website (www.ferc.gov). Using the “eLibrary” link, select “General Search” from the eLibrary menu, enter the selected date range and “Docket Number” excluding the last three digits (*i.e.*, CP25–207), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Dated: May 19, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–09330 Filed 5–22–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC25–88–000.

Applicants: Berkshire Hathaway Inc.

Description: Application for

Authorization Under Section 203 of the Federal Power Act of Berkshire Hathaway Inc.

File Date: 5/15/25.

Accession Number: 20250515–5197.

Comment Date: 5 p.m. ET 6/5/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25–328–000.

Applicants: Rumble Energy Storage, LLC.

Description: Rumble Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/15/25.

Accession Number: 20250515–5181.

Comment Date: 5 p.m. ET 6/5/25.

Docket Numbers: EG25–329–000.

Applicants: Holtec Palisades, LLC.

Description: Holtec Palisades, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/16/25.

Accession Number: 20250516–5108.

Comment Date: 5 p.m. ET 6/6/25.

Docket Numbers: EG25–330–000.

Applicants: Atlas VII, LLC.

Description: Atlas VII, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/19/25.

Accession Number: 20250519–5134.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: EG25–331–000.

Applicants: Atlas IX, LLC.

Description: Atlas IX, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/19/25.

Accession Number: 20250519–5136.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: EG25–332–000.

Applicants: Dodge County Wind, LLC.

Description: Dodge County Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/19/25.

Accession Number: 20250519–5188.

Comment Date: 5 p.m. ET 6/9/25.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL25–81–000; QF25–796–001; QF25–797–001; QF25–800–001; QF16–365–005; QF16–379–005; QF16–381–004; QF16–382–004; QF16–369–005; QF21–661–002; QF16–366–004; QF24–367–002; QF24–368–002; QF24–369–001; QF24–370–001.

Applicants: Allco Finance Limited. *Description:* Petition for Enforcement of Allco Finance Limited under EL25–81 et al.

Filed Date: 5/12/25.

Accession Number: 20250512–5217.

Comment Date: 5 p.m. ET 6/11/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER23–1739–000; ER23–1740–000; ER23–1742–000; ER23–1743–000; ER23–1744–000; ER23–1745–000; ER23–1746–000; ER23–1747–000.

Applicants: Regulus Solar, LLC, Mesa Wind Power LLC, Imperial Valley Solar

1, LLC, Brookfield Renewable Trading and Marketing LP, Brookfield Renewable Energy Marketing US LLC, Brookfield Energy Marketing LP, Brookfield Energy Marketing Inc., AM Wind Repower LLC.

Description: Supplement to April 28, 2023, AM Wind Repower LLC et al., submits tariff Notice of Non-Material Change in Status and Change in Category Seller Status.

Filed Date: 5/15/25.

Accession Number: 20250515–5190.

Comment Date: 5 p.m. ET 5/27/25.

Docket Numbers: ER24–756–002.

Applicants: Avista Corporation.

Description: Compliance filing: Avista FERC Order 2023 and 2023A Compliance Filing to be effective 3/20/2025.

Filed Date: 5/19/25.

Accession Number: 20250519–5131.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER24–2025–002.

Applicants: Wilderness Line Holdings, LLC.

Description: Compliance filing: Amendment to Order No. 2023 Second Compliance Filing to be effective 5/15/2024.

Filed Date: 5/19/25.

Accession Number: 20250519–5122.

Comment Date: 5 p.m. ET 5/29/25.

Docket Numbers: ER24–2036–001.

Applicants: Lucky Corridor, LLC.

Description: Compliance filing: Second Order No. 2023 Compliance Filing to be effective 6/18/2025.

Filed Date: 5/19/25.

Accession Number: 20250519–5064.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER24–2043–001.

Applicants: Basin Electric Power Cooperative.

Description: Compliance filing: Submission of Second Order No. 2023 Compliance Filing to be effective 7/15/2024.

Filed Date: 5/19/25.

Accession Number: 20250519–5159.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER25–2038–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment to MISO–PJM JOA, Article IX, sec 9.3 Affected System Filing to be effective 6/25/2025.

Filed Date: 5/19/25.

Accession Number: 20250519–5121.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER25–2040–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2025–05–19 Amendment to MISO–PJM JOA re: Queue Priority and

Coordination Rules to be effective 6/25/2025.

Filed Date: 5/19/25.

Accession Number: 20250519–5132.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER25–2256–000.

Applicants: American Transmission Systems, Incorporated.

Description: § 205(d) Rate Filing: ATSI submits Amended ECSA SA No. 7206 to be effective 7/19/2025.

Filed Date: 5/19/25.

Accession Number: 20250519–5003.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER25–2257–000.

Applicants: New York Independent System Operator, Inc.

Description: Request for Prospective Tariff Waiver of New York Independent System Operator, Inc.

Filed Date: 5/16/25.

Accession Number: 20250516–5223.

Comment Date: 5 p.m. ET 6/6/25.

Docket Numbers: ER25–2258–000.

Applicants: System Energy Resources, Inc.

Description: § 205(d) Rate Filing: UPSA Amendment to Reflect Revised Entitlements to be effective 10/1/2025.

Filed Date: 5/19/25.

Accession Number: 20250519–5045.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER25–2259–000.

Applicants: American Transmission Systems, Incorporated.

Description: § 205(d) Rate Filing: ATSI submits Amended ECSA SA No. 7172 to be effective 7/19/2025.

Filed Date: 5/19/25.

Accession Number: 20250519–5057.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER25–2260–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2025–05–19–PSC–PI–2024–17–TW2–T.

Filed Date: 5/19/25.

Accession Number: 20250519–5088.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER25–2261–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Modify the Mark-to-Auction Collateral Requirement for TCR Markets to be effective 5/1/2026.

Filed Date: 5/19/25.

Accession Number: 20250519–5109.

Comment Date: 5 p.m. ET 6/9/25.

Docket Numbers: ER25–2262–000.

Applicants: Indiana Michigan Power Company.

Description: Cancellation of Rate schedule No. 81 of Indiana Michigan Power Company.

Filed Date: 5/13/25.

Accession Number: 20250513–5183.

Comment Date: 5 p.m. ET 6/3/25.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF25–826–000.

Applicants: Derry Township Municipal Authority.

Description: Form 556 of Derry Township Municipal Authority.

Filed Date: 5/15/25.

Accession Number: 20250515–5189.

Comment Date: 5 p.m. ET 6/5/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding. eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organization, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: May 19, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–09332 Filed 5–22–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OMS–2025–0051; FRL–12703–01–OMS]

Proposed Information Collection Request; Contractor Conflicts of Interest (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), “Contractor Conflicts of Interest” (EPA ICR No. 1550–12, OMB Control No. 2023–0023) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through June 30, 2025. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 22, 2025.

ADDRESSES: Submit your comments, referencing Docket ID EPA–HQ–OMS–2025–0051, online using www.regulations.gov (our preferred method), by email to oei.docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Pamela Leftriect, Policy Oversight, Purchase Card, and Interagency Agreement Division, Office of Acquisition Solutions (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–9463; email address: leftriect.pamela@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <https://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i)

evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The collection of this information is required to ensure that the Agency can effectively identify, evaluate, and take appropriate action concerning contractor conflicts of interest (COI). Environmental Protection Agency (EPA) contractors are required to disclose any actual or potential COI with regard to their employees, corporate affiliations, and business relationships. Contractors will be required to maintain a database of business relationships and report information to EPA on either an annual basis or when work is ordered under an Agency contract. Additionally, under some contracts, the contractor must request written approval from the contracting officer to enter a proposed contract subject to the restrictions of EPA's Limitation of Future Contracting Clause that can found at CFR 48 1552.209–74.

Form Numbers: None.

Respondents/affected entities: All contractors seeking contract award that are identified with the potential conflict of interest upon contract award.

Respondent's obligation to respond: This obligation is mandatory in accordance with Federal Acquisition Regulation (FAR) subpart 9.5.

Estimated number of respondents: 61 (total).

Frequency of response: Varies.

Total estimated burden: 68,933 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$5,029,174.34 (per year), includes \$0 annualized

capital or operation & maintenance costs.

Changes in Estimates: There is no change in the estimated respondent burden compared with the ICR currently approved by OMB. There was only a slight increase in the number of Conflicts of Interest Plans during the past three (3) years. In the previous filing, there were 56 required COI plans, but in the current filing there are 61 required COI plans.

Pamela Legare,

Director, Office of Acquisition Solutions.

[FR Doc. 2025–09276 Filed 5–22–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0543, FRL–12801–01–OMS]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Hazardous Remediation Waste Management Requirements (HWIR) Contaminated Media (Renewal)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Hazardous Remediation Waste Management Requirements (HWIR) Contaminated Media (EPA ICR Number 1775.10, OMB Control Number 2050–0161) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2025. Public comments were previously requested via the **Federal Register** on October 7, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before June 23, 2025.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0543, to EPA online using www.regulations.gov (our preferred method), or by mail to: EPA Docket Center, U.S. Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats,

information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0453; vyas.peggy@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through May 31, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on October 7, 2024 during a 60-day comment period (89 FR 81075). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The Resource Conservation and Recovery Act (RCRA) requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner that is protective of human health and the environment. Under this program, EPA regulates newly generated hazardous wastes as well as hazardous remediation wastes (*i.e.*, hazardous wastes managed during cleanup). Hazardous remediation waste management sites must comply with all parts of 40 CFR part 264 except subparts B, C, and D. In place of these requirements, they need to comply with performance standards based on the general requirement goals in these sections, which are codified at 40 CFR 264.1(j).

Under § 264.1(j), owners/operators of remediation waste management sites

must develop and maintain procedures to prevent accidents. These procedures must address proper design, construction, maintenance, and operation of hazardous remediation waste management units at the site. In addition, owners/operators must develop and maintain a contingency and emergency plan to control accidents that occur. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment. In addition, the Remedial Action Plan streamlines the permitting process for remediation waste management sites to allow cleanups to take place more quickly.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are the private sector, as well as state, local, or Tribal governments.

Respondent's obligation to respond: Mandatory (RCRA section 3004(u)).

Estimated number of respondents: 178.

Frequency of response: One-time.

Total estimated burden: 5,114 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$422,310 (per year), which includes \$53,486 in annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in burden hours associated with this renewal.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–09298 Filed 5–22–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–12670–01–R9]

Revision of Approved State Primacy Program for the State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval.

SUMMARY: Notice is hereby given that the State of California revised its approved State primacy program under the Federal Safe Drinking Water Act (SDWA) by adopting regulations that effectuate the Federal Public Water System (PWS) Definition. The Environmental Protection Agency (EPA) has determined that California's

revision request meets the applicable SDWA program revision requirements and the regulations adopted by California are no less stringent than the corresponding Federal regulations. Therefore, EPA approves this revision to California's approved State primacy program. However, this determination on California's request for approval of a program revision shall take effect in accordance with the procedures described below in the **SUPPLEMENTARY INFORMATION** section of this document after the opportunity to request a public hearing.

DATES: A request for a public hearing must be received or postmarked before June 23, 2025.

ADDRESSES: Documents relating to this determination that were submitted by California as part of its program revision request are available for public inspection at the following locations:

Redding, CA: 364 Knollcrest Drive, Suite 101, Redding, CA 96002, for an appointment at this location please call (530) 224-4800;

Sacramento, CA: 1001 I Street, Sacramento, CA 95814, for an appointment at this location please call (916) 449-5577;

Fresno, CA: 265 West Bullard Avenue, Suite 101 Fresno, CA 93704, for an appointment at this location please call (559) 447-3300; or

Glendale, CA: 500 North Central Avenue, Suite 500, Glendale, CA 91203, for an appointment at this location please call (818) 551-2004.

Documents may also be provided by email by submitting a request to DDWRegUnit@waterboards.ca.gov.

FOR FURTHER INFORMATION CONTACT: Daria Evans-Walker, EPA Region 9, Drinking Water Section; via telephone at (415) 972-3451 or via email address at evans-walker.daria@epa.gov.

SUPPLEMENTARY INFORMATION:

Background. EPA approved California's initial application for primary enforcement authority ("primacy") of drinking water systems on June 9, 1978 (43 FR 25180). Since initial primacy approval, EPA has approved various revisions to California's primacy program. For the revision covered by this action, EPA promulgated rules incorporating the PWS Definition as a requirement of primacy at 40 CFR 141.2 on April 28, 1998 (63 FR 23362) and EPA issued guidance on the PWS definition on August 5, 1998 (63 FR 41940). EPA has determined that California has adopted into state law PWS Definition requirements that are comparable to and no less stringent than the Federal

requirements. EPA has also determined that the State's program revision request meets all of the regulatory requirements for approval, as set forth in 40 CFR 142.12, including a side-by-side comparison of the Federal requirements demonstrating the corresponding State authorities, additional materials to support special primacy requirements of 40 CFR 142.16, a review of the requirements contained in 40 CFR 142.10 necessary for States to attain and retain primary enforcement responsibility, and a statement by the California Attorney General certifying that California's laws and regulations to carry out the program revision were duly adopted and are enforceable. The Attorney General's statement also affirms that there are no environmental audit privilege and immunity laws that would impact California's ability to implement or enforce the California laws and regulations pertaining to the program revision. Therefore, EPA approves this revision of California's approved State primacy program. The Technical Support Document, which provides EPA's analysis of California's program revision request, is available by submitting a request to the following email address: R9dw-program@epa.gov. Please note "Technical Support Document" in the subject line of the email.

Public Process. Any interested person may request a public hearing on this determination. A request for a public hearing must be received or postmarked before June 23, 2025 and addressed to the Regional Administrator of EPA Region 9, via the following email address: R9dw-program@epa.gov, or by contacting the EPA Region 9 contact person listed above in this notice by telephone if you do not have access to email. Please note "State Program Revision Determination" in the subject line of the email. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. If a timely request for a public hearing is made, then EPA Region 9 may hold a public hearing. Any request for a public hearing shall include the following information: 1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; 2. A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and 3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the

signature of a responsible official of the organization or other entity.

If EPA Region 9 does not receive a timely request for a hearing or a request for a hearing was denied by the Regional Administrator for being frivolous or insubstantial, and the Regional Administrator does not elect to hold a hearing on their own motion, EPA's approval shall become final and effective on June 23, 2025, and no further public notice will be issued.

Authority: Section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300g-2 (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: April 18, 2025.

Joshua F.W. Cook,

Regional Administrator, EPA Region 9.

[FR Doc. 2025-09273 Filed 5-22-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2024-0335; FRL-12799-01-OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NO_x SIP Call (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NO_x SIP Call (EPA ICR Number 1857.13, OMB Control Number 2060-0445) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2025. Public comments were previously requested via the **Federal Register** on September 5, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before June 23, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2024-0335, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epamail.epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Morgan Riedel, Clean Air and Power Division, Office of Atmospheric Protection, 6204A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-1144; email address: riedel.morgan@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through May 31, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on September 5, 2024 during a 60-day comment period (89 FR 72395). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The NO_x SIP Call was created to reduce emissions of nitrogen oxides (NO_x) from power plants and other large combustion sources. NO_x is a prime ingredient in the formation of ground-level ozone (smog), a pervasive air pollution problem in many areas of the eastern United States. The NO_x SIP Call requires affected states to include certain provisions in their state implementation plans (SIPs) addressing emissions of NO_x that adversely affect air quality in other states. Although most large combustion sources affected under the NO_x SIP Call are also subject

to monitoring requirements under the Acid Rain Program or the Cross-State Air Pollution Rule, this information collection is being renewed because some industrial sources in certain states are still required to monitor and report emissions data to EPA under these rules, so we will account for their burden. All data received by EPA will be treated as public information. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Form Numbers: None.

Respondents/affected entities: Entities that participate in the NO_x SIP Call.

Respondent's obligation to respond: Mandatory (Sections 110(a) and 301(a) of the CAA).

Estimated number of respondents: 376 (total).

Frequency of response: Yearly, Quarterly, Occasionally.

Total estimated burden: 156,640 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$25,058,685 (per year), which includes \$10,398,033 annualized capital or operation & maintenance costs.

Changes in the estimates: There is an increase of 16,414 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an increased estimation of expected sources reporting under the NO_x SIP Call. In the previous ICR, the EPA anticipated states and sources to exercise a newly implemented option to utilize less burdensome monitoring and reporting, but fewer states than expected exercised that option for sources within their borders.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025-09299 Filed 5-22-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-12706-01-R9]

Revision of Approved State Primacy Program for the State of Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval.

SUMMARY: Notice is hereby given that the State of Hawaii revised its approved State primacy program under the Federal Safe Drinking Water Act (SDWA) by adopting regulations that effectuate the Federal Ground Water Rule (GWR). The Environmental

Protection Agency (EPA) has determined that Hawaii's revision request meets the applicable SDWA program revision requirements and the regulations adopted by Hawaii are no less stringent than the corresponding Federal regulations. Therefore, EPA approves this revision to Hawaii's approved State primacy program. However, this determination on Hawaii's request for approval of a program revision shall take effect in accordance with the procedures described below in the **SUPPLEMENTARY INFORMATION** section of this document after the opportunity to request a public hearing.

DATES: A request for a public hearing must be received or postmarked before June 23, 2025.

ADDRESSES: Documents relating to this determination that were submitted by Hawaii as part of its program revision request are available for public inspection online at <https://health.hawaii.gov/sdwb/public-notice/>. In addition, these documents are available by appointment between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, except official State holidays, at the following address: Hawaii Department of Health, Safe Drinking Water Branch, 2385 Waimano Home Road, Uluakupu Building 4, Pearl City, Hawaii 96782. If there are issues accessing the website, please contact the Safe Drinking Water Branch, at (808) 586-4258, or via email at sdwb@doh.hawaii.gov.

FOR FURTHER INFORMATION CONTACT:

Anna Yen, EPA Region 9, Drinking Water Section; via telephone at (415) 972-3976 or via email address at yen.anna@epa.gov.

SUPPLEMENTARY INFORMATION:

Background. EPA approved Hawaii's initial application for primary enforcement authority ("primacy") of drinking water systems on October 20, 1977 (42 FR 47244). Since initial primacy approval, EPA has approved various revisions to Hawaii's primacy program. For the revision covered by this action, EPA promulgated the GWR at 40 CFR part 141 subpart S on November 8, 2006 (71 FR 65574). The GWR provides protection against microbial pathogens in public water systems using ground water sources. EPA has determined that Hawaii has adopted into state law GWR requirements that are comparable to and no less stringent than the Federal requirements. EPA has also determined that the State's program revision request meets all of the regulatory requirements for approval, as set forth in 40 CFR 142.12, including a side-by-side

comparison of the Federal requirements demonstrating the corresponding State authorities, additional materials to support special primacy requirements of 40 CFR 142.16, a review of the requirements contained in 40 CFR 142.10 necessary for States to attain and retain primary enforcement responsibility, and a statement by the Hawaii Attorney General certifying that Hawaii's laws and regulations to carry out the program revision were duly adopted and are enforceable. The Attorney General's statement also affirms that there are no environmental audit privilege and immunity laws that would impact Hawaii's ability to implement or enforce the Hawaii laws and regulations pertaining to the program revision. Therefore, EPA approves this revision of Hawaii's approved State primacy program. The Technical Support Document, which provides EPA's analysis of Hawaii's program revision request, is available by submitting a request to the following email address: R9dw-program@epa.gov. Please note "Technical Support Document" in the subject line of the email.

Public Process. Any interested person may request a public hearing on this determination. A request for a public hearing must be received or postmarked before June 23, 2025 and addressed to the Regional Administrator of EPA Region 9, via the following email address: R9dw-program@epa.gov, or by contacting the EPA Region 9 contact person listed above in this notice by telephone if you do not have access to email. Please note "State Program Revision Determination" in the subject line of the email. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. If a timely request for a public hearing is made, then EPA Region 9 may hold a public hearing. Any request for a public hearing shall include the following information: 1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; 2. A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and 3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If EPA Region 9 does not receive a timely request for a hearing or a request for a hearing was denied by the Regional Administrator for being frivolous or insubstantial, and the Regional

Administrator does not elect to hold a hearing on their own motion, EPA's approval shall become final and effective on June 23, 2025, and no further public notice will be issued.

Authority: Section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300g-2 (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: April 18, 2025.

Joshua F. W. Cook,

Regional Administrator, EPA Region 9.

[FR Doc. 2025-09277 Filed 5-22-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2024-0336; FRL-12802-01-OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Cross-State Air Pollution Rule and Texas SO₂ Trading Programs (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Cross-State Air Pollution Rule and Texas SO₂ Trading Programs (EPA ICR Number 2391.06, OMB Control Number 2060-0667) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2025. Public comments were previously requested via the **Federal Register** on September 5, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before June 23, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number No. EPA-HQ-OAR-2024-0336, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-Docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is

that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Morgan Riedel, Clean Air and Power Division, Office of Air and Radiation, (6204A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-1144; email address: riedel.morgan@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through May 31, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on September 5, 2024 during a 60-day comment period (89 FR 72394). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: EPA is renewing an ICR for the Cross-State Air Pollution Rule (CSAPR) trading programs to allow for continued implementation of the programs. The information collection requirements under five CSAPR trading programs and the Texas SO₂ Trading Program are reflected in the existing ICR as most recently revised in 2018. In 2021, EPA promulgated an additional CSAPR NO_x Ozone trading program which only includes sources previously subject to another CSAPR trading program reflected in the current ICR. This ICR renewal reflects all six CSAPR

trading programs and the Texas SO₂ Trading Program. Most affected sources under the CSAPR and Texas trading programs are also subject to the Acid Rain Program (ARP). The information collection requirements under the CSAPR and Texas trading programs, which consist primarily of requirements to monitor and report emissions data in accordance with 40 CFR part 75, substantially overlap and are fully integrated with ARP information collection requirements. The burden and costs of overlapping requirements are accounted for in the ARP ICR (OMB Control Number 2060–0258). This ICR accounts for information collection burden and costs under the CSAPR and Texas trading programs that are incremental to the burden and costs already accounted for in the ARP ICR. All data received by EPA will be treated as public information.

Form Numbers: Agent Notice of Delegation #5900–172, Certificate of Representation #7610–1, General Account Form #7610–5, Allowance Transfer Form #7610–6, Retired Unit Exemption #7610–20, Allowance Deduction #7620–4.

Respondents/affected entities: Industry respondents are stationary, fossil fuel-fired boilers and combustion turbines serving electricity generators subject to the CSAPR and Texas trading programs, as well as non-source entities voluntarily participating in allowance trading activities. Potential state respondents are states that can elect to submit state-determined allowance allocations for sources located in their states.

Respondents' obligation to respond: Industry respondents: voluntary and mandatory (Sections 110(a) and 301(a) of the Clean Air Act). State respondents: voluntary.

Estimated number of respondents: 941 (total); 870 industry respondents, 27 potential state respondents, and 44 non-sources entities.

Frequency of response: On occasion, quarterly, and annually.

Total estimated burden: 109,233 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$16,855,976 (total per year); includes \$8,207,543.84 annualized capital or operation & maintenance costs.

Changes in Estimates: There is decrease of 4,279 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This is due to a decrease in the

number of regulated sources from facility retirements.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–09300 Filed 5–22–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0091; FRL–12766–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Pesticide Active Ingredient Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Pesticide Active Ingredient Production (EPA ICR Number 1807.11, OMB Control Number 2060–0370) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before June 23, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0091, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information

collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Muntasir Ali, Sector Policies and Program Division, Office of Air Quality Planning and Standard, D243–05, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (919) 541–0833; email address: ali.muntasir@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through May 31, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM) apply to existing and new facilities engaged in the production of pesticide active ingredients (PAIs) that emit HAPs. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 63, subpart MMM.

Form Numbers: None.

Respondents/affected entities: Pesticide active ingredient production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart MMM).

Estimated number of respondents: 19 (total).

Frequency of response: Quarterly and semiannually.

Total estimated burden: 13,200 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$2,150,000 (per year), which includes \$339,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. This ICR corrects a minor error in the currently approved ICR by adding burden for certain new respondents who may be required to repeat their conducted performance tests; however, this correction has no significant impact on the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup or operation and maintenance (O&M) costs.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025-09292 Filed 5-22-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP-OFA-179]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS) Filed May 12, 2025 10 a.m. EST Through May 19, 2025 10 a.m. EST Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://>

cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.

EIS No. 20250059, Draft, USAF, CA, Authorizing Changes to the Falcon Launch Program at Vandenberg Space Force Base, California, Comment Period Ends: 07/07/2025, *Contact:* Hilary Rummel 380-459-2897.

EIS No. 20250060, Final Supplement, FERC, LA, Commonwealth LNG Project, Review Period Ends: 06/23/2025, Contact: Office of External Affairs 866-208-3372.

EIS No. 20250061, Final, BLM, NV, Greenlink North Transmission Project, Review Period Ends: 06/23/2025, *Contact:* Brian L. Buttazoni 775-861-6491.

EIS No. 20250062, Final Supplement, TVA, TN, Clinch River Nuclear Site Advanced Nuclear Reactor Technology Park Unit 1, Review Period Ends: 06/23/2025, Contact: Carol Freeman 731-641-2021.

EIS No. 20250063, Final Supplement, FTA, MN, METRO Blue Line Light Rail Extension Project, Review Period Ends: 06/23/2025, Contact: Anthony Greep 312-353-1645.

Amended Notice

EIS No. 20250015, Draft, NMFS, FL, WITHDRAWN—Amendment 59 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, Contact: Nikhil Mehta 727-551-5098.

Revision to FR Notice Published 01/17/2025; Officially Withdrawn per request of the submitting agency.

Dated: May 19, 2025.

Nancy Abrams,

Associate Director, Office of Federal Activities.

[FR Doc. 2025-09311 Filed 5-22-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OMS-2024-0251; 12280-01-OMS]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Contractor Cumulative Claim and Reconciliation Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Contractor Cumulative Claim and Reconciliation (EPA ICR Number

0246.14, OMB Control Number 2030-0016) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a request for approval of a new collection. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before July 22, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OMS-2024-0251 to EPA online using www.regulations.gov (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Robin Young, Policy Oversight Branch, POPCIAD, Office of Acquisition Solutions, (3802R) Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (205) 564-8954; email address: Young.Robin@EPA.gov.

SUPPLEMENTARY INFORMATION: This is a request for approval of a new collection. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

This notice allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <https://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have

practical utility; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: All contractors who have completed an EPA cost-reimbursement type contract will be required to submit EPA Form 1900-10. EPA Form 1900-10 summarizes all costs incurred in performance of the contract and sets forth the final indirect rates. This form is reviewed by the contracting officer to determine the final costs reimbursable to the contractor. The Federal Acquisition Regulation (FAR) 52.216-7 states that the Government will pay only the costs determined to be allowable by the contracting officer in accordance with FAR subpart 31.2. Furthermore, FAR 52.216-7 states that indirect cost rates shall be established for each fiscal year at the close of a contractor's fiscal year. EPA Form 1900-10 summarizes this information for the entire contract period and provides a basis for cost review by contracting, finance, and audit personnel. In addition, FAR 4.804-5 mandates that the office administering the contract shall ensure that the costs and indirect cost rates are settled.

Form Numbers: EPA Form 1900-10.

Respondents/affected entities: All contractors who have completed an EPA cost-reimbursement type contract.

Respondent's obligation to respond: Mandatory (FAR 52.216-7).

Estimated number of respondents: 5 (total).

Frequency of response: Once, at end of contract.

Total estimated burden: 31.5 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$7,353.60 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in hours in the total estimated

respondent burden compared with the ICR currently approved by OMB.

Pamela Legare,

Director, Office of Acquisition Solutions.

[FR Doc. 2025-09275 Filed 5-22-25; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK

[Public Notice: 2025-6003]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 95-10, Application for Credit Guarantee Facility and Long-Term Direct Loan or Guarantee

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. The purpose of this collection is to gather information necessary to make a determination of eligibility of a transaction for EXIM assistance under its medium-term guarantee and insurance program.

DATES: Comments should be received on or before July 22, 2025 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on WWW.REGULATIONS.GOV (EIB 95-10), by email to Donna Schneider, donna.schneider@exim.gov, or by mail to Donna Schneider, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The application tool can be reviewed at: *EIB 95-10*.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Donna Schneider, donna.schneider@exim.gov, 202-565-3612.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 95-10, Application for Credit Guarantee Facility and Long-term Direct Loan or Guarantee.

OMB Number: 3048-0013.

Type of Review: Regular.

Need and Use: The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to EXIM under its

credit guarantee facility and long-term guarantee and direct loan programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 65.

Estimated Time per Respondent: 2.5 hours.

Annual Burden Hours: 162.5 hours.

Frequency of Reporting or Use: As needed.

Dated: May 20, 2025.

Andrew Smith,

Records Officer.

[FR Doc. 2025-09322 Filed 5-22-25; 8:45 am]

BILLING CODE 6690-01-P

EXPORT-IMPORT BANK

[Public Notice: 2025-6004]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; EIB 92-30, Report of Premiums Payable for Financial Institutions Only

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine eligibility of the export sales for insurance coverage.

DATES: Comments must be received on or before July 22, 2025 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on WWW.REGULATIONS.GOV (EIB 92-30) by email edward.coppola@exim.gov, or by mail to Edward Coppola, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Edward Coppola, edward.coppola@exim.gov, 202-565-3717.

SUPPLEMENTARY INFORMATION:

The application tool can be reviewed at: <https://img.exim.gov/s3fs-public/pub/pending/eib92-30.pdf>.

Title and Form Number: EIB 92-30, Report of Premiums Payable for Financial Institutions Only.

OMB Number: 3048-0021.

Type of Review: Regular.

Need and Use: This collection of information is necessary to determine eligibility of the applicant for EXIM assistance. The Report of Premiums Payable for Financial Institutions Only is used to determine the eligibility of the shipment(s) and to calculate the premium due to EXIM for its support of the shipment(s) under its insurance program. Export-Import Bank customers will be able to submit this form on paper or electronically.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 215.

Estimated Time per Respondent: 30 minutes.

Annual Burden Hours: 1,290 hours.

Frequency of Reporting of Use: Monthly.

Dated: May 20, 2025.

Andrew Smith,

Records Officer.

[FR Doc. 2025–09323 Filed 5–22–25; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 293583]

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Communications Security, Reliability, and Interoperability Council (CSRIC) IX will hold its fifth meeting on June 12, 2025 at 1:00 p.m. EDT.

DATES: June 12, 2025.

ADDRESSES: The fifth meeting will be held at 45 L Street NE, Washington, DC, and via conference call. The meeting is open to the public and is also available via WebEx at <https://www.fcc.gov/live> and on the FCC's YouTube channel.

FOR FURTHER INFORMATION CONTACT: Suzon Cameron, Designated Federal Officer (DFO), CSRIC IX, FCC, (202) 418–1916 or email: CSRIC@fcc.gov, Kurian Jacob, Deputy DFO, CSRIC IX, FCC, (202) 418–2040 or email: CSRIC@fcc.gov, or Logan Bennett, Deputy DFO, CSRIC IX, FCC, (202) 418–7790 or email: CSRIC@fcc.gov.

SUPPLEMENTARY INFORMATION: The meeting will be held on June 12, 2025,

at 1:00 p.m. EDT, in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC. While the CSRIC IX meeting is open to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: <https://www.fcc.gov/visit>.

The CSRIC is a Federal Advisory Committee that will provide recommendations to the Commission to improve the security, reliability, and interoperability of communications systems. On March 26, 2024, the Commission, pursuant to the Federal Advisory Committee Act, renewed the charter for CSRIC IX for a period of two years through March 25, 2026. The meeting on June 12, 2025, will be the fifth meeting of CSRIC IX under the current charter. The FCC will provide audio and/or video coverage of the meeting over the internet from the FCC's web page at <https://www.fcc.gov/live> and on the FCC's YouTube channel. The public may submit written comments before the meeting to Suzon Cameron, DFO, CSRIC IX, via email to CSRIC@fcc.gov.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to fcc504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the Commission can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted but may not be possible to accommodate.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–09280 Filed 5–22–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meetings

TIME AND DATE: 2:41 p.m. on Tuesday, May 20, 2025.

PLACE: The meeting was held in the Board Room on the sixth floor of the

FDIC Building located at 550 17th Street NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's resolution, supervision, and corporate activities. In calling the meeting, the Board determined, on motion of Director Rodney E. Hood (Acting Comptroller of the Currency), seconded by Director Russell Vought (Acting Director, Consumer Financial Protection Bureau), by the unanimous vote of Acting Chairman Travis Hill, Director Rodney E. Hood (Acting Comptroller of the Currency), and Director Russell Vought (Acting Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (c)(10)).

CONTACT PERSON FOR MORE INFORMATION:

For further information, please contact Debra A. Decker, Executive Secretary, FDIC, at FDICBoardMatters@fdic.gov.

Dated this the 20th day of May, 2025.

Federal Deposit Insurance Corporation.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2025–09384 Filed 5–21–25; 11:15 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 90 FR 21479.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, May 22, 2025 at 10:00 a.m.

CHANGES IN THE MEETING: The meeting scheduled for May 22, 2025 is cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Myles Martin, Deputy Press Officer, Telephone: (202) 694–1221.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Vicktoria J. Allen,

Deputy Secretary of the Commission.

[FR Doc. 2025–09415 Filed 5–21–25; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

Correction

In the **Federal Register** of May 9, 2025, FR Doc. 2025–08188, the notice “Notice of Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities” by the Federal Reserve Bank of San Francisco, *Lewis & Clark Bancorp, Oregon City, Oregon*; is corrected to read “to acquire additional interests in iCashe, Inc., Portland, Oregon, and thereby continue to indirectly engage in trust company functions, printing and selling MICR-encoded items, and data processing, pursuant to sections 225.28(b)(5), 225.28(b)(10)(ii), and 225.28(b)(14), respectively, all of the Board’s Regulation Y”, and that the company listed applied to the Board for approval, pursuant to section 4 of the Bank Holding Company Act (12 U.S.C. 1843) and Regulation Y (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States. The comment period continues to end on May 27, 2025. Interested persons may continue to view the notice and submit comments as provided in 90 FR 19717 (May 9, 2025) no later than May 27, 2025.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025–09342 Filed 5–22–25; 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 June 9, 2025.

A. Federal Reserve Bank of Minneapolis (Mark Nagle, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to MA@mpls.frb.org:

1. *Nancy Ferche, individually, and as trustee of the Robert Ferche Revocable Trust, as amended, (the “Ferche Trust”) and Marital Trust governed by the Ferche Trust agreement, all of St. Stephen, Minnesota*; to acquire voting shares of St. Joseph Bancshares Acquisitions, Inc. (“Company”), and thereby indirectly acquire voting shares of Sentry Bank, both of Saint Joseph, Minnesota, and Sherburne State Bank, Becker, Minnesota (the “Banks”).

Additionally, Kimberly M. Juelke Revocable Trust, with Kimberly Juelke as trustee, both of Little Falls, Minnesota; Jason R. Ferche 2006 Revocable Trust, as amended, with Jason Ferche as trustee, both of Rice, Minnesota; Tamara L. Layne Revocable Trust, with Tamara O’Hara (formerly known as Tamara L. Layne) as trustee, both of Sartell, Minnesota; and Cheryl A. Lumley Revocable Trust, as amended, with Cheryl Ferche (formerly known as Cheryl A. Lumley) as trustee, both of Sartell, Minnesota; to join the Ferche Family Control Group, a group acting in concert, to acquire voting shares of the Company, and thereby indirectly acquire voting shares of the Banks.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025–09344 Filed 5–22–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Emergency Medical Services for Children Innovation and Improvement Center

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Announcing period of performance extension with funding for Emergency Medical Services for Children Innovation and Improvement Center (EIIC) Award recipient.

SUMMARY: HRSA plans to provide additional funds to the University of Texas at Austin, Texas, the current EIIC Program recipient, to extend the recipient’s current period of performance by 12 months. This extension is necessary to support continuity of operations that facilitate pediatric readiness activities in hospital emergency departments (ED) and prehospital emergency medical services (EMS) agencies throughout the country. The current performance period ends June 30, 2025.

FOR FURTHER INFORMATION CONTACT: Sara B Kinsman, M.D., Ph. D., Director, Division of Child, Adolescence, and Family Health, at SKinsman@hrsa.gov and 240–475–3712.

SUPPLEMENTARY INFORMATION:

Intended Recipient(s) of the Award: University of Texas at Austin, Texas.

Amount of Competitive Award(s): One award for \$2,500,000.

Project Period: July 1, 2025–June 30, 2026.

Assistance Listing (Catalog of Federal Domestic Assistance) Number: 93.127.

Award Instrument: Cooperative Agreement.

Authority: 42 U.S.C. 300w–9 (Public Health Service Act, title XIX, sec. 1910).

Purpose/Justification: The Emergency Medical Services for Children (EMSC) program funds demonstration projects to expand and improve emergency medical services for children who need treatment for trauma or critical care. EIIC provides technical support to states and jurisdictions to achieve the EMSC program's mandate by increasing pediatric readiness in hospital EDs and prehospital EMS agencies to improve outcomes for children. EIIC supports demonstration projects to implement evidence-based clinical guidelines and establish evidence-based training for emergency care practitioners in hospital EDs and prehospital EMS agencies in underserved communities. EIIC was established in 2016 through a 4-year cooperative agreement. HRSA's Maternal and Child Health Bureau re-competed the program in 2020 for another 4 years and extended the program for an additional year in fiscal year 2024 to support the first comprehensive national assessment of prehospital agencies and continue quality improvement activities to increase pediatric readiness. The current budget period ends on June 30, 2025. Renewal of this grant will allow EIIC to continue to advance pediatric readiness nationally during this upcoming extension period in both prehospital EMS and hospital emergency departments through the dissemination of data. HRSA intends to re-compete this program prior to the end of the 12-month extension period. HRSA will award \$2,500,000 to the existing EIIC Program award recipient to continue operations as outlined in HRSA–20–037 Notice of Funding Opportunity.

Thomas J. Engels,
Administrator.

[FR Doc. 2025–09294 Filed 5–22–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, Division of Injury Compensation Programs, 5600 Fishers Lane, Room 8W–25A, Rockville, Maryland 20857; 1–800–338–2382, or visit our website at: <https://www.hrsa.gov/vaccine-compensation>.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each

condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that “[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.” Set forth below is a list of petitions received by HRSA on April 1, 2025, through April 30, 2025. This list provides the name of the petitioner, city, and state of vaccination (if unknown then the city and state of the person or attorney filing the claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master “shall afford all interested persons an opportunity to submit relevant, written information” relating to the following:

1. The existence of evidence “that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,” and

2. Any allegation in a petition that the petitioner either:

a. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by” one of the vaccines referred to in the Table, or

b. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine” referred to in the Table.

In accordance with section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading “For Further Information Contact”), with a copy to HRSA addressed to Director,

Division of Injury Compensation Programs, Health Systems Bureau, 5600 Fishers Lane, 8W-25A, Rockville, Maryland 20857. The Court's caption (Petitioner's Name v. Secretary of HHS) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Thomas J. Engels,
Administrator.

List of Petitions Filed

1. Deante Monette, Madison, Wisconsin, Court of Federal Claims No: 25-0572V
2. Shalisha Hammond, Thornton, Colorado, Court of Federal Claims No: 25-0573V
3. Rheamylr Jubelag Castillo, Round Rock, Texas, Court of Federal Claims No: 25-0575V
4. Belinda Lopez, Bronx, New York, Court of Federal Claims No: 25-0578V
5. Brenda Underwood, Knoxville, Tennessee, Court of Federal Claims No: 25-0580V
6. Ahmad Tawil, Austin, Texas, Court of Federal Claims No: 25-0581V
7. Jennifer Simons, Charleston, South Carolina, Court of Federal Claims No: 25-0585V
8. Nicholas Tolbert, Milwaukee, Wisconsin, Court of Federal Claims No: 25-0586V
9. Lorrie O'Brien, Farrell, Pennsylvania, Court of Federal Claims No: 25-0588V
10. Michael Thomas Pope, St. Louis, Missouri, Court of Federal Claims No: 25-0589V
11. Mark Andrew Poindexter II, Houston, Texas, Court of Federal Claims No: 25-0590V
12. Shara Sheldon, Woodland, California, Court of Federal Claims No: 25-0592V
13. Christie Rheault, Suffield, Connecticut, Court of Federal Claims No: 25-0593V
14. Kathryn McFarland, San Diego, California, Court of Federal Claims No: 25-0594V
15. William Venters, II, Vacaville, California, Court of Federal Claims No: 25-0596V
16. Melody Perkins, Clarksville, Indiana, Court of Federal Claims No: 25-0597V
17. Tracy Parish, Las Cruces, New Mexico, Court of Federal Claims No: 25-0600V
18. Kendall A. Schrader, Hinsdale, Illinois, Court of Federal Claims No: 25-0601V
19. Joanne Vitale, Greenfield, Wisconsin, Court of Federal Claims No: 25-0602V
20. Shanice Johnson on behalf of Estate of I. P., Deceased, Phoenix, Arizona, Court of Federal Claims No: 25-0604V
21. Tracie Nystuen, Everett, Washington, Court of Federal Claims No: 25-0605V
22. Mary Ann Wolf, Perrysburg, Ohio, Court of Federal Claims No: 25-0606V
23. Bruce Ray Lowe, Jefferson City, Missouri, Court of Federal Claims No: 25-0608V
24. Theresa Cassaboom, Wichita, Kansas, Court of Federal Claims No: 25-0610V
25. Darlene Jensen, Mesa, Arizona, Court of Federal Claims No: 25-0611V
26. Catherine Toledo-Narcisco, Las Vegas, Nevada, Court of Federal Claims No: 25-0613V
27. Amberlee Velasquez, Trinidad, Colorado, Court of Federal Claims No: 25-0616V
28. Deon Magnuson, Hermiston, Oregon, Court of Federal Claims No: 25-0617V
29. Pamela Johnson on behalf of Glen Johnson, Jr., Deceased, Louisville, Kentucky, Court of Federal Claims No: 25-0618V
30. Stacy Bennett, Vinita, Oklahoma, Court of Federal Claims No: 25-0622V
31. Robert Manley, Brockport, New York, Court of Federal Claims No: 25-0623V
32. Jonathan Henze, Naperville, Illinois, Court of Federal Claims No: 25-0625V
33. Nathan Echols, Wetumpka, Alabama, Court of Federal Claims No: 25-0626V
34. Jennifer Akers, Yankton, South Dakota, Court of Federal Claims No: 25-0627V
35. Daniel Brennan, Swarthmore, Pennsylvania, Court of Federal Claims No: 25-0628V
36. Cydnee Dozier, New York, New York, Court of Federal Claims No: 25-0630V
37. Mariam Sarkar, Bellevue, Washington, Court of Federal Claims No: 25-0631V
38. Christian Domingue, Hinsdale, New Hampshire, Court of Federal Claims No: 25-0632V
39. Manana Simonyan, Salt Lake City, Utah, Court of Federal Claims No: 25-0634V
40. Suzette Fazekas, Littleton, Colorado, Court of Federal Claims No: 25-0635V
41. Delores Michelle Hannan, Rockport, Maine, Court of Federal Claims No: 25-0636V
42. Sally Davidson, Eagle, Idaho, Court of Federal Claims No: 25-0644V
43. Joan Hoverman, Wichita, Kansas, Court of Federal Claims No: 25-0645V
44. Mary Palmisano, New Brunswick, New Jersey, Court of Federal Claims No: 25-0646V
45. Jessie Reeder, Newberry, South Carolina, Court of Federal Claims No: 25-0647V
46. Zakiyyah Muhammad, Stockbridge, Georgia, Court of Federal Claims No: 25-0652V
47. John Blauvelt, St. Petersburg, Florida, Court of Federal Claims No: 25-0653V
48. Mark Chandler, Williston Park, New York, Court of Federal Claims No: 25-0654V
49. Kelsey Harmer-Moultrie, Lagrange, Georgia, Court of Federal Claims No: 25-0655V
50. Darryl Ayers, Alexandria, Virginia, Court of Federal Claims No: 25-0656V
51. Steven Sorensen, Black River Falls, Wisconsin, Court of Federal Claims No: 25-0657V
52. Paula Bigelow on behalf of Estate of Ruth A. Jones, Deceased, Flint, Michigan, Court of Federal Claims No: 25-0658V
53. Sigrid Alexandrescu, Baton Rouge, Louisiana, Court of Federal Claims No: 25-0662V
54. Lauren Elizabeth Newton on behalf of L. W. N., Meridian, Idaho, Court of Federal Claims No: 25-0664V
55. Sylvia Richardson, San Francisco, California, Court of Federal Claims No: 25-0665V
56. Julia McDaniel, Orlando, Florida, Court of Federal Claims No: 25-0666V
57. Paige Sutton on behalf of C. S., Clarksville, Tennessee, Court of Federal Claims No: 25-0668V
58. Donna Cellini, Rochester, New York, Court of Federal Claims No: 25-0671V
59. Christine Brown on behalf of Verdell Brown, Jr., Rosharon, Texas, Court of Federal Claims No: 25-0672V
60. Shayne A. Longley, Black River Falls, Wisconsin, Court of Federal Claims No: 25-0673V
61. Sean T. Benson, Waupun, Wisconsin, Court of Federal Claims No: 25-0674V
62. Christine O'Neill on behalf of J. O., Seattle, Washington, Court of Federal Claims No: 25-0675V
63. Lamont D. Davis, Jr., Boscobel, Wisconsin, Court of Federal Claims No: 25-0676V
64. Guzal Astanova on behalf of A. R., Philadelphia, Pennsylvania, Court of Federal Claims No: 25-0677V
65. Julianne Carlin, Chicago, Illinois, Court of Federal Claims No: 25-0678V
66. Jerome Sheets, La Crosse, Wisconsin, Court of Federal Claims No: 25-0679V
67. Diana Wall, Riverside, California, Court of Federal Claims No: 25-0681V
68. William Wilkinson, Corpus Christi, Texas, Court of Federal Claims No: 25-0683V

69. Christina Conroy, Johnson City, New York, Court of Federal Claims No: 25–0688V
70. Dentrail Naylor, Black River Falls, Wisconsin, Court of Federal Claims No: 25–0689V
71. Rainer Von Falkenhorst, Houston, Texas, Court of Federal Claims No: 25–0692V
72. Debra Kauffman, North Albany, Oregon, Court of Federal Claims No: 25–0694V
73. Sandra Partida, New York, New York, Court of Federal Claims No: 25–0698V
74. Sharon Matzek, Fairhaven, Massachusetts, Court of Federal Claims No: 25–0699V
75. Joshua Grail, Washington, DC, Court of Federal Claims No: 25–0701V
76. Heather McKinnon, Colorado Springs, Colorado, Court of Federal Claims No: 25–0702V
77. Candez Stoerkel, Houston, Texas, Court of Federal Claims No: 25–0703V
78. Ramona Ruiz, St. Petersburg, Florida, Court of Federal Claims No: 25–0704V
79. Nathaniel Allan Flowers, Phoenix, Arizona, Court of Federal Claims No: 25–0705V
80. Christy L. Owens, Rochester, New York, Court of Federal Claims No: 25–0706V
81. Alison Marshall, Sturgis, Michigan, Court of Federal Claims No: 25–0707V
82. Philip Graham, Walpole, Massachusetts, Court of Federal Claims No: 25–0709V
83. Elizabeth McKeon, Okemos, Michigan, Court of Federal Claims No: 25–0712V
84. Shawn Joseph Van Cleave, College Station, Texas, Court of Federal Claims No: 25–0715V
85. Christopher Heideman, Valley Center, California, Court of Federal Claims No: 25–0716V
86. Kristi Keesey, Chicago, Illinois, Court of Federal Claims No: 25–0718V
87. Renae Miller, Mandan, North Dakota, Court of Federal Claims No: 25–0719V
88. William R. Shoop, II, Wauseon, Ohio, Court of Federal Claims No: 25–0720V
89. Vidal Mason, Oshkosh, Wisconsin, Court of Federal Claims No: 25–0721V
90. Amar Ally, Kissimmee, Florida, Court of Federal Claims No: 25–0723V
91. Emily Gan, New York, New York, Court of Federal Claims No: 25–0724V
92. Sherri Lilly, Naperville, Illinois, Court of Federal Claims No: 25–0726V
93. Tenzin Lhamo, Minneapolis, Minnesota, Court of Federal Claims No: 25–0729V
94. Jorge Mendoza, Houston, Texas, Court of Federal Claims No: 25–0730V
95. Xiao Yang, Kirkland, Washington, Court of Federal Claims No: 25–0731V
96. Ellen Babcock, Albuquerque, New Mexico, Court of Federal Claims No: 25–0733V
97. Mollie Roe, Camden, South Carolina, Court of Federal Claims No: 25–0738V
98. Daniel Montemayor, Boscobel, Wisconsin, Court of Federal Claims No: 25–0739V
99. Kent Busch, Punta Gorda, Florida, Court of Federal Claims No: 25–0741V
100. Malika Pulatova, New York, New York, Court of Federal Claims No: 25–0743V
101. Xavier Young, Fox Lake, Wisconsin, Court of Federal Claims No: 25–0744V
102. Michael Crump, Louisville, Kentucky, Court of Federal Claims No: 25–0747V
103. Mark Gibson, Jackson, California, Court of Federal Claims No: 25–0748V
104. Dawn Peer, Lexington, South Carolina, Court of Federal Claims No: 25–0749V
105. Samantha Kincheloe, Fairbanks, Alaska, Court of Federal Claims No: 25–0750V

[FR Doc. 2025–09295 Filed 5–22–25; 8:45 am]

BILLING CODE 4165–15–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; Topics in Health Services Research, Aging, and Workforce Issues.

Date: June 23–24, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Lauren Susan Penney, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–1968, penneyls@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: June 23–24, 2025.

Time: 9:00 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: Khalida Shamim, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, khalida.shamim@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neuro Informatics, Computational and Data Analysis.

Date: June 23–24, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Aurea D. De Sousa, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, Bethesda, MD 20892, (301) 827–6829, aurea.desousa@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Therapeutic Development for Developmental, Psychiatric, and Substance Use Disorders.

Date: June 23–24, 2025.

Time: 9:30 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: Sue Andersen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–5404, sue.andersen-navalta@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: NCI National Clinical Trials Network-Group I.

Date: June 24, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shree Ram Singh, Ph.D., Scientific Review Officer, Special Review

Branch, Division of Extramural Activities, 9609 Medical Center Drive, Room 7W248, National Cancer Institute, NIH, Rockville, MD 20850, 240-672-6175, singhshr@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Musculoskeletal Sciences in Diagnostics, Devices, and Rehabilitation.
Date: June 24–25, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Amber Taylor Collins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-5245, amber.collins@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA-NS-25-020—HEAL Initiative: Understanding Individual Differences in Human Pain Conditions.

Date: June 24, 2025.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Erica Charlot Spears, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-3211, spearsec@csr.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 19, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-09272 Filed 5-22-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Scientific Counselors of the National Heart, Lung, and Blood Institute.

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 intramural programs and projects conducted by the National Heart, Lung, and Blood Institute, 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 of the National Heart, Lung, and Blood Institute.

Date: June 9, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892, Virtual Meeting.

Contact Person: Richard Childs, M.D., Scientific Director, Division of Intramural Research, National Heart, Lung, and Blood Institute, National Institutes of Health, 10 Center Drive, Bethesda, MD 20892, 301-827-1396, childs@nhlbi.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's homepage: <https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/board-scientific-counselors>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 19, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-09270 Filed 5-22-25; 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; Program Projects: Early Psychosis Intervention Network.

Date: June 20, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Regina T. Dolan-Sewell, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Bethesda, MD 20852, (240) 796-6785, regina.dolan-sewell@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Societal and Ethical Issues in Research.

Date: June 20, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Abigail A. Haydon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 435-4806, haydonaba@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomarkers, Diagnostics and Disease Therapy.

Date: June 24–25, 2025.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shilpakala Ketha, Ph.D., Scientific Review Officer, NIAID Scientific Review Program, BG 5601 Fishers Lane, RM 3F52A, MSC 9834, Rockville, MD 20892, (301) 761-6821, shilpa.ketha@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; IIA Innate Immunity-A.

Date: June 24, 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; Small Business: Biobehavioral Processes.

Date: June 25–26, 2025.

Time: 9:00 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: Jeanne M. McCaffery, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3854, jeanne.mccaffery@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; SPORE (P50): Translational Cancer Research.

Date: June 25–26, 2025.

Time: 9:00 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: Amr M. Ghaleb, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W244, Rockville, MD 20850, (240) 276–6002, amr.ghaleb@nih.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neural Oxidative Metabolism and Death Study Section.

Date: June 25–26, 2025.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Christine Jean DiDonato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1014J, Bethesda, MD 20892, (301) 435–1042, didonatocj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Clinical Data Management, Analysis, Informatics and Digital Health A.

Date: June 25–26, 2025.

Time: 9:00 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: Rhoda Keese Moise, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD

20892, (304) 594–0702, rhoda.moise@nih.gov.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Bacterial Virulence Study Section.

Date: June 25–26, 2025.

Time: 9:30 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: Susan Daum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, Bethesda, MD 20892, 301–827–7233, susan.boyle-vavra@nih.gov.

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Biochemical and Cellular Oncogenesis Study Section.

Date: June 25–26, 2025.

Time: 9:30 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: Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–5902, caojn@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 19, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–09271 Filed 5–22–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Disorders Study Section.

Date: June 23–24, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Gek Ming Sia, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–3341, gekmng.sia@nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Drug Discovery and Molecular Pharmacology C Study Section.

Date: June 23–24, 2025.

Time: 9:00 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: Alireza Seyed Alavi, Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, ali.alavi@nih.gov.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: June 23–24, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301–827–4417, jianxinhu@csr.nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

Date: June 23–24, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 2208, Bethesda, MD 20892, 301–402–3702, christopher.payne@nih.gov.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.

Date: June 23–24, 2025.

Time: 9:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.
Contact Person: Laura Asnaghi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockville Drive, Room 6200, MSC 7804, Bethesda, MD 20892, (301) 443-1196, laura.asnaghi@nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Chemical Biology and Probes Study Section.

Date: June 23–24, 2025.

Time: 9:30 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: Prema Chandrasekhar Iyer, Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-1821, prema.iyer@nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.

Date: June 23–24, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.
Contact Person: Brittany I. Mason-Mah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000A, Bethesda, MD 20892, (301) 594-3163, masonmahbl@mail.nih.gov.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Drug and Biologic Disposition and Toxicity Study Section.

Date: June 24–25, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.
Contact Person: Frederique Yiannikouris, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-594-3313, frederique.yiannikouris@nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Molecular Genetics Study Section

Date: June 24–25, 2025.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Altaf Ahmad Dar, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-2680, altaf.dar@nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Services: Quality and Effectiveness Study Section.

Date: June 24–25, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Angela D. Thrasher, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000J, Bethesda, MD 20892, (301) 480-6894, thrasherad@csr.nih.gov.

Name of Committee: Aging and Neurodegeneration Integrated Review Group; Chronic Dysfunction and Integrative Neurodegeneration Study Section.

Date: June 24–25, 2025.

Time: 9:00 a.m. to 8:30 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: Bernard Rajeev Srambical Wilfred, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435-1042, bernard.srambicalwilfred@nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function C Study Section.

Date: June 24–25, 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: Guillermo Andres Bermejo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-5742, bermejog@mail.nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular, Molecular and Integrative Reproduction Study Section.

Date: June 24–25, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Leslie Mccue Turner, Scientific Review Officer, The Center for

Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-4962, leslie.turner@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: May 19, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–09267 Filed 5–22–25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Biomedix Selec-3 Multiple Drop Intravenous Product

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of the Biomedix Selec-3 Multiple Drop Intravenous Product. Based upon the facts presented, CBP has concluded that the subject IV products, under two of five scenarios, would be the product of a foreign country or instrumentality designated pursuant to title III of the Trade Agreements Act of 1979, as amended; in three of the scenarios, the last substantial transformation occurs in the United States.

DATES: The final determination was issued on May 13, 2025. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination no later than June 23, 2025.

FOR FURTHER INFORMATION CONTACT: Ani Mard, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, at (202) 325-0727.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 13, 2025, U.S. Customs and Border Protection (CBP) issued a final determination concerning the country of origin of the Biomedix Selec-3 Multiple Drop Intravenous Product, for purposes of title III of the Trade Agreements Act of 1979. This final determination, HQ H339462, was issued at the request of Wai Medical Technologies LLC, under procedures set

forth at 19 CFR part 177, subpart B, which implements title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP has concluded that, based upon the facts presented, the country of origin of the IV products is the country in which the selectable drop chamber (“SDC”) originates.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Alice A. Kipel,

*Executive Director, Regulations and Rulings,
Office of Trade.*

HQ H339462

May 13, 2025

OT:RR:CTF:VS H339462 AM

Category: Origin

Dave Townsend, Dorsey & Whitney LLP, 50 South Sixth Street Suite 1500, Minneapolis, Minnesota 55402

Re: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); Subpart B, Part 177, CBP

Regulations; Country of Origin of IV Drips
Dear Mr. Townsend:

This is in response to your request, dated May 16, 2024, on behalf of your client, Wai Medical Technologies (“Wai Medical”) and its affiliate MedSource International LLC (“MedSource”), for a final determination concerning the country of origin of the Biomedix Selec-3 Multiple Drop Intravenous Product (“Selec-3 IV Product”), pursuant to Title III of the Trade Agreements Act of 1979 (“TAA”), as amended (19 U.S.C. 2511 *et seq.*), and subpart B of Part 177, U.S. Customs and Border Protection (“CBP”) Regulations (19 CFR 177.21, *et seq.*). Your request, submitted as an electronic ruling request, was forwarded to this office from the National Commodity Specialist Division (“NCS”). Wai Medical is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and 177.23(a) and is therefore entitled to request this final determination.

Facts

The merchandise at issue is the Selec-3 IV Product. The Selec-3 IV Product is an intravenous set made with components from a variety of U.S. and non-U.S. components. The Selec-3 IV Product has a patented selectable drop chamber (“SDC”) that offers three drop settings. These settings allow the user to adjust the drip rate for the fluids administered via the Selec-3 IV Product. By allowing the user to quickly and easily change the drip rate, the Selec-3 IV Product saves time, reduces inventory costs, and minimizes the risk of contamination of fluids administered to patients.

The Selec-3 IV Product has the following components:

- Check valve and connector: allows opening and closing the polyvinyl chloride (“PVC”) tube for purposes of helping regulate flow of the fluid and allows control of fluid from either the Drop Chamber or one of the Y-sites.
- Dust cap: placed on the end of the Selec-3 IV Product to ensure the end remains uncontaminated prior to use.
- Pinch Clamp (x2): The pinch clamps can be used to stop and start the flow of liquid through the tubing and to the patient.
- PVC Tube (73 Inches): The PVC tube allows the fluid to flow from the bag containing the fluid, through the SDC, and ultimately to the patient.
- Roller Clamp: The clamp is a binary control allowing or disallowing flow of fluid into the SDC, and thus to the patient.
- SDC: The SDC is a clear plastic tube with a mechanism allowing the user to select one of three drop rates. The SDC is patented and allows unwanted gas to bubble out of the fluid, allowing medical staff to see that fluid is flowing through the IV, and allowing regulation of the flow rate through the patented adjustable SDC.
- Spike and Cap: The spike is used to connect the Selec-3 IV Product to the fluid being administered to the patient. The spike is inserted into the bag holding the fluid. The cap is used to ensure the spike is not contaminated prior to use.
- Spin Lock: The spin lock allows connection between a device allowing the direct infusion of the fluids into the patient to the Selec-3 IV Product.
- Y-Sites (x3): The Y-sites allow the injection of additional treatments or medicines to be administered to the patient, in addition to the fluid connected to the Selec-3 IV Product that runs through the SDC and tubing to the patient.

Assembly of the Selec-3 IV Product involves three steps: (1) assembly of the SDC subassembly with the roller clamp and spike, (2) the assembly of the other tubing sub-assemblies, and (3) the final assembly.

(1) Assembly of the SDC

Assembly of the SDC involves connecting, gluing, and sealing the parts of the SDC, including the tubing and the roller clamp and spike. The plastic tubing is inspected and the tube to the drip-rate selector is aligned and glued. Then, the drop chamber is inspected and cured with ultraviolet light to bind them together. The assembler must apply silicone to the selector, sealing the selector, and adding the selector top. Lastly, the chamber is connected to a short piece of tubing that ends with a roller clamp and spike. The total cost of the SDC sub-assembly components is roughly less than half of the total cost of the Selec-3 IV Product.

(2) Assembly of the Other Tubing Sub-Assemblies

The premanufactured parts are inspected for defects. Assembly continues with three sections of tubing, *i.e.*, the primary tubing, the patient side assembly (top half), and the extension set (bottom half). To assemble each of those three sections, tubing is connected to luers and Y-sites.

(3) Final Assembly

During the final assembly process, the primary tubing, the patient side assembly, and the extension set are put together with the SDC sub-assembly, and the Selec-3 IV Product is complete. Adhesives are added to ensure lasting connection between certain parts.

Set forth below are several sourcing scenarios for components that Wai Medical is contemplating. Wai Medical requests that CBP issue a determination covering all five scenarios below.

Scenario 1: All of the Selec-3 IV Product components originate from the United States, are sterilized in the United States, and then are assembled in India prior to being re-imported, and fully assembled in the United States.

Scenario 2: The SDC originates from the United States and is assembled into the SDC sub-assembly (including the roller clamp and spike) in the United States. The remaining components originate, are sterilized, and assembled in India. The final assembly takes place in India.

Scenario 3: The SDC originates from the United States. The SDC sub-assembly takes place in India. Additionally, remaining components originate, are sterilized, and assembled in India. The final assembly takes place in India.

Scenario 4: The SDC originates from Mexico and all components (including SDC) are sterilized and assembled in India. All of the Selec-3 IV Product components, except the SDC, originate and are sterilized in non-TAA eligible countries. The final assembly takes place in India.

Scenario 5: The SDC components originate and are assembled into the SDC sub-assembly in Mexico. All other parts of the Selec-3 IV Product originate from China. Sterilization of the entire product occurs in China. The final assembly takes place in India.

Issue

What is the country of origin of the Biomedix Selec-3 Multiple Drop Intravenous Product for purposes of U.S. Government procurement?

Law & Analysis

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III, Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–2518).

CBP’s authority to issue advisory rulings and final determinations is set forth in 19 U.S.C. 2515(b)(1), which states:

For the purposes of this subchapter, the Secretary of the Treasury shall provide for the prompt issuance of advisory rulings and final determinations on whether, under section 2518(4)(B) of this title, *an article is or would be a product of a foreign country or instrumentality designated pursuant to section 2511(b) of this title.*

Emphasis added.

The Secretary of the Treasury's authority mentioned above, along with other customs revenue functions, are delegated to the Secretary of Homeland Security via Treasury Department Order (TO) 100–20 "Delegation of Customs revenue functions to Homeland Security," dated October 30, 2024, and are subject to further delegations to CBP (*see also* 19 CFR part 177, subpart B).

The rule of origin set forth in 19 U.S.C. 2518(4)(B) states:

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Acquisition Regulation ("FAR"). *See* 19 CFR 177.21. In this regard, CBP recognizes that the FAR restricts the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1).

The FAR, 48 CFR 25.003, defines "U.S.-made end product" as:

... an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

Additionally, the FAR, 48 CFR 25.003, defines "designated country end product" as: a WTO GPA [World Trade Organization Government Procurement Agreement] country end product, an FTA [Free Trade Agreement] country end product, a least developed country end product, or a Caribbean Basin country end product.

Section 25.003 defines "WTO GPA country end product" as an article that:

- (1) Is wholly the growth, product, or manufacture of a WTO GPA country; or
- (2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a WTO GPA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

Once again, we note that the Selec-3 IV components are sourced from both the United States, TAA-designated countries (*i.e.*, Mexico), as well as non-TAA countries (*i.e.*, China, Vietnam, and Malaysia).

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, the extent and nature of post-assembly inspection and testing procedures, and worker skill required during the actual manufacturing process will be considered when determining whether a substantial transformation has occurred. No one factor is determinative.

Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. Factors which may be relevant in this evaluation include the nature of the operation (including the number of components assembled), the number of different operations involved, and whether a significant period of time, skill, detail, and quality control are necessary for the assembly operation. *See* C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97. If the manufacturing or combining process is a minor one, which leaves the identity of the article intact, a substantial transformation has not occurred. *See Uniroyal, Inc. v. United States*, 3 CIT 220, 542 F. Supp. 1026 (1982), *aff'd*, 702 F.2d 1022 (Fed. Cir. 1983) (imported shoe uppers added to an outer sole in the United States were the "very essence of the finished shoe" and the character of the product remained unchanged and did not undergo substantial transformation in the United States).

The U.S. Court of International Trade ("CIT") more recently interpreted the meaning of "substantial transformation" in *Energizer Battery, Inc. v. United States*, 190 F. Supp. 3d 1308 (2016). *Energizer* involved the determination of the country of origin of a flashlight, referred to as the Generation II flashlight. All the components of the flashlight were of Chinese origin, except for a white LED and a hydrogen getter. The components were imported into the United States and assembled into the finished Generation II flashlight. The *Energizer* court reviewed the "name, character and use" test utilized in determining whether a substantial transformation had occurred and noted, citing *Uniroyal, Inc.*, 3 CIT at 226, that when "the post-importation processing consists of assembly, courts have been reluctant to find a change in character, particularly when the imported articles do not undergo a physical change." *Energizer* at 1318. In addition, the court noted that "when the end-use was predetermined at the time of importation, courts have generally not found a change in use." *Energizer* at 1319.

In reaching its decision, the *Energizer* court expressed the question as one of whether the imported components retained their names after they were assembled into the finished Generation II flashlights. The court found

"[t]he constitutive components of the Generation II flashlight do not lose their individual names as a result [of] the post-importation assembly." The court also found that the components had a predetermined end-use as parts and components of a Generation II flashlight at the time of importation and did not undergo a change in use due to the post-importation assembly process. Finally, the court did not find the assembly process to be sufficiently complex as to constitute a substantial transformation. Thus, the court found that Energizer's imported components did not undergo a change in name, character, or use as a result of the post-importation assembly into a finished Generation II flashlight. Virtually all of the components of the Generation II flashlight, including the most important component, the LED, were of Chinese origin. Accordingly, the court determined that China was the correct country of origin of the Generation II flashlights for purposes of government procurement.

In Headquarters Ruling Letter ("HQ") 734617, dated August 17, 1993, CBP considered an IV device for administering fluid and found that the foreign-made tubing assembly with the U.S.-assembled patented pump system in California resulted in a substantial transformation and determined the United States to be the country of origin. The U.S.-assembled patented pump system performed the product's most important function, *i.e.*, to regulate and ensure that the proper amount of intravenous medication gets to the patient. Notably, more than 75 percent of the value of the finished article was attributable to the U.S. operations.

Additionally, in HQ 734006, dated March 25, 1991, CBP held that U.S.-origin components of a medical device used to administer liquid nutritional preparations are not substantially transformed by assembly in Mexico. The value added in Mexico accounted for less than 10 percent of the direct cost of manufacturing the subject merchandise, and it contained no materials of Mexican origin. Accordingly, CBP determined there was no change in the name, character, or use of the assembled components as this process constituted a simple assembly.

In HQ 560613, dated October 28, 1997, CBP held that U.S.-origin components were not substantially transformed in Ireland when made into a pregnancy test kit. The test kit was made from the following U.S. components: top and bottom housing, paper, antibody, wick, laminate, and nitrocellulose. In addition, a splash guard from Ireland and rayon from Germany were used. The critical components of the pregnancy test kit were found to be the three U.S.-origin antibodies. CBP recognized that the U.S.-origin components imparted the essential character of the pregnancy test kit and that the simple assembly of placing the antibodies onto the rayon membrane, and subsequent assembly of the strips into a plastic housing did not result in a substantial transformation. Lastly, in HQ H035441, dated September 11, 2008, CBP found that the assembly and sterilization processes performed in Costa Rica to create the LAP-BAND® SYSTEM AP II were relatively simple and, therefore, the

operations did not result in a substantial transformation of the components. *See also* HQ 561167, dated December 14, 1998.

In the case at hand, the SDC is patent-protected, and we find that it performs the most critical function of the Selec-3 IV product, *i.e.*, regulating the drip rate of the fluid being administered to the patient. Importantly, the SDC sub-assembly consisting of the SDC plus the roller clamp and the spike represents the single most significant portion of the cost of materials of the Selec-3 IV Product. Here, similar to HQ 734617, the SDC imparts the essential character of the Selec-3 IV product because it serves the product's most important function. Additionally, sterilization only represents a small portion of the total cost of production of the subject merchandise. Consistent with HQ H035441, we find that the sterilization process should not result in substantial transformation.

Based on the information presented, we find that in Scenarios One, Two, and Three, the last substantial transformation occurs in the United States and therefore, the Selec-3 IV Product is not a product of a foreign country or instrumentality designated pursuant to 2511(b) of this title (*i.e.*, China, Vietnam, and Malaysia). As to whether the Selec-3 IV Product produced in the United States qualifies as a "U.S.-made end product" under Scenarios One, Two, and Three, you may wish to consult with the relevant government procuring agency and review *Acetris Health, LLC v. United States*, 949 F.3d 719 (Fed. Cir. 2020). Furthermore, we find that the country of origin of the Selec-3 IV Product in Scenarios Four and Five is Mexico and, therefore is a product of a foreign country or instrumentality designated pursuant to 2511(b) of this title.

Holding

Based on the information presented, we find that in Scenarios One, Two, and Three, the last substantial transformation of the Biomedix Selec-3 Multiple Drop Intravenous Product occurs in the United States.

Furthermore, we find that the country of origin in Scenarios Four and Five is Mexico.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the U.S. Court of International Trade.

Sincerely,

Alice A. Kipel,
Executive Director, Regulations & Rulings,
Office of Trade.

[FR Doc. 2025-09320 Filed 5-22-25; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Meeting Tables

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of meeting tables. Based upon the facts presented, CBP has concluded that the country of origin of the meeting tables is Canada for purposes of U.S. Government procurement.

DATES: The final determination was issued on May 13, 2025. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within June 23, 2025.

FOR FURTHER INFORMATION CONTACT: Reema Bogin, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, at reema.bogin@cbp.dhs.gov, or (202) 325-0277.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 13, 2025, CBP issued a final determination concerning the country of origin of meeting tables for purposes of title III of the Trade Agreements Act of 1979. This final determination, Headquarters Ruling Letter ("HQ") H338728, was issued at the request of Global Industries, Inc. ("Global Industries"), under procedures set forth at 19 CFR part 177, subpart B, which implements title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP has concluded that, based upon the facts presented, the last substantial transformation took place in Canada. Therefore, the country of origin of the meeting tables is Canada for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of

publication of such determination in the **Federal Register**.

Alice A. Kipel,
Executive Director, Regulations and Rulings,
Office of Trade.

HQ H338728

May 13, 2025

OT:RR:CTF:VS H338728 RRB

Category: Origin

Katie Higgins, Global Industries, Inc., 17 West Stow Road, Marlton, New Jersey 08053

Re: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); Subpart B, Part 177, CBP Regulations; Global Industries, Inc.; Country of Origin of Meeting Tables; Substantial Transformation
Dear Ms. Higgins:

This is in response to your request, dated April 10, 2024, for a final determination concerning the country of origin of two models of meeting tables, the Kadin™ table ("Kadin table") and the Terina™ table ("Terina table") (collectively, "the meeting tables"), pursuant to Title III of the Trade Agreements Act of 1979 ("TAA"), as amended (19 U.S.C. 2511 *et seq.*), and subpart B of Part 177, U.S. Customs and Border Protection ("CBP") Regulations (19 CFR 177.21 *et seq.*). Global Industries, Inc. ("Global Industries"), the manufacturer of the meeting tables, is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and § 177.23(a) and is therefore entitled to request this final determination.

Facts

The merchandise at issue are the Kadin and Terina models of meeting tables manufactured by Global Industries. Each of these meeting table models is available in different size options, base finishes, and laminate and veneer tabletop finishes.

Kadin Table

The Kadin table consists of a floating top surface, die-cast aluminum legs and a modular substructure for stability. Surfaces are offered in laminate or wood veneer finishes with multiple edge options and in three top shapes—round, square, or rectangular.

The Kadin table configurations with laminate table surfaces are manufactured at Global Industries' production facilities in Canada. The sheets used to manufacture the laminate table surfaces are sourced from Canada. They are either high-pressure laminate or low-pressure laminate. For high-pressure laminate sheets, adhesive is applied to the back of the sheet, the sheets are pressed onto the particle board substrate, and the adhesive is cured. For both high-pressure laminate and low-pressure laminate table surfaces, full-size sheets are fed onto a saw that is generated by a computer program for a precision cut pattern. Inserts are also programmed and added at this stage. The laminate table surfaces are then fed through an edge bander, which applies a hot melt glue to the edging and is pressed onto the edge. The processing of the laminate table

surface is completed once the edging is trimmed.

The Kadin table configurations with wood veneer table surfaces are also manufactured at Global Industries' production facilities in Canada. The sheets used to manufacture the wood veneer table surfaces are sourced from Canada. The wood veneer table surfaces are available in a variety of veneer types, including cherry, walnut, white oak, and maple. Once the veneer type is selected, the veneer sheets are pressed onto the particle board substrate, and the adhesive is cured. Full-size sheets are fed onto a saw that is generated by a computer program for a precision cut pattern. Inserts are also programmed and added at this stage. The wood veneer table surfaces are then fed through an edge bander, which applies a hot melt glue to the edging and is pressed onto the edge. Next, the edging of the wood veneer sheets is trimmed and sanded. The surface and edge are then sprayed with a catalyzed lacquer finish and are cured. Once this is complete, the wood veneer surface is removed from the curing area and packaged for shipping.

In addition to manufacturing the laminate and wood veneer table surfaces in Canada, the manufacturing process of the Kadin table consists of shipping die-cast aluminum table legs manufactured in China to Canada in a mixture of raw (unpainted) and polished aluminum (finished). Extruded aluminum connectors and injection-molded plastic components used to assemble the table frames are also manufactured in China and shipped to Canada. The extruded aluminum pieces, including table beams and screws, are all raw (unpainted). Injection-molded plastic components are finished in China. Once these components are shipped in bulk from China to Canada, the beams are cut down and pre-drilled to accept screws. The table legs, which can be customized in various finishes, are electrostatically painted depending on the selected finish, along with the matching connectors, die-cast pieces and beams. The painted legs are assembled with caps installed on the connectors. Finally, all remaining hardware is sorted, assembled and bagged.

Once processing of the table surfaces, table legs, and hardware is complete, all of the table surface components are boxed in cardboard or skidded and strapped, depending on the quantity of surfaces in each package. The table legs and hardware are bagged, bubble wrapped and boxed together. Beams longer than 36 inches are paper wrapped. All of those components are shipped together from Canada to the ultimate customer—in this case, a U.S. government agency. Final assembly of all the packaged table components occurs in the United States by the ultimate customer, using an installation guide provided to the customer by Global Industries.

Terina Table

The Terina table is a multi-purpose table that allows for quick adaptability to various spaces. It includes a flip-top mechanism designed for one-handed operation, and an angled "T" leg design. The flip-mechanism also allows the tables to be stored in an

upright position to minimize storage space. Like the Kadin table configuration, the Terina table surfaces are offered in laminate or wood veneer finishes.

According to Global Industries, the manufacturing steps for the laminate and wood veneer table surfaces of the Terina configuration are identical to those of the Kadin configuration.

In addition to manufacturing the laminate and wood veneer Terina table surfaces in Canada, the manufacturing process of the Terina table consists of shipping extruded raw aluminum (unpainted) vertical channels from China to Canada. Extruded aluminum connectors and injection-molded plastic components used to assemble the table frames are also manufactured in China and shipped to Canada. The extruded aluminum pieces are all raw (unpainted), whereas the injection-molded plastic components are finished. The "foot" of the flip top mechanism, manufactured in China in polished aluminum (finished), is shipped to Canada. The Terina configuration includes casters (wheels) that allow the table to be moved in a meeting space and are manufactured in China in a grey plastic. The casters are shipped in finished form from China to Canada. Once these base components are shipped in bundles from China to Canada, the parts are unpacked and sorted. The table legs, which can be customized in various finishes, are electrostatically painted depending on the selected finish, along with the matching brackets and beams. The painted legs are assembled by installing the foot, brackets, hardware, and leveler to the leg pipe. Finally, all remaining hardware is sorted, assembled and bagged.

Once processing of the table surfaces, table legs, and hardware is complete, all of the table surface components are boxed in cardboard or skidded and strapped, depending on the quantity of surfaces in each package. The table legs and hardware are bagged, bubble wrapped and boxed together. Together, all of those components are shipped together from Canada to the ultimate customer—in this case, a U.S. government agency. Final assembly of all the packaged table components occurs in the United States by the ultimate customer, using an installation guide provided to the customer by Global Industries.

Issue

What is the country of origin of the Kadin and Terina meeting tables for purposes of U.S. Government procurement?

Law and Analysis

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III, Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–2518).

CBP's authority to issue advisory rulings and final determinations stems from 19 U.S.C. 2515(b)(1), which states:

For the purposes of this subchapter, the Secretary of the Treasury shall provide for the prompt issuance of advisory rulings and final determinations on whether, under section 2518(4)(B) of this title, *an article is or would be a product of a foreign country or instrumentality designated pursuant to section 2511(b) of this title.*

Emphasis added.

The Secretary of the Treasury's authority mentioned above, along with other customs revenue functions, are delegated to the Secretary of Homeland Security via Treasury Department Order (TO) 100–20 "Delegation of Customs revenue functions to Homeland Security," dated October 30, 2024, and are subject to further delegations to CBP (*see also* 19 CFR part 177, subpart B).

The rule of origin set forth in 19 U.S.C. 2518(4)(B) states:

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Acquisition Regulation ("FAR"). *See* 19 CFR 177.21. In this regard, CBP recognizes that the FAR restricts the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1).

Section 25.003 defines "designated country end product" as:

a WTO GPA [World Trade Organization Government Procurement Agreement] country end product, an FTA [Free Trade Agreement] country end product, a least developed country end product, or a Caribbean Basin country end product.

Section 25.003 defines "Free Trade Agreement country end product" as an article that:

(1) Is wholly the growth, product, or manufacture of a Free Trade Agreement (FTA) country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in an FTA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

"Free Trade Agreement country" means Australia, Bahrain, Canada, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Korea (Republic of), Mexico, Morocco, Nicaragua, Oman, Panama, Peru, or Singapore. *See* 48 CFR 25.003. Thus, Canada is an FTA country for purposes of the FAR.

In order to determine whether a substantial transformation occurs, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The

country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, CBP considers factors such as the resources expended on product design and development, the extent and nature of post-assembly inspection and testing procedures, and worker skill required during the actual manufacturing process when determining whether a substantial transformation has occurred. No one factor is determinative.

In *Carlson Furniture Indus. v. United States*, 65 Cust. Ct. 474, Cust. Dec. 4126 (1970), which involved wooden chair parts, the court held that the assembly operations after importation were substantial in nature and more than a simple assembly of parts. The importer assembled, fitted, and glued the wooden parts together, inserted steel pins into the key joints, cut the legs to length and leveled them, and in some instances, upholstered the chairs and fitted the legs with glides and casters. The assembly operations resulted in the creation of a new article of commerce.

The U.S. Court of International Trade has also looked at the essence of an article to determine whether its identity has been substantially transformed through assembly or processing. For example, in *Uniroyal, Inc. v. United States*, 3 C.I.T. 220, 225, (1982), aff'd 702 F. 2d 1022 (Fed. Cir. 1983), the court held that imported shoe uppers added to an outer sole in the United States were the "very essence of the finished shoe" and thus the character of the product remained unchanged and did not undergo substantial transformation in the United States. Similarly, in *National Juice Products Association v. United States*, 10 C.I.T. 48, 61, 628 F. Supp. 978, 991 (1986), the court held that imported orange juice concentrate "imparts the essential character" to the completed orange juice and thus was not substantially transformed into a product of the United States.

Headquarters Ruling Letter ("HQ") H280512, dated March 7, 2017, considered the origin of a sit-to-stand, height adjustable desktop workstation for purposes of U.S. Government procurement. The main components of the sit-to-stand workstation were a Chinese-origin lift assembly of base metal, and a U.S.-originating laminated particle board work surface and keyboard tray. The lift assembly provided user-assisted lift functionality by means of spring force to allow adjustment of the workstation between sitting and standing positions. In the United States, the Chinese lift assembly was attached to components fabricated in the United States, including the work surface, keyboard tray, right and left keyboard support brackets, and metal support bar, to form the workstation. The processes in the United States included sawing, profiling, sanding, hot-pressing and trimming to manufacture the work surface and keyboard tray as well as laser-cutting, bending and painting of the sheet metal components followed by final assembly of the U.S.-origin and the imported components. CBP determined that the imported lift assembly was substantially

transformed as a result of the assembly performed in the United States to produce the finished desktop workstation. The decision noted that the lift assembly was not functional to an end user by itself as it did not include the primary features of the U.S.-origin work surface and keyboard tray which allowed the work to be conducted, and without which, the lifting mechanism was incapable of being used as a workstation. CBP found the lift assembly was substantially transformed in the United States into a desktop workstation.

In New York Ruling Letter ("NY") N334531, dated September 6, 2023, CBP considered the country of origin of four unassembled tables, where the tabletops were manufactured in Thailand, the bases were manufactured in China, and all of the components were packaged as unassembled tables in Thailand. Although partially unassembled, CBP noted that it has historically found that the material comprising the tabletop imparts the essential character to a table. *See, e.g.*, NY N324295, dated February 17, 2022; NY N331972, dated April 13, 2023; NY N332328, dated May 9, 2023; NY N334127, dated August 2, 2023; NY N334774, dated August 24, 2023; NY N334531, dated September 6, 2023; and NY N336633, dated December 6, 2023. Based on the totality of the manufacturing operations performed in China and Thailand and their sequence, first in China and then in Thailand, and the fact that the tabletops imparted the essential character of the complete tables, CBP found that the country of origin of the imported, unassembled tables was Thailand. *See also*, NY N339685, dated May 9, 2024 (the country of origin of three unassembled tables was Thailand under similar reasoning as in NY N334531).

Unlike *Carlson Furniture Indus.* and HQ H280512, the assembly operations here are not as substantial in nature. Rather, they are akin to the manufacturing operations in NY N334531 and NY N339685. The functional article of commerce that is purchased by a U.S. government agency is not simply a tabletop or table bases that are packaged together but rather, a finished meeting table that merely necessitates a simple combining of components without any special skill or sophistication. And as CBP has historically found, it is the tabletop component, which provides the tables with their functionality and accounts for the majority of their weight, visual appeal, and utility, that imparts the essential character of a table. Accordingly, the tabletop component of the Kadin and Terin table configurations that are manufactured in Canada imparts the essential character of the imported meeting table configuration. Thus, we find that the country of origin of the entire unassembled Kadin and Terina table configurations as imported will be Canada for purposes of U.S. Government procurement.

Holding

Based on the facts and analysis set forth above, the country of origin of the Kadin and Terina models of meeting tables will be Canada for purposes of U.S. Government procurement.

Notice of this final determination will be given in the **Federal Register**, as required by

19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the U.S. Court of International Trade.

Sincerely,

Alice A. Kipel,

Executive Director, Regulations and Rulings,
Office of Trade.

[FR Doc. 2025–09318 Filed 5–22–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Platform Software

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of platform software. Based upon the facts presented, CBP has concluded that the last substantial transformation occurs in the United States.

DATES: The final determination was issued on May 15, 2025. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination no later than June 23, 2025.

FOR FURTHER INFORMATION CONTACT: Jordan Higgins, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, at (202) 325–1134.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 15, 2025, CBP issued a final determination concerning the country of origin of Unifyia platform software for purposes of title III of the Trade Agreements Act of 1979. This final determination, Headquarters Ruling Letter ("HQ") H342822, was issued at the request of Unifyia, Inc. under procedures set forth at 19 CFR part 177, subpart B, which implements title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP has concluded that, based upon the facts presented, the platform software is

substantially transformed in the United States.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Alice A. Kipel,

*Executive Director, Regulations and Rulings,
Office of Trade.*

HQ H342822

May 15, 2025

OT:RR:CTF:VS H342822 JH

Category: Origin

David M. Verhey, Principal, FLG Counsel,
1717 K Street NW, Suite 900, Washington,
DC 20006

Re: U.S. Government Procurement; Title III,
Trade Agreements Act of 1979 (19 U.S.C.
2511); Subpart B, Part 177, CBP
Regulations; Country of Origin of Unifyia
Platform Software; Substantial
Transformation

Dear Mr. Verhey:

This is in response to your request, dated October 31, 2024, on behalf of Unifyia, Inc. (“Unifyia”), for a final determination concerning the country of origin of Unifyia Platform Software, pursuant to Title III of the Trade Agreements Act of 1979 (“TAA”), as amended (19 U.S.C. 2511 *et seq.*), and subpart B of Part 177, U.S. Customs and Border Protection (“CBP”) Regulations (19 CFR 177.21, *et seq.*). Unifyia, Inc. is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and 177.23(a) and is therefore entitled to request this final determination.

Facts

The merchandise under consideration is Unifyia Platform Software, described as software that provides identity and credential management, and high assurance authentication solutions for the United States Government. Unifyia’s software is built using a four-step process with the assistance of a subsidiary in India. The first step is design and engineering efforts conducted by the Unifyia team in the United States; the second step is source code development by the Unifyia team in India; the third step is the compilation of source code into executable object code by the same team in the United States; and the last step is to secure the finished software in storage on Amazon Web Services (“AWS”) for deployment to government customers.

Step 1

The beginning stages of the development process start in the United States. The company’s U.S.-based engineers design the software functionality and service model for the development process.

Step 2

In this step, the Indian-based team, in coordination with the U.S. team during the development process, produces 80 percent of the source code, while the remaining 20 percent is developed in the United States. The code is made to meet the requirements of the U.S. design architecture plan. The software programmers write the computer code using Java, C++, and Swift languages, while the user-interface designers design and write the computer code for a graphical layout using Typescript, HTML, FreeMarker, React Native, and JavaScript. Once completed, the India-based team uploads the source code to Bitbucket, a secure U.S.-based code repository.

Before step 3 can begin, the U.S. team initiates code cleansing and debugging. This must be performed before the source code can be transformed into executable code. This process is done in the United States under the direction of the U.S. engineering team which ensures that all issues are addressed. During the process, the source code is modified by deleting or modifying one or more portions of the original source code to produce new source code.

Step 3

Once cleansing and debugging are complete, the U.S. team initiates the continuous integration/continuous deployment (CI/CD) process. At this stage, the U.S. team authorizes the movement of the source code from Bitbucket to Bitbucket Pipeline (a U.S.-based platform) or to the server (U.S.-based machine), that automatically converts the source code to executable object code. In the same process, the object code is released with version control for easier maintenance.

Step 4

Stated as the end of the CI/CD process, Unifyia in the United States sends the executable object code to DockerHub, Dropbox, the App Store, and/or the Play Store, all U.S.-based platforms, for secure storage. The U.S. team then delivers the new object code to the purchaser through AWS, a U.S.-based platform located in Ashburn, Virginia, that allows customers to access applications or that provides secure storage for its customers.

Issue

What is the country of origin of the platform software for purposes of U.S. Government procurement?

Law & Analysis

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III, Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–2518).

CBP’s authority to issue advisory rulings and final determinations stems from 19 U.S.C. 2515(b)(1), which states:

For the purposes of this subchapter, the Secretary of the Treasury shall provide for the prompt issuance of advisory rulings and final determinations on whether, under section 2518(4)(B) of this title, *an article is or would be a product of a foreign country or instrumentality designated pursuant to section 2511(b) of this title.*

Emphasis added.

The Secretary of the Treasury’s authority mentioned above, along with other customs revenue functions, are delegated to the Secretary of Homeland Security via Treasury Department Order (TO) 100–20 “Delegation of Customs revenue functions to Homeland Security,” dated October 30, 2024, and are subject to further delegations to CBP (*see also* 19 CFR part 177, subpart B).

The rule of origin set forth in 19 U.S.C. 2518(4)(B) states:

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Acquisition Regulation (“FAR”). *See* 19 CFR 177.21. In this regard, CBP recognizes that the FAR restricts the U.S. Government’s purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1).

The FAR, 48 CFR 25.003, defines “U.S.-made end product” as:

. . . an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

Additionally, the FAR, 48 CFR 25.003, defines “designated country end product” as: a WTO GPA [World Trade Organization Government Procurement Agreement] country end product, an FTA [Free Trade Agreement] country end product, a least developed country end product, or a Caribbean Basin country end product.

Section 25.003 defines “WTO GPA country end product” as an article that:

- (1) Is wholly the growth, product, or manufacture of a WTO GPA country; or
- (2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a WTO GPA country into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the

article, provided that the value of those incidental services does not exceed that of the article itself.

CBP has consistently held that conducting a software build, compiling source code into object code, results in a substantial transformation. In a final determination that CBP issued, Headquarters Ruling Letter (“HQ”) H301776, dated Aug. 7, 2019, two software products were produced using a four-step process: (1) writing original source code, or modifying open source software code in the United States; (2) writing or modifying source code in Canada; (3) compiling the source code into executable object code in the United States; and (4) delivering the finished software to the purchaser. In the final determination, CBP cited to two secondary sources to highlight how “source code” and “object code” differ in several important ways. Source code is a “computer program written in a high level human readable language.” See, e.g., Daniel S. Lin, Matthew Sag, and Ronald S. Laurie, *Source Code versus Object Code: Patent Implications for the Open Source Community*, 18 Santa Clara High Tech. L.J. 235, 238 (2001). While it is easier for humans to read and write programs in “high level human readable languages,” computers cannot execute these programs. See Note, *Copyright Protection of Computer Program Object Code*, 96 Harv. L. Rev. 1723, 1724 (1983). Computers can execute only “object code,” which is a program consisting of clusters of “0” and “1” symbols. *Id.* Programmers create object code from source code by feeding it into a program known as a “compiler.” *Id.* CBP held that the name, character, and use of the source code were changed as a result of its compilation into executable object code and its completion into finished software in the United States.

CBP also held in another final determination, HQ H268858, dated Feb. 12, 2016, that conducting a software build resulted in a substantial transformation. In that decision, four software products were produced using a similar multi-stage process: (1) writing the source code in Malaysia; (2) compiling the source code into usable object code in the United States; and (3) installing the finished software on U.S.-origin discs in the United States. CBP held that all four software products were substantially transformed in the United States, finding that the software build conducted in the United States created a new and different article with a new name, character, and use. See also HQ H243606, dated Dec. 4, 2013 (source code programmed in China and then compiled into object code in the United States was a substantial transformation).

In this case, the writing of source code in India (and the United States) involves the creation of computer instructions in a high level human readable language, whereas the software build performed in the United States involves the compilation of those instructions into a format that computers can execute. Based on the information provided, and consistent with the rulings cited above, we find that as a result of the software build that occurs when the source code is transformed into executable code when moved through either of the two U.S.-based

platforms, Bitbucket Pipeline or the U.S.-based server, the last substantial transformation occurs in the United States. Through this process, the character changes from computer code to finished software, and the use changes from instructions to an executable program. Therefore, Unifyia’s software is not a product of a foreign country or instrumentality designated pursuant to 19 U.S.C. 2511(b). As to whether Unifyia’s software qualifies as a “U.S.-made end product,” you may wish to consult with the relevant government procuring agency and review *Acetris Health, LLC v. United States*, 949 F.3d 719 (Fed. Cir. 2020).

Holding

Based on the facts and analysis set forth above, the subject Unifyia, Inc. platform software is last substantially transformed in the United States.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the U.S. Court of International Trade.

Sincerely,

Alice A. Kipel

Executive Director, Regulations & Rulings,
Office of Trade

[FR Doc. 2025–09321 Filed 5–22–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX25LR000F60100; OMB Control Number 1028–0059/Renewal]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comprehensive Test Ban Treaty

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the U.S. Geological Survey (USGS) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments. To be considered, your comments must be received on or before July 22, 2025.

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

■ **Internet:** <https://www.regulations.gov>. Search for and

submit comments on Docket No. USGS–E&M–2025–0003.

■ **U.S. Mail:** USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: E. Lee Bray by email at lbray@usgs.gov, or by telephone at 703–648–4979.

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. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the PRA of 1995, as part of our continuing effort to reduce paperwork and respondent burdens, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provides the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comments addressing the following issues:

(1) Is the collection necessary to the proper functions of the USGS minerals information mission; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how the USGS might enhance the quality, utility, and clarity of the information to be collected; and (5) how the USGS might minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: The collection of this information is required by the Comprehensive Test Ban Treaty (CTBT), and will, upon request, provide the CTBT Technical Secretariat with geographic locations of sites where chemical explosions greater than 300 tons TNT-equivalent have occurred. The responsibility to collect and monitor explosives information is delegated to the USGS and is carried out through this information collection.

Title of Collection: Comprehensive Test Ban Treaty.

OMB Control Number: 1028-0059.

Form Number: USGS Form 9-4040-A.

Type of Review: Renewal with extension of a currently approved information collection.

Respondents/Affected Public: Businesses or other for-profit institutions: U.S. nonfuel minerals producers.

Total Estimated Number of Annual Respondents: 2,500.

Total Estimated Number of Annual Responses: 2,500.

Estimated Completion Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 625.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Non-hour Burden Cost: There are no "non-hour cost" burdens associated with this ICR.

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authorities for this action are the PRA of 1995, the National Mining and Minerals Policy Act of 1970, the National Materials and Minerals Policy, Research and Development Act of 1980, the CTBT part III, and the CTBT USGS-Department of Defense Memorandum of Agreement.

Braden Harker,

Director, National Minerals Information Center, U.S. Geological Survey.

[FR Doc. 2025-09249 Filed 5-22-25; 8:45 am]

BILLING CODE 4338-11-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PO #4820000251; Order #02412-014-004-047181.0]

Filing of Plat of Survey, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plat of survey of the following described lands is scheduled

to be officially filed 30 days after the date of this notice in the Bureau of Land Management (BLM) New Mexico State Office, Santa Fe, New Mexico. The survey announced in this notice is necessary for the management of lands administered by the U.S. Army Corps of Engineers.

DATES: If you wish to protest the survey identified in this notice, you must file a written notice of protest with the BLM Chief Cadastral Surveyor for New Mexico by June 23, 2025.

ADDRESSES: Submit written protests to the BLM New Mexico State Office, 301 Dinosaur Trail, Santa Fe, NM 87508. You may obtain a copy of the survey record from the public room at this office upon required payment. The plat may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT:

Jacob B. Barowsky, Chief Cadastral Surveyor; (505) 761-8903; jbarowsky@blm.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:

San Miguel County, New Mexico

The plat representing the dependent resurvey and survey of land in the Pablo Montoya Grant and Township 13 North, Range 25 East, of the New Mexico Principal Meridian, accepted March 17, 2025, for Group No. 1194, New Mexico.

This plat was prepared at the request of the U.S. Army Corps of Engineers, Albuquerque District.

A person or party who wishes to protest this survey must file a written notice of protest by the date specified in the **DATES** section of this notice with the New Mexico State Director, Bureau of Land Management, at the address listed in the **ADDRESSES** section of this notice.

A written statement of the reasons in support of the protest, if not filed with the notice of protest, must be filed with the BLM State Director for New Mexico within 30 calendar days after the notice of protest is received.

Before including your address, or other personal information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. ch. 3)

Jacob B. Barowsky,

Chief Cadastral Surveyor for New Mexico.

[FR Doc. 2025-09306 Filed 5-22-25; 8:45 am]

BILLING CODE 4331-23-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PO #4820000251; Order #02412-014-004-047181.0]

Filing of Plats of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to officially file plats of survey of the following described lands 30-calendar days after the date of this notice in the BLM Wyoming State Office, Cheyenne, Wyoming. These surveys, which were executed at the request of the U.S. Forest Service, the Bureau of Reclamation, and the BLM, are necessary for the management of these lands.

DATES: Protests must be received by the BLM prior to the scheduled date of official filing by June 23, 2025.

ADDRESSES: You may submit written protests to the Wyoming State Director at WY926, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming 82009. You may obtain a copy of the survey record from the Public Room at this office upon required payment. The plats may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT:

Jeremy D. Davis, Acting BLM Wyoming Chief Cadastral Surveyor, by telephone at 307-775-6467 or by email at j65davis@blm.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. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plats of survey of the following described lands are scheduled to be officially filed in the BLM Wyoming State Office, Cheyenne, Wyoming.

Sixth Principal Meridian, Wyoming

T. 17 N., R. 78 W., Group No. WY1079, dependent resurvey, accepted December 18, 2024.

T. 15 N., R. 86 W., Group No. WY1080, dependent resurvey and survey, accepted January 7, 2025.

Wind River Meridian, Wyoming

T. 3 N., R. 4 E., Group No. 1099, dependent resurvey and survey, accepted January 7, 2025.

A person or party who wishes to protest one or more plats of survey identified in this notice must file a written notice of protest by the date specified in the **DATES** section of this notice with the Wyoming State Director at the address listed in the **ADDRESSES** section of this notice. Any notice of protest received after the scheduled date of official filing will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director within 30-calendar days after the notice of protest is filed.

If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

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

Copies of the preceding described plat and field notes are available to the public at a cost of \$4.20 per plat and \$0.15 per page of field notes. Requests can be made to blm_wy_survey_records@blm.gov or by telephone at 307-775-6222.

(Authority: 43 U.S.C. chapter 3)

Jeremy D. Davis,

Acting Chief Cadastral Surveyor of Wyoming.

[FR Doc. 2025-09359 Filed 5-22-25; 8:45 am]

BILLING CODE 4331-26-P

DEPARTMENT OF THE INTERIOR**Office of Natural Resources Revenue**

[Docket No. ONRR-2011-0021; DS63636400 DRT000000.CH7000 256D1113RT; OMB Control Number 1012-0002]

Agency Information Collection Activities: Indian Oil and Gas Valuation

AGENCY: Office of Natural Resources Revenue (“ONRR”), Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (“PRA”), ONRR is proposing to renew an information collection. Through this Information Collection Request (“ICR”), ONRR seeks renewed authority to collect information for the collection, verification, and disbursement of oil and gas royalties owed to Indian lessors. ONRR uses forms ONRR-4109, ONRR-4110, ONRR-4295, ONRR-4393, ONRR-4410, and ONRR-4411 as part of these information collection requirements.

DATES: Interested persons are invited to submit comments. To be considered, your comments must be received on or before June 23, 2025.

ADDRESSES: All comment submissions must (1) reference the Office of Management and Budget (“OMB”) Control Number 1012-0002 in the subject line; (2) be sent to ONRR before the close of the comment period listed under **DATES**; and (3) be sent using the following method:

Electronically via the Federal eRulemaking Portal: Please visit <https://www.regulations.gov>. In the Search Box, enter the Docket ID Number for this ICR renewal (“ONRR-2011-0021”) to locate the document and click the “Comment” button. Follow the prompts to submit your comment prior to the close of the comment period.

Docket: To access the docket folder to view the ICR **Federal Register** publications, go to <https://www.regulations.gov> and search “ONRR-2011-0021” to view renewal notices recently published in the **Federal Register**, publications associated with prior renewals, and applicable public comments received for this ICR. ONRR will make the comments submitted in response to this notice available for public viewing at <https://www.regulations.gov>.

OMB ICR Data: You may also view information collection review data for this ICR, including past OMB approvals, at <https://www.reginfo.gov/public/do/PRASearch>. Under the “OMB Control Number” heading enter “1012-0002” and click the “Search” button located at

the bottom of the page. To view the ICR renewal or OMB approval status, click on the most recent entry. On the “View ICR—OIRA Conclusion” page, check the box next to “All” to display all available ICR information provided by OMB.

FOR FURTHER INFORMATION CONTACT:

Matthew Coakley, Royalty Valuation, ONRR, by telephone (918) 615-5249, or by email to Matthew.Coakley@onrr.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: Pursuant to the PRA, 44 U.S.C. 3501 *et seq.*, and 5 CFR 1320.5, all information collections, as defined in 5 CFR 1320.3, require approval by OMB. ONRR may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. As part of ONRR’s continuing effort to reduce paperwork and respondent burdens, ONRR is inviting the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information in accordance with the PRA and 5 CFR 1320.8(d)(1). This helps ONRR to assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand ONRR’s information collection requirements and provide the requested data in the desired format.

ONRR is especially interested in public comments addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
 - (2) The accuracy of ONRR’s estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
 - (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
 - (4) How might the agency 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 response.
- ONRR published a notice, with a 60-day public comment period, soliciting

comments on this collection of information in the **Federal Register** on November 18, 2024 (89 FR 90734). ONRR did not receive comments from companies in response to the published 60-day **Federal Register** notice.

Comments that you submit in response to this 30-day notice are a matter of public record. ONRR will include or summarize each comment in its request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personally identifying information—may be made publicly available at any time. While you can ask ONRR in your comment to withhold your personally identifying information from public review, ONRR cannot guarantee that it will be able to do so.

Abstract: (a) *General Information:* The Secretary of the Interior (“Secretary”) is responsible for mineral resource development on Federal and Indian lands and the U.S. Outer Continental Shelf. Laws pertaining to Federal and Indian mineral leases are posted at <https://onrr.gov/references/statutes>. Pursuant to the Federal Oil and Gas Royalty Management Act of 1982 (“FOGRMA”) and other laws, the Secretary’s responsibilities include maintaining a comprehensive inspection, collection, and fiscal and production accounting and auditing system that: (1) accurately determines mineral royalties, interest, and other payments owed, (2) collects and accounts for such amounts in a timely manner, and (3) disburses the funds collected. See 30 U.S.C. 1701 and 1711. ONRR performs these royalty and revenue management responsibilities for the Secretary. See Secretary’s Order No. 3306.

The information collections that ONRR covers in this ICR are found at 30 CFR part 1202, subparts C and J, which pertain to Indian oil and gas royalties; part 1206, subparts B and E, which govern the valuation of oil and gas produced from leases on Indian lands; and part 1207, which pertains to recordkeeping. Indian Tribes and allottees receive all royalties generated from their lands. Determining product valuation is essential to ensure that Indian Tribes and allottees receive payment on the full value of the minerals removed from their lands.

(b) *Information Collections:* This ICR covers the paperwork requirements under 30 CFR parts 1202, 1206, and 1207 as follows:

(1) *Indian Oil*—Regulations at 30 CFR part 1206, subpart B, govern the

valuation for royalty purposes of oil produced from Indian oil and gas leases (Tribal and allotted). These regulations require a lessee to file form ONRR–4110, *Oil Transportation Allowance Report*, when its oil transportation allowance includes costs incurred under non-arm’s-length or no-contract transportation situations. ONRR and Tribal audit personnel use the information collected on this form to help verify that the lessee correctly reported its transportation allowance within regulatory allowance limitations and reported and paid the correct amount of royalties.

(2) *Indian Gas*—Regulations at 30 CFR part 1206, subpart E, govern the valuation for royalty purposes of natural gas produced from Indian oil and gas leases (Tribal and allotted). These regulations require reporting on ONRR forms 4109, 4295, 4410, and 4411 as follows:

(a) A lessee must file form ONRR–4109, *Gas Processing Allowance Report*, when its processing allowance includes costs incurred under non-arm’s-length or no-contract processing situations. ONRR and Tribal audit personnel use the information collected on this form to verify that the lessee correctly reported its processing allowance within regulatory allowance limitations and reported and paid the correct amount of royalties.

(b) A lessee must file form ONRR–4295, *Gas Transportation Allowance Report*, when its gas transportation allowance includes costs incurred under non-arm’s-length or no-contract transportation situations. ONRR and Tribal audit personnel use the information collected on this form to verify that a lessee correctly reported its transportation allowance within regulatory allowance limitations and reported and paid the correct amount of royalties.

(c) A lessee for an Indian oil and gas lease must file form ONRR–4410, *Accounting for Comparison [Dual Accounting]* to certify when dual accounting is not required (part A) or to make an election for actual dual accounting as defined in 30 CFR 1206.176 or alternative dual accounting as defined in 30 CFR 1206.173 when dual accounting is required (part B).

(d) A lessee uses form ONRR–4411, *Safety Net Report*, when it sells gas production from an Indian oil or gas lease in an ONRR-designated index zone beyond the first index pricing point. The safety net calculation establishes the minimum value, for royalty purposes, of natural gas production from Indian oil and gas leases. This reporting helps ensure that Indian

lessors receive all royalties due and aids ONRR’s compliance efforts.

(3) *Indian Oil and Gas*—Regulations at 30 CFR 1206.56(b)(2) and 1206.177(c)(2) and (c)(3) provide that a lessee must submit form ONRR–4393, *Request to Exceed Regulatory Allowance Limitation*, as part of a valid request to exceed the regulatory allowance limit of 50 percent of royalty value for transportation allowances. OMB approved the form ONRR–4393 under OMB Control Number 1012–0005, which otherwise pertains to Federal oil and gas leases. This form provides ONRR with the necessary data to make a decision on whether to approve or deny the request.

The requirement to report is mandatory for form ONRR–4410 and, under certain circumstances, form ONRR–4411. To obtain certain benefits, a lessee must file forms ONRR–4109, ONRR–4110, ONRR–4295, and ONRR–4393.

Title of Collection: Indian Oil and Gas Valuation.

OMB Control Number: 1012–0002.

Bureau Form Number: Forms ONRR–4109, ONRR–4110, ONRR–4295, ONRR–4393, ONRR–4410, and ONRR–4411.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses.

Total Estimated Number of Annual Respondents: 146 Indian lessees.

Total Estimated Number of Annual Responses: 146.

Estimated Completion Time per Response: 8.85 hours.

Total Estimated Number of Annual Burden Hours: 1,299 hours.

Respondent’s Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annual and on occasion.

Total Estimated Annual Non-Hour Burden Cost: ONRR identified no “non-hour cost” burden associated with this collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA (44 U.S.C. 3501, *et seq.*).

April Lockler,
Acting Director, Office of Natural Resources Revenue.

[FR Doc. 2025–09266 Filed 5–22–25; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION**[Investigation No. 731–TA–1022 (Fourth Review)]****Refined Brown Aluminum Oxide From China; Scheduling of an Expedited Five-Year Review****AGENCY:** United States International Trade Commission.**ACTION:** Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the antidumping duty order on refined brown aluminum oxide from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 9, 2025.

FOR FURTHER INFORMATION CONTACT: Kenneth Gatten III (202–708–1447), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On May 9, 2025, the Commission determined that the domestic interested party group response to its notice of institution (90 FR 8812, February 3, 2025) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).²

For further information concerning the conduct of this review 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, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record and will be made available to persons on the Administrative Protective Order service list for this review on June 4, 2025. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission’s rules.

Written submissions.—As provided in § 207.62(d) of the Commission’s rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,³ and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before 5:15 p.m. on June 11, 2025, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by June 11, 2025. However, should the Department of Commerce (“Commerce”) extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce’s final results is three business days after the issuance of Commerce’s results. If comments contain business proprietary information (BPI), they must 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 review must be served on all other parties to the review (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.

Authority: This review is being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission’s rules.

By order of the Commission.

Issued: May 20, 2025.

Lisa Barton,*Secretary to the Commission.*

[FR Doc. 2025–09355 Filed 5–22–25; 8:45 am]

BILLING CODE 7020–02–P**INTERNATIONAL TRADE COMMISSION****[Investigation No. 332–607]****Nonfat Milk Solids: Competitive Conditions for the United States and Major Foreign Suppliers****AGENCY:** United States International Trade Commission.**ACTION:** Notice of investigation and scheduling of a public hearing.

SUMMARY: Following receipt on April 23, 2025, of a request from the U.S. Trade Representative (the Trade Representative) under section 332(g) of the Tariff Act of 1930, the U.S. International Trade Commission (Commission) instituted Investigation No. 332–607, “Nonfat Milk Solids: Competitive Conditions for the United States and Major Foreign Suppliers”. The Trade Representative requested that the Commission conduct an investigation and prepare a report on the global competitiveness of the U.S. nonfat milk solids industry.

DATES:

July 14, 2025: Deadline for filing requests to appear at the public hearing.

July 16, 2025: Deadline for filing prehearing briefs and statements.

July 21, 2025: Deadline for filing electronic copies of hearing oral statements.

July 28, 2025: Public hearing.

August 11, 2025: Deadline for filing posthearing briefs.

October 14, 2025: Deadline for filing all other written submissions.

March 23, 2026: Transmittal of Commission report to the Trade Representative.

ADDRESSES: All Commission offices, including the Commission’s hearing rooms, are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The

¹ A record of the Commissioners’ votes, the Commission’s statement on adequacy, and any individual Commissioner’s statements will be available from the Office of the Secretary and at the Commission’s website.

² Commissioner David S. Johanson voted to conduct a full review.

³ The Commission has found the responses submitted on behalf of Great Lakes Minerals, LLC, Imerys Niagara Falls, Inc., U.S. Electrofused Minerals, Inc., and Washington Mills to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

Project Leader Rudy Telles Jr. (202–205–2597 or Rodolfo.Telles@usitc.gov) or Deputy Project Leaders Kim Ha (202–205–3343 or Kim.Ha@usitc.gov) and Ivan Lee (202–205–2163 or Ivan.Lee@usitc.gov) for information specific to this investigation. For information on the legal aspects of this investigation, contact Brian Allen (202–205–3034 or Brian.Allen@usitc.gov) of the Commission's Office of the General Counsel. The media should contact Claire Huber, Office of External Relations (202–205–1819 or Claire.Huber@usitc.gov). Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may be obtained by accessing its internet address (<https://www.usitc.gov>). 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.

SUPPLEMENTARY INFORMATION:

Background: As requested by the Trade Representative, the Commission has instituted an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) to produce a report on the global competitiveness of the U.S. nonfat milk solids industry. Specifically, the Trade Representative has requested that the Commission prepare a report that includes the following:

- an overview of the global market for products containing high levels of nonfat milk solids in their various forms, including such factors as product end uses, consumption, production, and trade;
- profiles of the industries producing and exporting products containing high levels of nonfat milk solids in the United States, Australia, Canada, selected EU member states, New Zealand, and other countries as may be relevant, including information about domestic production, consumption, and export trends in these countries;
- a comparison of the competitive strengths and weaknesses of producers and exporters of nonfat milk solid products from the United States and other major exporting countries, focusing on factors affecting delivered costs, product differentiation, and reliability of supply, as well as government policies and programs that

directly or indirectly affect the production and exports of nonfat milk solid products from these countries; and

- an overview of the competitiveness of U.S. nonfat milk solid products relative to exports from the highlighted countries both in the U.S. market and in third-country markets.

As requested by the Trade Representative, the Commission will deliver the report no later than March 23, 2026. The Trade Representative asked that the Commission not include confidential business or national security classified information in its report. However, as detailed below, participants may submit confidential information to the Commission to inform its understanding of these issues, and such information will be protected in accordance with the Commission's *Rules of Practice and Procedure*. Participants are strongly encouraged to provide any supporting data and information along with their views.

Public hearing: A public hearing in connection with this investigation will be held beginning at 9:30 a.m., July 28, 2025, in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The hearing can also be accessed remotely using the WebEx videoconference platform. A link to the hearing will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

Requests to appear at the hearing should be filed with the Secretary to the Commission no later than 5:15 p.m., July 14, 2025, in accordance with the requirements in the "Written Submissions" section below. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear as a witness via videoconference must include a statement explaining why the witness cannot appear in person; the Chair, or other person designated to conduct the investigation, may at their discretion for good cause shown, grant such requests. Requests to appear as a witness via videoconference due to illness or a positive COVID–19 test result may be submitted by 3 p.m. the business day prior to the hearing.

All prehearing briefs and statements should be filed no later than 5:15 p.m., July 16, 2025. To facilitate the hearing, including the preparation of an accurate written public transcript of the hearing, oral testimony to be presented at the hearing must be submitted to the Commission electronically no later than noon, July 21, 2025. All posthearing briefs and statements should be filed no later than 5:15 p.m., August 11, 2025.

Posthearing briefs and statements should address matters raised at the hearing. For a description of the different types of written briefs and statements, see the "Definitions" section below.

In the event that, as of the close of business on July 14, 2025, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should check the Commission website as indicated above for information concerning whether the hearing will be held.

Written submissions: In lieu of or in addition to participating in the hearing, interested persons are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received no later than 5:15 p.m., October 14, 2025. All written submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), email EDIS3help@usitc.gov, or consult the Commission's *Handbook on Filing Procedures*.

Definitions of types of documents that may be filed; Requirements: In addition to requests to appear at the hearing, this notice provides for the possible filing of four types of documents: prehearing briefs, hearing oral statements, posthearing briefs, and other written submissions.

(1) *Prehearing briefs* refers to written materials relevant to the investigation and submitted in advance of the hearing, and includes written views on matters that are the subject of the investigation, supporting materials, and any other written materials that you consider will help the Commission in understanding your views. You should file a prehearing brief particularly if you plan to testify at the hearing on behalf of an industry group, company, or other organization, and wish to provide detailed views or information that will support or supplement your testimony.

(2) *Hearing oral statements* refers to the actual oral statement that you intend to present at the hearing. Do not include any confidential business information (CBI) in that statement. If you plan to testify, you must file a copy of your oral statement by the date specified in this notice. This statement will allow

Commissioners to understand your position in advance of the hearing and will also assist the court reporter in preparing an accurate transcript of the hearing (e.g., names spelled correctly).

(3) *Posthearing briefs* refers to submissions filed after the hearing by persons who appeared at the hearing. Such briefs: (a) should be limited to matters that arose during the hearing; (b) should respond to any Commissioner and staff questions addressed to you at the hearing; (c) should clarify, amplify, or correct any statements you made at the hearing; and (d) may, at your option, address or rebut statements made by other participants in the hearing.

(4) *Other written submissions* refers to any other written submissions that interested persons wish to make, regardless of whether they appeared at the hearing, and may include new information or updates of information previously provided.

In accordance with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8), the document must identify on its cover (1) the investigation number and title and the type of document filed (i.e., prehearing brief, oral statement of (name), posthearing brief, or written submission), (2) the name and signature of the person filing it, (3) the name of the organization that the submission is filed on behalf of, and (4) whether it contains CBI. If it contains CBI, it must comply with the marking and other requirements set out below in this notice relating to CBI. Submitters of written documents (other than hearing oral statements) are encouraged to include a short summary of their position or interest at the beginning of the document, and a table of contents when the document addresses multiple issues.

Confidential business information: Any submissions that contain CBI must also conform to the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "nonconfidential" version, and that the CBI is clearly identified by means of brackets. All written submissions, except for CBI, will be made available for inspection by interested persons.

As requested by the Trade Representative, the Commission will not include any CBI in its report. However, all information, including CBI, submitted in this investigation may be disclosed to and used by: (i) the Commission, its employees and offices,

and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission, including under 5 U.S.C. Appendix 3; or (ii) U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any CBI in a way that would reveal the operations of the firm supplying the information.

Summaries of views of interested persons: Interested persons wishing to have a summary of their views included in the report should include a summary with a written submission on or before October 14, 2025, and should mark the summary as having been provided for that purpose. The summary should be clearly marked as "summary for inclusion in the report" at the top of the page. The summary may not exceed 500 words and should not include any CBI. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link where the written submission can be found.

By order of the Commission.

Issued: May 20, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–09339 Filed 5–22–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1145 (Third Review)]

Steel Threaded Rod from China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty order on steel threaded rod from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 9, 2025.

FOR FURTHER INFORMATION CONTACT:

Jesse Sanchez (202) 205–2402, Office of Investigations, U.S. International Trade

Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server <https://www.usitc.gov>. The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On May 9, 2025, the Commission determined that the domestic interested party group response to its notice of institution (90 FR 8808, February 3, 2025) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).²

For further information concerning the conduct of this review 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, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on June 11, 2025. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,³ and any party

¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

² Commissioner David S. Johanson voted to conduct a full review.

³ The Commission has found the response submitted on behalf of Vulcan Threaded Products, Inc. to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before June 18, 2025, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by June 18, 2025. However, should the Department of Commerce ("Commerce") extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must 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 review must be served on all other parties to the review (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.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 20, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-09354 Filed 5-22-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1449]

Certain Balloon Dilation Devices, Systems, and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 18, 2025, under section 337 of the Tariff Act of 1930, as amended, on behalf of Entellus Medical, Inc. of Plymouth, Minnesota, Stryker Corporation of Portage, Michigan, and Stryker Sales, LLC of Portage, Michigan. Supplements to the complaint were filed on April 25 and May 8, 2025. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain balloon dilation devices, systems, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,083,878 ("the '878 patent"); U.S. Patent No. 11,090,472 ("the '472 patent"); and U.S. Patent No. 12,274,847 ("the '847 patent"). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

Susan Orndoff, The Office of the Secretary, Docket Services Division,

U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 20, 2025, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-11, 14-15, and 19-30 of the '878 patent; claims 1-16, 18-22, 24-25, 27, and 29-30 of the '472 patent; and claims 1-4, 6-12, 15-20, and 22 of the '847 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "(a) balloon dilation devices; (b) systems containing the same for tracking, guiding, illumination, and/or navigating cavities, and (c) components thereof consisting of: (i) components of the balloon dilation device; and (ii) components for tracking, guiding, illuminating, and/or navigating used in balloon dilation devices and with systems containing the same";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Entellus Medical, Inc., 3600 Holly Lane North, Suite 40, Plymouth, Minnesota 55447

Stryker Corporation, 1941 Stryker Way, Portage, Michigan 49002
Stryker Sales, LLC, 1941 Stryker Way, Portage, Michigan 49002

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:
Fiagon GmbH, Neuendorfstraße 23b, 16761 Hennigsdorf, Germany

Fiagon AG Medical Technologies,
Neuendorfstraße 23b, 16761
Hennigsdorf, Germany

Fiagon NA Corporation, 3913 Todd Ln.,
Building 100, Suite 101, Austin,
Texas 78744

Fiagon NA, LLC, 3913 Todd Ln.,
Building 100, Suite 101, Austin,
Texas 78744

Hemostasis, LLC, 5000 Township
Pkwy., White Bear Lake, Minnesota
55110

(4) For the investigation so instituted,
the Chief Administrative Law Judge,
U.S. International Trade Commission,
shall designate the presiding
Administrative Law Judge.

The Office of Unfair Import
Investigations will not participate as a
party in this investigation.

Responses to the complaint and the
notice of investigation must be
submitted by the named respondents in
accordance with section 210.13 of the
Commission's Rules of Practice and
Procedure, 19 CFR 210.13. Pursuant to
19 CFR 201.16(e) and 210.13(a), such
responses will be considered by the
Commission if received not later than 20
days after the date of service by the
Commission of the complaint and the
notice of investigation. Extensions of
time for submitting responses to the
complaint and the notice of
investigation will not be granted unless
good cause therefor is shown.

Failure of a respondent to file a timely
response to each allegation in the
complaint and in this notice may be
deemed to constitute a waiver of the
right to appear and contest the
allegations of the complaint and this
notice, and to authorize the
administrative law judge and the
Commission, without further notice to
the respondent, to find the facts to be as
alleged in the complaint and this notice
and to enter an initial determination
and a final determination containing
such findings, and may result in the
issuance of an exclusion order or a cease
and desist order or both directed against
the respondent.

By order of the Commission.

Issued: May 20, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-09340 Filed 5-22-25; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Marine Terminal Operations and Longshoring Standards

ACTION: Notice of availability; request
for comments.

SUMMARY: The Department of Labor
(DOL) is submitting this Occupational
Safety & Health Administration (OSHA)-
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 June 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:
Nicole Bouchet by telephone at 202-
693-0213, or by email at [DOL_PRA_](mailto:DOL_PRA_PUBLIC@dol.gov)
PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The
collections of information required from
employers by OSHA are necessary to
determine compliance with
requirements that are intended to
reduce employee injuries and fatalities
associated with cargo lifting gear,
transfer of vehicular cargo manual cargo
handling, and exposure to hazardous
atmospheres. For additional substantive
information about this ICR, see the
related notice published in the **Federal
Register** on February 14, 2025 (90 FR
9637).

Comments are invited on: (1) whether
the collection of information is
necessary for the proper performance of
the functions of the Department,
including whether the information will
have practical utility; (2) the accuracy of
the agency's estimates of the burden and
cost of the collection of information,
including the validity of the
methodology and assumptions used; (3)
ways to enhance the quality, utility and
clarity of the information collection; and
(4) ways to minimize the burden of the
collection of information on those who
are to respond, including the use of
automated collection techniques or
other forms of information technology.

This information collection is subject
to the PRA. A Federal agency generally
cannot conduct or sponsor a collection
of information, and the public is
generally not required to respond to an
information collection, unless the OMB
approves it and displays a currently
valid OMB Control Number. In addition,
notwithstanding any other provisions of
law, no person shall generally be subject
to penalty for failing to comply with a
collection of information that does not
display a valid OMB Control Number.
See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this
information collection for three (3)
years. OMB authorization for an ICR
cannot be for more than three (3) years
without renewal. The DOL notes that
information collection requirements
submitted to the OMB for existing ICRs
receive a month-to-month extension
while they undergo review.

Agency: DOL-OSHA.

Title of Collection: Marine Terminal
Operations and Longshoring Standards.
OMB Control Number: 1218-0196.

Affected Public: Private Sector—
Businesses or other for-profits.

*Total Estimated Number of
Respondents:* 1,077.

*Total Estimated Number of
Responses:* 216,455.

Total Estimated Annual Time Burden:
50,421 hours.

*Total Estimated Annual Other Costs
Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025-09358 Filed 5-22-25; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Main Fan Operation and Inspection (I-A, II-A, III, and V-A Mines)

ACTION: Notice of availability; request
for comments.

SUMMARY: The Department of Labor
(DOL) is submitting this Mine Safety
and Health Administration (MSHA)-
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 June 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: Michael Howell by telephone at 202–693–6782, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Main fans for all underground metal and nonmetal gassy mines must have pressure-recording systems. The fans are required to be examined daily while operating if persons are underground. The pressure-recording systems indicate whether the fans are in good operating condition. The pressure recordings are required to be kept one year. For additional substantive information about this ICR, see the related notice published in the *Federal Register* on December 27, 2024 (89 FR 105632).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–MSHA.

Title of Collection: Main Fan Operation and Inspection (I–A, II–A, III, and V–A mines).

OMB Control Number: 1219–0026.

Affected Public: Private Sector.

Number of Respondents: 6.

Number of Responses: 3,960.

Annual Burden Hours: 2,112 hours.

Total Estimated Annual Other Costs Burden: \$6,000.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–09269 Filed 5–22–25; 8:45 am]

BILLING CODE 4510–43–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of May 26, and June 2, 9, 16, 23, 30, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of May 26, 2025

There are no meetings scheduled for the week of May 26, 2025.

Week of June 2, 2025—Tentative

Friday, June 6, 2025

10 a.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Rob Krsek: 301–415–1766)

Additional Information: The meeting will be held in the Commissioners’ Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission’s meeting in person or watch live via

webcast at the web address—<https://video.nrc.gov/>.

Week of June 9, 2025—Tentative

There are no meetings scheduled for the week of June 9, 2025.

Week of June 16, 2025—Tentative

Tuesday, June 17, 2025

10 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting) (Contact: Erin Deeds: 301–415–2887)

Additional Information: The meeting will be held in the Commissioners’ Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission’s meeting in person or watch live via webcast at the web address—<https://video.nrc.gov/>.

Week of June 23, 2025—Tentative

There are no meetings scheduled for the week of June 23, 2025.

Week of June 30, 2025—Tentative

There are no meetings scheduled for the week of June 30, 2025.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Chris Markley at 301–415–6293 or via email at Christopher.Markley@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: May 21, 2025.

For the Nuclear Regulatory Commission.

Christopher Markley,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025–09423 Filed 5–21–25; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 99902117; NRC–2025–0079]

Long Mott Energy, LLC.; Long Mott Generating Station; Construction Permit Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week for four consecutive weeks of receipt and availability of an application from Long Mott Energy, LLC. for a construction permit for a four-unit reactor facility. The application for the construction permit was received on March 31, 2025.

DATES: May 23, 2025.

ADDRESSES: Please refer to Docket ID NRC–2025–0079 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2025–0079. 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, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Adrian Muñiz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4093; email: Adrian.Muñiz@nrc.gov.

SUPPLEMENTARY INFORMATION: On March 31, 2025, Long Mott Energy, LLC., a wholly owned subsidiary of the Dow Chemical Company, filed an application for a construction permit for a four-unit power reactor facility to be located in Calhoun County, Texas, pursuant to section 103 of the Atomic Energy Act, as amended, and part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities." The four-unit facility is to be identified as Long Mott Generating Station and would be based on the X-energy Xe-100, high-temperature gas-cooled reactor design. This would be the first

application to include this design for NRC review.

The application is available in ADAMS under Package Accession No. ML25090A057. The information submitted by the applicant includes, among other things, the transmittal letter (ADAMS Accession No. ML25090A058), the preliminary safety analysis report (ADAMS Accession No. ML25090A061), the environmental report (ADAMS Accession No. ML25090A063), and certain financial qualification information (ADAMS Accession No. ML25090A059). These notices are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

The NRC staff is currently undertaking its acceptance review of the application. If the application is accepted for docketing, a subsequent **Federal Register** notice will be issued that addresses the acceptability of the construction permit application for docketing and provisions for participation of the public in the permitting process.

Dated: April 29, 2025.

For the Nuclear Regulatory Commission.

Adrian Muñiz Gonzalez,

Senior Project Manager, Advanced Reactor Licensing Branch 2, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–07730 Filed 5–22–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1409 and K2025–1408; MC2025–1410 and K2025–1409; MC2025–1411 and K2025–1410; MC2025–1412 and K2025–1411; MC2025–1413 and K2025–1412]

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:* May 28, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by

telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT:

David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<https://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

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).

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s)*.: MC2025–1409 and K2025–1408; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 755 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 19, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Elsie Lee-Robbins; *Comments Due*: May 28, 2025.

2. *Docket No(s)*.: MC2025–1410 and K2025–1409; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 756 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 19, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Elsie Lee-Robbins; *Comments Due*: May 28, 2025.

3. *Docket No(s)*.: MC2025–1411 and K2025–1410; *Filing Title*: USPS Request to Add Priority Mail Contract 824 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 19, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: May 28, 2025.

4. *Docket No(s)*.: MC2025–1412 and K2025–1411; *Filing Title*: USPS Request to Add Priority Mail Contract 825 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 19, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: May 28, 2025.

5. *Docket No(s)*.: MC2025–1413 and K2025–1412; *Filing Title*: USPS Request to Add USPS Ground Advantage Contract 14 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 19, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: May 28, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–09335 Filed 5–22–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103066; File No. SR–NYSEARCA–2025–07]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 3, and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 3, To Amend Rules Regarding Position and Exercise Limits for Options on the Grayscale Bitcoin Trust and To Permit Flexible Exchange Options on the Grayscale Bitcoin Trust

May 19, 2025.

I. Introduction

On January 29, 2025, NYSE Arca, Inc. (“Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”) ¹ and Rule 19b–4 thereunder, ² a proposed rule change to amend rules regarding the position and exercise limits for options on the Grayscale Bitcoin Trust and to permit Flexible Exchange Options on the Grayscale Bitcoin Trust. On February 7, 2025, the Exchange filed Amendment No. 1 to the proposed rule change. The proposed rule change, as amended, was published for comment in the **Federal Register** on February 18, 2025. ³

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102402 (Feb. 11, 2025), 90 FR 9765.

On March 12, 2025, pursuant to Section 19(b)(2) of the Act, ⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change. ⁵ The Commission has received no comments on the proposed rule change, as modified by Amendment No. 1. On April 28, 2025, the Exchange filed Amendment No. 2 to the proposed rule change (“Amendment No. 2”). On May 6, 2025, the Exchange withdrew Amendment No. 2 and filed Amendment No. 3 to the proposed rule change (“Amendment No. 3”), as described in Items II and III below, which Items have been prepared by the Exchange. ⁶ The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 3, and is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act ⁷ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 3.

II. Self-Regulatory Organization's Description of the Proposed Rule Change, as Modified by Amendment No. 3

The Exchange proposes to certain [sic] rules that restrict the position and exercise limits for options on the Grayscale Bitcoin Trust ETF (“GBTC”) and to permit Flexible Exchange (“FLEX”) Options on GBTC. This Amendment No. 3 supersedes and replaces the original filing in its entirety. ⁸ The proposed rule change is

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102629, 90 FR 12630 (Mar. 18, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ Amendment No. 3 is available at: <https://www.sec.gov/comments/sr-nysearca-2025-07/srnysearca202507-598415-1738062.pdf>.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ On February 7, 2025, the Exchange submitted partial Amendment No.1 to its proposal to make certain technical changes to the Exhibit 5 (the “original filing”). See Securities Exchange Act Release No. 102629 (February 11, 2025), 90 FR 12630 (February 18, 2025) (SR–NYSEARCA–2025–07). On April 28, 2025, the Exchange filed Amendment No. 2, which was withdrawn on May 6, 2025. This Amendment No. 3 modifies the original filing to make clarifying changes to the Purpose section to reflect that the proposed position and exercise limits for options on GBTC will be the same as the position and exercise limits for other equity options (*i.e.*, not a fixed limit of 25,000 contracts) and that any FLEX and non-FLEX positions in GBTC options must be aggregated for purposes of calculating position and exercise limits for such options, which changes more closely align with the rule text in the Exhibit 5. The Exchange also proposes a technical change to replace rule text

available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

III. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend certain rules that restrict the position and exercise limits for options on GBTC and to permit GBTC options to trade as FLEX Equity Options ("FLEX GBTC") as described herein. Specifically, the Exchange proposes to (1) amend Commentary .06(f) to Rule 6.8–O (Position Limits) to remove the 25,000-contract position limit on GBTC options thus allowing such limits to be increased;⁹ and (2) amend Rules 5.32–O(f)(1) (Terms of FLEX) and 5.36–O(b) (Position Limits) to permit FLEX GBTC options and to require the aggregation of any FLEX and non-FLEX positions for purposes of calculating position and exercise limits for GBTC.

The Exchange notes that this proposal is competitive given that Nasdaq ISE, LLC ("ISE") recently filed a proposal to remove the 25,000-contract position and exercise limits applicable to options on the iShares Bitcoin Trust ETF ("IBIT").¹⁰

references to "the Grayscale Bitcoin Trust BTC (BTC)" with its ticker symbol, "GBTC".

⁹ As discussed herein, the removal of GBTC (and associated 25,000-contract limit) from Commentary .06(f) means the position limit for GBTC options will be determined based on trading in GBTC during the most recent six-month period. See Rule 6.8–O, Commentary .06(a)–(e). As discussed herein, GBTC options currently qualify for position (and exercise) limits of 250,000 contracts per Rule 6.8–O, Commentary .06(e)(i).

¹⁰ See Amendment No 2 to Proposed Rule Change to modify the position and exercise limits for IBIT options to the applicable position and exercise limits as determined by Options 9, Sections 13 and 15 (SR–ISE–2024–62), filed Mar. 26, 2025, available at <https://www.sec.gov/comments/sr-ise-2024-62/srise202462-593575-1721782.pdf>. ("ISE IBIT

Background

GBTC is an ETF that holds bitcoin and is listed on the Exchange.¹¹ On October 18, 2024, the Commission approved the listing and trading of GBTC options on NYSE American, LLC ("NYSE American").¹² On November 22, 2024, the Exchange obtained rule authority to trade GBTC options.¹³ The position (and exercise)¹⁴ limits for GBTC options are 25,000 contracts, as set forth in Rule 6.8–O, Commentary .06(f), the lowest limit available in options.¹⁵

FLEX Equity Options are not generally subject to position (or exercise) limits.¹⁶ Today, pursuant to Rule 5.32–O(f)(1), GBTC options are not approved for FLEX trading.¹⁷ Therefore, the 25,000-contract limit for GBTC options currently applies solely to non-FLEX GBTC options.

Per the Commission, "rules regarding position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options positions."¹⁸ For this reason, the Commission requires that "position and exercise limits must

Proposal"). Like GBTC, IBIT is an ETF that holds bitcoin.

¹¹ NYSE Arca received approval to list and trade Bitcoin-Based Commodity-Based Trust Shares in GBTC pursuant to NYSE Arca Rule 8.201–E(c)(1). See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to list and trade options on, among other ETFs, GBTC) (SR–NYSEARCA–2021–90).

¹² See Securities Exchange Act Release No. 101386 (October 18, 2024), 89 FR 84960 (October 24, 2024) (SR–NYSEAMER–2024–49) (order approving rules to permit the listing and trading of GBTC options, among others) (the "GBTC Options Approval Order").

¹³ See Securities Exchange Act Release No. 101713 (November 22, 2024), 89 FR 94839 (November 29, 2024) (SR–NYSEARCA–2024–101) (notice of immediately effective rule change to permit GBTC options trading, based on the already-approved NYSE American rules) (the "Arca GBTC Options Notice").

¹⁴ The Exchange notes that the exercise limit for GBTC options are based on, and are always the same as, the position limit for such options. See Rule 6.9–O (Exercise Limits).

¹⁵ Pursuant to Rule 6.8–O, Commentary .06(f), options on the following ETFs—all of which, like GBTC, hold bitcoin—are also subject to a 25,000-contract position and exercise limit: IBIT, the Grayscale Bitcoin Mini Trust BTC ("BTC"), the Bitwise Bitcoin ETF ("BITB"), the Fidelity Wise Origin Bitcoin Fund ("FBTC"), and the ARK 21Shares Bitcoin ("ARKB").

¹⁶ See Rule 5.35–O(b) (subject to the exceptions enumerated in the rule "there shall be no position limits" for FLEX Equity Options).

¹⁷ Pursuant to Rule 5.32–O(f)(1), FLEX trading is also not available for options on IBIT, BTC, BITB, FBTC, and ARKB.

¹⁸ See GBTC Options Approval Order, 89 FR at 84971.

be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security."¹⁹ Based on its review of the data and analysis provided by NYSE American, the Commission concluded that the proposed 25,000-contract position and exercise limits for GBTC options satisfied these objectives.²⁰ The Exchange adopted the already-approved 25,000-contract limit for GBTC options.²¹

Position Limits

While NYSE American proposed an aggregated 25,000 contract position (and exercise) limit for GBTC options, it nonetheless believed that evidence existed to support a much higher position limit.²² Specifically, in approving GBTC options trading on NYSE American, the Commission considered and reviewed NYSE American's analysis that the exercisable risk associated with a position (and exercise) limit of 25,000 contracts represented only 0.9% of the outstanding shares of GBTC.²³ The Commission also considered and reviewed NYSE American's arguments that with a 25,000-contract limit, and 284,570,100 GBTC shares outstanding, 114 market participants would have to simultaneously exercise their positions to place GBTC under stress.²⁴ Based on the Commission's review of this information and analysis, the Commission concluded that the proposed position and exercise limits of 25,000 contracts were designed to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security, and to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying

¹⁹ See *id.*

²⁰ See *id.*

²¹ See Arca GBTC Options Notice, 89 FR at 94842. See also Rule 6.8–O, Commentary .06(f).

²² See GBTC Options Approval Order, 89 FR, at 84970 (referring to NYSE American's argument that, as of Sept. 30, 2024, GBTC traded 723,758,100 shares in the most recent six months of trading, which would qualify GBTC for a 250,000-contract position limit per NYSE American Rule 904, Commentary .07(a), which is identical to Arca Rule 6.8–O Commentary .06(e)).

²³ See *id.* Data represents figures from FactSet as of August 30, 2024.

²⁴ See GBTC Options Approval Order, 89 FR at 84971.

market so as to benefit the options position.²⁵

GBTC currently qualifies for a 250,000-contract limit on same-side contracts pursuant to Rule 6.8–O Commentary .06(e)(i), which requires that trading volume for the underlying security in the most recent six months be at least 100,000,000 shares.²⁶ As of November 25, 2024, during the most recent six-month period, trading volume for GBTC was 550,687,400 shares. In addition, as of November 25, 2024, the market capitalization for GBTC was \$20,661,316,542,²⁷ with an average daily volume (“ADV”) for the preceding three months of 3,829,597 shares. GBTC is well above the requisite minimum of 100,000,000 shares necessary to qualify for the 250,000-contract position and exercise limit. Also, as of November 25, 2024, there were 19,787,762 bitcoins in circulation.²⁸ At a price of \$94,830 per bitcoin,²⁹ that equates to a market capitalization of greater than \$1.876 trillion. If an aggregated position and exercise limit of 250,000 contracts were considered, the exercisable risk would represent 9.13%³⁰ of GBTC shares outstanding. Given GBTC’s liquidity, the current 25,000-contract position (and exercise) limit is extremely conservative.

As noted above, position and exercise limits are designed to limit the number of options contracts traded on an exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. These limits, which are described in Rules 6.8–O and 6.9–O, are intended to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. Position and exercise limits must balance concerns regarding mitigating

potential manipulation and the cost of inhibiting potential hedging activity that could be used for legitimate economic purposes.

To achieve this balance, the Exchange proposes to remove GBTC (and the associated 25,000-contract limit) from Commentary .06(f), which would enable GBTC options to trade in the same manner as options on other ETFs not included in this Commentary.³¹ Specifically, this proposal would result in an increased position (and exercise) limit for GBTC options from 25,000 to 250,000 same-side contracts, pursuant to Commentary .06(e)(i). In addition, like options on other ETFs not listed in Commentary .06(f), position limits for GBTC options would be subject to subsequent six (6) month reviews to determine future position (and exercise) limits.³²

In addition to determining GBTC’s eligibility for a 250,000-contract position (and exercise) limit per Commentary .06(e)(i), the Exchange performed additional analyses regarding GBTC in support of this proposal. First, the Exchange reviewed GBTC’s data relative to the market capitalization of the entire bitcoin market in terms of exercise risk and availability of deliverables. As noted above, as of November 25, 2024, there were 19,787,762 bitcoins in circulation.³³ At a price of \$94,830 per bitcoin,³⁴ that equates to a market capitalization of greater than \$1.876 trillion. If an aggregated position (and exercise) limit of 250,000 contracts were considered, the exercisable risk would represent 9.13%³⁵ of the outstanding shares outstanding of GBTC. Since GBTC has a creation and redemption process managed through the issuer (whereby bitcoin is used to create GBTC shares), the position limit can be compared to the total market capitalization of the entire bitcoin market, and in that case, the exercisable risk for options on GBTC

would represent less than 0.10% of all bitcoin outstanding.³⁶ The Exchange notes that if GBTC options were subject to a 250,000-contract position and exercise limit (based on GBTC trading volume) and if all options on GBTC shares were exercised at once, this occurrence would have a virtually unnoticed impact on the entire bitcoin market. This analysis demonstrates that a 250,000-contract position (and exercise) limit for GBTC options would be appropriate given GBTC’s liquidity.

Next, the Exchange reviewed the proposed position limit by comparing it to position limits for derivative products regulated by the Commodity Futures Trading Commission (“CFTC”). While the CFTC, through the relevant Designated Contract Markets, only regulates options positions based upon delta equivalents (creating a less stringent standard), the Exchange examined equivalent bitcoin futures position limits. In particular, the Exchange looked to the Chicago Mercantile Exchange (“CME”) bitcoin futures contract,³⁷ which has a position limit of 2,000 futures (for the initial spot month).³⁸ On October 22, 2024, CME bitcoin futures settled at \$94,945.³⁹ On October 22, 2024, GBTC settled at \$53.64, which would equate to greater than 17,700,410 shares of GBTC if the CME notional position limit was utilized. Since substantial portions of any distributed options portfolio are likely to be out of the money on expiration, an options position limit equivalent to the CME position limit for bitcoin futures (considering that all options deltas are ≤ 1.00) should be a bit higher than the CME implied limit of 177,004.

Of note, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).⁴⁰ Therefore, if a portfolio includes positions in options on futures, CME would aggregate those

²⁵ *Id.*

²⁶ See Rule 6.8–O Commentary .06(e) (providing at subparagraph (e) that the position limit shall be 250,000 contracts for options: (i) on underlying stock or Exchange-Traded Fund Share that had trading volume of at least 100,000,000 shares during the most recent six-month trading period; or (ii) on an underlying stock or Exchange-Traded Fund Share that had trading volume of at least 75,000,000 shares during the most recent six-month trading period and has at least 300,000,000 shares currently outstanding).

²⁷ The market capitalization of GBTC was determined by multiplying a settlement price (\$75.42) by the number of shares outstanding (273,950,100). Data represents figures from FactSet as of November 25, 2024.

²⁸ See <https://www.coingecko.com/en/coins/bitcoin>.

²⁹ This is the approximate price of bitcoin from 4 p.m. ET on November 25, 2024.

³⁰ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 273,950,100 shares outstanding).

³¹ See proposed Rule 6.8–O, Commentary .06(f). The Exchange notes that the ETFs included in Commentary .06(f) (other than ETFs like GBTC that hold bitcoin) have significantly higher position limits than are authorized by Rule, which increases were subject to Exchange rule filings.

³² See Rule 6.8–O, Commentary .06(e) (providing that, every six months, the Exchange will review the volume and outstanding share information on all underlying ETFs on which options are traded months to determine applicable position limits). See also Rule 6.9–O (providing that exercise limits for options on an underlying will be the same as the position limits for such underlying).

³³ See <https://www.coingecko.com/en/coins/bitcoin>.

³⁴ This is the approximate price of bitcoin from 4 p.m. ET on November 25, 2024.

³⁵ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 273,950,100 shares outstanding).

³⁶ This number was arrived at with this calculation: ((250,000 limit * 100 shares per option * \$75.42 settle) / (19,787,762 BTC outstanding * \$94,830 BTC price)).

³⁷ CME Bitcoin Futures are described in Chapter 350 of CME’s Rulebook.

³⁸ See the Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5 of CME’s Rulebook. Each CME bitcoin futures contract is valued at five bitcoins as defined by the CME CF Bitcoin Reference Rate (“BRR”). See CME Rule 35001.

³⁹ 2,000 futures at a 5-bitcoin multiplier (per the contract specifications) equates to \$949,450,000 (2000 contracts * 5 BTC per contract * \$94,945 price of November BTC future) of notional value.

⁴⁰ See <https://www.cmegroup.com/education/courses/market-regulation/position-limits/position-limits-aggregation-of-contracts-and-table.htm>.

positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.⁴¹ If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Considering CME's position limits on bitcoin futures, the Exchange believes a 250,000-contract limit for GBTC options would be appropriate.

Finally, the Exchange analyzed a position and exercise limit of 250,000 for GBTC against options on SPDR Gold Shares ("GLD"), which (like GBTC), is a commodity-backed ETF.⁴² The Exchange notes that GLD has a float of 306.1 million shares and a position limit of 250,000 contracts.⁴³ As previously noted, position and exercise limits are designed to limit the number of options contracts traded on the exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. A position limit exercise in GLD would represent 8.17% of the float of GLD. In comparison, a 250,000-contract position limit in GBTC would represent 9.13% of the float of GBTC. . [sic] While less conservative than the standard applied to options on GLD, the Exchange nonetheless believes that subjecting GBTC options to a 250,000-contract position and exercise limit would be appropriate.⁴⁴

Based on the foregoing, the Exchange believes that it has demonstrated that GBTC has more than sufficient liquidity to garner an increased position and exercise limit of 250,000 same-side contracts. The Exchange believes that the significant liquidity present in GBTC mitigates against the potential for manipulation.

The Exchange believes that allowing GBTC options to have increased aggregated position and exercise limits

would lead to a more liquid and competitive market environment for such options, which will benefit customers that trade these options. Further, the reporting requirement for such options would remain unchanged. Thus, the Exchange will still require that each member that maintains positions in GBTC options on the same side of the market, for its own account or for the account of a customer, report certain information to the Exchange. This information includes, but would not be limited to, the options positions, whether such positions are hedged and, if so, a description of the hedge(s). Market Makers⁴⁵ would continue to be exempt from this reporting requirement, however, the Exchange may access Market Maker position information.⁴⁶ Moreover, the Exchange's requirement that members file reports with the Exchange for any customer who held aggregate large long or short positions on the same side of the market of 200 or more option contracts of any single class for the previous day will remain at this level.⁴⁷

The Exchange also has no reason to believe that the growth in trading volume in GBTC options will not continue. Rather, the Exchange expects continued options volume growth in GBTC as opportunities for investors to participate in the options markets increase and evolve. The Exchange believes that the current position and exercise limits in GBTC options are restrictive and will hamper the listed options markets from being able to compete fairly and effectively with the over-the-counter ("OTC") markets. OTC transactions occur through bilateral agreements, the terms of which are not publicly disclosed to the marketplace. As such, OTC transactions do not contribute to the price discovery process on a public exchange or other lit markets. The Exchange believes that without the proposed changes to position and exercise limits for GBTC options, market participants will find the 25,000-contract position limit an impediment to their business and investment objectives as well as an

impediment to efficient pricing. As a result, market participants may find the less transparent OTC markets a more attractive alternative to achieve their investment and hedging objectives, leading to a retreat from the listed options markets, where trades are subject to reporting requirements and daily surveillance.

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange are capable of properly identifying disruptive and/or manipulative trading activity. The Exchange also represents that it has adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify continued compliance with the Exchange's listing standards. These procedures monitor market activity to identify unusual activity in both options and the underlying equities.

FLEX GBTC Options

The Exchange also proposes to permit FLEX GBTC options and would require the aggregation of any FLEX and non-FLEX positions in GBTC for purposes of calculating position and exercise limits.⁴⁸ Thus, for example, assuming a 250,000-contract position limit for options on GBTC, the Exchange would restrict a market participant from holding positions that could result in the receipt of more than 250,000,000 shares (if that market participant exercised all its GBTC options).

The share creation and redemption process available to GBTC is designed to ensure that an ETF's price closely tracks the value of its underlying asset. For example, if a market participant exercised a long call position for 25,000 contracts and purchased 2,500,000 shares of GBTC and this purchase resulted in the value of GBTC shares to trade at a premium to the value of the (underlying) bitcoin held by GBTC, the Exchange believes that other market participants would attempt to arbitrage this price difference by selling short GBTC shares while concurrently purchasing bitcoin. Those market participants (arbitrageurs) would then deliver cash to GBTC and receive shares of GBTC, which would be used to close out any previously established short position in GBTC. Thus, this creation and redemptions process would significantly reduce the potential risk of price dislocation between the value of

⁴⁵ Per Rule 6.32–O(a), a Market Maker is an individual who is registered with the Exchange for the purpose of making transactions as a dealer-specialist.

⁴⁶ The Options Clearing Corporation ("OCC") through the Large option Position Reporting ("LOPR") system acts as a centralized service provider for OTP Holder compliance with position reporting requirements by collecting data from each OTP Holder or OTP Firm, consolidating the information, and ultimately providing detailed listings of each TPH's report to the Exchange, as well as Financial Industry Regulatory Authority, Inc. ("FINRA"), acting as its agent pursuant to a regulatory services agreement ("RSA").

⁴⁷ See Rule 6.6–O. Reporting of Options Positions.

⁴⁸ See proposed Rules 5.32–O(f)(1) (excluding GBTC options from prohibition against FLEX trading); and 5.35–O(b)(iii) (adopting requirement that any FLEX and non-FLEX positions in GBTC be aggregated for purposes of calculating position and exercise limits for GBTC as set forth in Rules 6.8–O and 6.9–O).

⁴¹ *Id.*

⁴² GLD, like GBTC, holds one asset in trust.

⁴³ See <https://www.ssga.com/us/en/intermediary/etfs/spdr-gold-shares-gld>.

⁴⁴ See, e.g., Rule 6.8–O, Commentary .06(e) (setting forth trading volume requirements to qualify for a 250,000-contract position (and exercise) limit).

GBTC shares and the value of bitcoin holdings.

The Exchange understands that FLEX Options on ETFs are currently traded in the OTC market by a variety of market participants, *e.g.*, hedge funds, proprietary trading firms, and pension funds, to name a few. The Exchange believes there is room for significant growth if a comparable product were introduced for trading on a regulated market. The Exchange expects that users of these OTC products would be among the primary users of FLEX GBTC options. The Exchange also believes that the trading of FLEX GBTC options would allow these same market participants to better manage the risk associated with the volatility of GBTC (the underlying ETF) positions given the enhanced liquidity that an exchange-traded product would bring. Additionally, the Exchange believes that FLEX GBTC options traded on the Exchange would have three important advantages over the contracts that are traded in the OTC market. First, because of greater standardization of contract terms, exchange-traded contracts should develop more liquidity. Second, counter-party credit risk would be mitigated by the fact that the contracts are issued and guaranteed by OCC. Finally, the price discovery and dissemination provided by the Exchange and its members would lead to more transparent markets. The Exchange believes that its ability to offer FLEX GBTC options would aid it in competing with the OTC market and at the same time expand the universe of products available to interested market participants. The Exchange believes that an exchange-traded alternative may provide a useful risk management and trading vehicle for market participants and their customers.

The Exchange has analyzed its capacity and represents that it and The Options Price Reporting Authority ("OPRA") have the necessary systems capacity to handle the additional traffic associated with the listing of FLEX GBTC options. The Exchange believes any additional traffic that would be generated from the trading of FLEX GBTC options would be manageable. The Exchange believes OTP Holders will not have a capacity issue as a result of this proposed rule change. The Exchange also represents that it does not believe this proposed rule change will cause fragmentation of liquidity. The Exchange will monitor the trading volume associated with the additional options series listed as a result of this proposed rule change and the effect (if any) of these additional series on market

fragmentation and on the capacity of the Exchange's automated systems.

The Exchange represents that the same surveillance procedures applicable to the Exchange's other options products listed and traded on the Exchange, including non-FLEX GBTC options, will apply to FLEX GBTC options, and that it has the necessary systems capacity to support such options. FLEX options products (and their respective symbols) are integrated into the Exchange's existing surveillance system architecture and are thus subject to the relevant surveillance processes. The Exchange's market surveillance staff (including staff of FINRA who perform surveillance and investigative work on behalf of the Exchange pursuant to a regulatory services agreement) conducts surveillances with respect to GBTC (the underlying ETF) and, as appropriate, would review activity in GBTC when conducting surveillances for market abuse or manipulation in the FLEX GBTC options.⁴⁹ The Exchange does not believe that allowing FLEX GBTC options would render the marketplace for non-FLEX GBTC options, or equity options in general, more susceptible to manipulative practices.

The Exchange represents that its existing trading surveillances are adequate to monitor the trading in GBTC as well as any subsequent trading of FLEX GBTC options on the Exchange. Additionally, the Exchange is a member of the Intermarket Surveillance Group ("ISG") under the ISG Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition to the surveillance that is conducted by the Exchange's market surveillance staff, the Exchange would also be able to obtain information regarding trading in shares of GBTC on other exchanges through ISG. In addition, and as referenced above, the Exchange has a regulatory services agreement with FINRA, pursuant to which FINRA conducts certain surveillances on behalf of the Exchange. Further, pursuant to a multi-party 17d-2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances.⁵⁰ The

Exchange will implement any additional surveillance procedures it deems necessary to effectively monitor the trading of GBTC options.

The proposed rule change is designed to allow investors seeking to trade options on GBTC to utilize FLEX GBTC options. The Exchange believes that offering innovative products flows to the benefit of the investing public. A robust and competitive market requires that exchanges respond to member's evolving needs by constantly improving their offerings. Such efforts would be stymied if exchanges were prohibited from offering innovative products such as the proposed FLEX GBTC options. The Exchange believes that introducing FLEX GBTC options would further broaden the base of investors that use FLEX Options (and options on GBTC in general) to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. The proposed rule change is also designed to encourage Market Makers to shift liquidity from the OTC market on the Exchange, which, it believes, will enhance the process of price discovery conducted on the Exchange through increased order flow.

Implementation

The Exchange will announce the implementation date by Trader Update within sixty (60) days of rule approval.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),⁵¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁵² in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. See 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d-2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO. Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

⁵¹ 15 U.S.C. 78f(b).

⁵² 15 U.S.C. 78f(b)(5).

⁴⁹ See GBTC Options Approval Order, 89 FR at 84966-68 (regarding surveillance procedures applicable to GBTC and other funds that hold bitcoin).

⁵⁰ Section 19(g)(1) of the Act, among other things, requires every SRO registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules,

Position Limits

The Exchange believes the proposed rule change to remove the 25,000-contract position (and exercise) limit on GBTC options thus allowing such options to qualify for higher aggregated limits will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest as it will provide market participants with the ability to more effectively execute their trading and hedging activities. In addition, this proposed change may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued demand for GBTC options. Further, an increased aggregated position (and exercise) limit on GBTC options may encourage other liquidity providers to continue to trade on the Exchange rather than shift their volume to OTC markets, which will enhance the process of price discovery conducted on the Exchange through increased order flow. The Exchange notes that permitting a higher aggregated position (and exercise) limit on GBTC options would further allow institutional investors to utilize such options for prudent risk management purposes.

As noted herein, the Exchange analyzed several data points that support the appropriateness of an aggregated position (and exercise) limit of 250,000 contracts for GBTC options based on recent trading volume in GBTC. Specifically, a comparison of GBTC's market capitalization to the bitcoin market in terms of exercise risk and availability of deliverables revealed that the exercisable risk of an aggregated limit of 250,000 contracts represented 9.13% of GBTC shares outstanding. Further, since GBTC has a creation and redemption process managed through the issuer (whereby bitcoin is used to create GBTC shares), a 250,000-contract position (and exercise) limit as compared to the market capitalization of the bitcoin market indicated that the exercisable risk for GBTC options represented less than 0.10% of all bitcoin outstanding. Moreover, a comparison of a 250,000-contract position limit for GBTC options to the (actual) position limits for equivalent bitcoin futures revealed that a 250,000-contract limit would be appropriate. Finally, the Exchange compared an aggregated position limit of 250,000 contracts for GBTC options against GLD, another commodity-backed ETF. A position limit exercise in GLD represents 8.17% of the float of GLD. By comparison, a position limit exercise in

GBTC options (assuming a 250,000-contract limit) would represent 9.13% of the GBTC float. Although a 250,000-contract position (and exercise) limit on GBTC options would not be as conservative as the standard applied to GLD, it is comparable and therefore appropriate.

FLEX GBTC Options

The Exchange believes that the proposal to permit FLEX GBTC options and to require aggregation of any FLEX and non-FLEX positions in GBTC for purpose of calculating position and exercise limits would remove impediments to and perfect the mechanism of a free and open market for several reasons. First, the Exchange believes that offering FLEX GBTC options will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of bitcoin and provide a hedging vehicle to meet their investment needs in connection with a bitcoin-related product. Moreover, the proposal would broaden the base of investors that use FLEX Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. By trading a product in an exchange-traded environment (that is currently being used in the OTC market), the Exchange would be able to compete more effectively with the OTC market. The Exchange believes the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that it would lead to the migration of options currently trading in the OTC market to trading to the Exchange. Also, any migration to the Exchange from the OTC market would result in increased market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The Exchange also believes that offering FLEX GBTC options may open up the market for GBTC options to more retail investors.

Additionally, the Exchange believes the proposed rule change is designed to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest because FLEX GBTC options are designed to create greater trading and hedging opportunities and flexibility. The proposed rule change should also result in enhanced efficiency in initiating and closing out positions and heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of FLEX GBTC options. Further, the proposed rule

change would result in increased competition by permitting the Exchange to offer products that are currently used in the OTC market.

The Exchange believes that offering innovative products flows to the benefit of the investing public. A robust and competitive market requires that exchanges respond to member's evolving needs by constantly improving their offerings. Such efforts would be stymied if exchanges were prohibited from offering innovative products such as the proposed FLEX GBTC options. The Exchange does not believe that allowing FLEX GBTC options would render the marketplace for equity options more susceptible to manipulative practices.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in FLEX GBTC options. Regarding the proposed FLEX GBTC options, the Exchange would use the same surveillance procedures currently utilized for FLEX Options listed on the Exchange (as well as for non-FLEX GBTC options). For surveillance purposes, the Exchange would have access to information regarding trading activity in GBTC (the underlying ETF).⁵³ In light of surveillance measures related to both options and GBTC (the underlying ETF), the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed FLEX GBTC options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Position Limits. The Exchange believes that its proposal to remove the 25,000-contract position and exercise limit on GBTC options, thus allowing such limits to increase, will not burden intra-market competition because it applies to all market participants that trade (or want to trade) GBTC options. The Exchange believes the proposal would provide additional opportunities for market participants to continue to efficiently achieve their investment and trading objectives for equity options on the Exchange. The Exchange expects that all option exchanges will adopt substantively similar proposals for

⁵³ See GBTC Options Approval Order, 89 FR at 84966–68 (regarding surveillance procedures applicable to GBTC and other funds that hold bitcoin).

adopting the additional position limit tiers, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

FLEX GBTC Options. The Exchange believes that the proposal to permit FLEX GBTC options will not impose any burden on intra-market competition as all market participants can opt to utilize this product or not. The proposed rule change is designed to allow investors seeking option exposure to bitcoin to trade FLEX GBTC options. Moreover, the Exchange believes that the proposal to permit FLEX GBTC options would broaden the base of investors that use FLEX Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. The Exchange believes that the proposed FLEX GBTC options will not impose any burden on inter-market competition but will instead encourage competition by increasing the variety of options products available for trading on the Exchange, which products will provide a valuable tool for investors to manage risk. Should this proposal be approved, competing options exchanges will be free to offer products like the proposed FLEX GBTC options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

IV. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEARCA–2025–07, as Modified by Amendment No. 3, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act⁵⁴ to determine whether the proposed rule change, as modified by Amendment No. 3, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to

provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,⁵⁵ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with the Act, and in particular, Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.⁵⁶

Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change."⁵⁷ The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,⁵⁸ and any failure of a self-regulatory organization to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.⁵⁹ The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposal is consistent with the Act. In particular, the Commission asks commenters to address the potential market impacts of the proposed position and exercise limits.

V. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal, as modified by Amendment No. 3. In particular, the Commission

invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.⁶⁰

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by June 13, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 27, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSEARCA–2025–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.
- All submissions should refer to file number SR–NYSEARCA–2025–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

⁶⁰ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

⁵⁵ *Id.*

⁵⁶ 15 U.S.C. 78f(b)(5).

⁵⁷ 17 CFR 201.700(b)(3).

⁵⁸ See *id.*

⁵⁹ See *id.*

⁵⁴ 15 U.S.C. 78s(b)(2)(B).

public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2025–07 and should be submitted on or before June 13, 2025. Rebuttal comments should be submitted by June 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09257 Filed 5–22–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103067; File No. SR–CboeBZX–2025–048]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Fidelity Solana Fund, Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

May 19, 2025.

On March 25, 2025, Cboe BZX Exchange, Inc. (“BZX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to list and trade shares of the Fidelity Solana Fund under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. On April 1, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, was

published for comment in the **Federal Register** on April 9, 2025.³

Section 19(b)(2) of the Act ⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 24, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1, and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates July 8, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Amendment No. 1 (File No. SR–CboeBZX–2025–048).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09258 Filed 5–22–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103062; File No. SR–CboeBZX–2025–011]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the 21Shares Core Solana ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

May 19, 2025.

I. Introduction

On January 28, 2025, Cboe BZX Exchange, Inc. (“BZX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to list and trade shares (“Shares”) of the 21Shares Core Solana ETF (“Trust”) under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.³

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ This order institutes proceedings under Section 19(b)(2)(B) of the Act ⁶ to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,⁷ the Exchange proposes to list and trade the Shares of the Trust under BZX Rule 14.11(e)(4), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

The investment objective of the Trust will be to seek to track the performance

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102397 (Feb. 11, 2025), 90 FR 9783 (“Notice”). Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-011/sr-cboebzx2025011.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102589, 90 FR 12374 (Mar. 17, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Notice, *supra* note 3.

⁶¹ 17 CFR 200.30–3(a)(12), (57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102764 (Apr. 3, 2025), 90 FR 15266. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-048/sr-cboebzx2025048.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30–3(a)(31).

of SOL,⁸ as measured by the performance of the CME CF Solana-Dollar Reference Rate—New York Variant (the “Index”), adjusted for the Trust’s expenses and other liabilities.⁹ In seeking to achieve its investment objective, the Trust will hold SOL and will value the Shares daily based on the Index.¹⁰ The Trust’s assets will only consist of SOL, cash, and cash equivalents.¹¹ When the Trust sells or redeems its Shares, it will do so in cash transactions with authorized participants in blocks of 10,000 Shares.¹²

III. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2025–011 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act¹³ to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁴ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change’s consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be “designed to prevent fraudulent and manipulative acts and practices” and “to protect investors and the public interest.”¹⁵

The Commission asks that commenters address the sufficiency of the Exchange’s statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit

about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to list and trade Shares of the Trust, which would hold SOL, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.¹⁶

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by June 13, 2025. Any person who wishes to file a rebuttal to any other person’s submission must file that rebuttal by June 27, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–CboeBZX–2025–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–011 and should be submitted on or before June 13, 2025. Rebuttal comments should be submitted by June 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09253 Filed 5–22–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103069; File No. SR–CTA/CQ–2025–01]

Consolidated Tape Association; Notice of Filing and Immediate Effectiveness of the Twenty-Eighth Amendment to the Second Restatement of the CTA Plan and Twenty-Ninth Amendment to the Restated CQ Plan

May 19, 2025.

Pursuant to Section 11A of the Securities Exchange Act of 1934

¹⁷ 17 CFR 200.30–3(a)(57).

⁸ The Exchange states that SOL is a digital asset, which serves as the unit of account on the open-source, peer-to-peer Solana network. *See id.* at 9784.

⁹ *See id.* at 9787. 21Shares US LLC is the sponsor of the Trust, Delaware Trust Company is the trustee, and Coinbase Custody Trust Company, LLC is the custodian for the Trust’s SOL. *See id.* at 9783, 9786.

¹⁰ *See id.* at 9787.

¹¹ *See id.* at 9786.

¹² *See id.*

¹³ 15 U.S.C. 78s(b)(2)(B).

¹⁴ *Id.*

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

(“Act”),¹ and Rule 608 thereunder,² notice is hereby given that on May 4, 2025, the Participants³ in the Second Restatement of the Consolidated Tape Association (“CTA”) Plan and the Restated Consolidated Quotation (“CQ”) Plan (“CTA/CQ Plans” or “Plans”) filed with the Securities and Exchange Commission (“Commission”) a proposal to amend the Plans. The amendments represent the Twenty-Eighth Amendment to the Second Restatement to the CTA Plan and Twenty-Ninth Amendment to the Restated CQ Plan (“Amendments”). Under the Amendments, the Participants propose to amend the Plans to reflect that NYSE Chicago, Inc., has changed its name to NYSE Texas, Inc. and to make changes to certain names and address of other exchanges.⁴

The proposed Amendments have been filed by the Participants pursuant to Rule 608(b)(3)(ii) under Regulation NMS⁵ as concerned solely with the administration of the Plans and as “Ministerial Amendments” under both Section IV(b) of the CTA Plan and Section IV(c) of the CQ Plan. As a result, the Amendments can be submitted by the Chairman of the Plans’ Operating Committee and become effective upon filing.

The Commission is publishing this notice to solicit comments on the Amendments from interested persons. Set forth in Sections I and II is the statement of the purpose and summary of the Amendments, along with the information required by Rules 608(a) and 601(a) under the Act, as prepared and submitted by the Participants.

I. Rule 608(a)

1. Purpose of the Amendment

The above-captioned amendments effectuate a change to reflect the new name of NYSE Chicago, Inc.: NYSE Texas, Inc. The amendment also makes

some changes to certain names of other exchanges.

2. Governing or Constituent Documents

Not applicable.

3. Implementation of Amendment

Because the amendments constitute “Ministerial Amendments” under both Section IV(b) of the CTA Plan and Section IV(c) under the CQ Plan, the Chairman of the Plan’s Operating Committee may submit the amendments to the Commission on behalf of the Participants in the Plans. Because the Participants designate the amendments as concerned solely with the administration of the Plans, the amendments become effective upon filing with the Commission.

4. Development and Implementation Phases

Not applicable.

5. Analysis of Impact on Competition

The amendments do not impose any burden on competition because they simply effectuate changes in the names of Participants. For the same reasons, the Participants do not believe that the amendments introduce terms that are unreasonably discriminatory for purposes of Section 11A(c)(1)(D) of the Exchange Act.

6. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

7. Approval by Sponsors in Accordance With Plan

See Item 3 above.

8. Description of Operation of Facility Contemplated by the Proposed Amendment

Not applicable.

9. Terms and Conditions of Access

Not applicable.

10. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

11. Method and Frequency of Processor Evaluation

Not applicable.

12. Dispute Resolution

Not applicable.

II. Regulation NMS Rule 601(a)

1. Equity Securities for Which Transaction Reports Shall Be Required by the Plan

Not applicable.

2. Reporting Requirements

Not applicable.

3. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Not applicable.

4. Manner of Consolidation

Not applicable.

5. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Not applicable.

6. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

Not applicable.

7. Terms of Access to Transaction Reports

Not applicable.

8. Identification of Marketplace of Execution

Not applicable.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendments are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–CTA/CQ–2025–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CTA/CQ–2025–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, and all written statements with respect to the proposed Amendments that are filed with the Commission, and all written communications relating to the proposed Amendments between the Commission and any person, other than

¹ 15 U.S.C. 78k–1(a)(3).

² 17 CFR 242.608.

³ The Participants are: Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors’ Exchange LLC, Long Term Stock Exchange, Inc., MEMX LLC, MIAx PEARL, LLC, Nasdaq BX, Inc., Nasdaq ISE, LLC, Nasdaq PHLX, Inc., The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc.

⁴ See Letter from Jeff Kimsey, Chair, to Vanessa Countryman, Secretary, Commission dated May 4, 2025. In addition to the change to reflect the name change of NYSE Chicago, Inc. to NYSE Texas, Inc., the Participants also propose to make changes to reflect the past name changes of AMEX to NYSE American and of NSX to NYSE National, as well as to update the address of NYSE National.

⁵ 17 CFR 241.608(b)(2).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal offices of the Participants. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CTA/CQ/2025-01 and should be submitted on or before June 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-09260 Filed 5-22-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35593; File No. 812-15704]

Global X Venture Fund, et al.

May 19, 2025.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Global X Venture Fund, Global X Management Company LLC, Mirae Asset Global Investments (USA) LLC, Mirae Asset Global Investments (Hong Kong) Limited, Mirae Asset Capital Life Science, Inc., Mirae Asset

Disruptive Technologies Fund I, LP, Mirae Asset Disruptive Technologies Fund II, LP, Mirae Asset Partner Opportunities Fund I, LP, Mirae Asset AB Co-Invest, LP.

FILING DATES: The application was filed on February 20, 2025, and amended on April 29, 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 *Secretaries-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 June 16, 2025, and should be accompanied by proof of service on the 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 *Secretaries-Office@sec.gov*.

ADDRESSES: The Commission: *Secretaries-Office@sec.gov*. Applicants: Margaret Mo, Esq., Global X Management Company LLC, *mmo@globalxetfs.com*, and Ryan P. Briezsek, Esq., *Ryan.Briezsek@stblaw.com*, and Jaqueline Edwards, Esq., *Jacqueline.Edwards@stblaw.com*, both of Simpson Thacher & Bartlett LLP.

FOR FURTHER INFORMATION CONTACT: Thomas Ahmadifar, Branch Chief, Stephan N. Packs, Senior Counsel, or Daniele Marchesani, Assistant Chief Counsel, 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 April 29, 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 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. 2025-09264 Filed 5-22-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103064; File No. SR-CboeBZX-2025-014]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the VanEck Solana Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

May 19, 2025.

I. Introduction

On January 28, 2025, Cboe BZX Exchange, Inc. ("BZX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares ("Shares") of the VanEck Solana Trust ("Trust") under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.³

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ This order institutes proceedings under Section 19(b)(2)(B) of the Act⁶ to determine

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102394 (Feb. 11, 2025), 90 FR 9746 ("Notice"). Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-014/sr-cboebzx2025014.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102587, 90 FR 12427 (Mar. 17, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁶ 17 CFR 200.30-3(a)(85).

whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,⁷ the Exchange proposes to list and trade the Shares of the Trust under BZX Rule 14.11(e)(4), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

The investment objective of the Trust is for the Shares to reflect the performance of the price of SOL⁸ less the expenses of the Trust's operations.⁹ In seeking to achieve its investment objective, the Trust will hold SOL and will value its Shares daily based on the MarketVector™ Solana Benchmark Rate ("Index").¹⁰ The Trust's assets will only consist of SOL, cash, and cash equivalents.¹¹ When the Trust sells or redeems its Shares, it will do so in cash transactions with authorized participants in blocks of 25,000 Shares.¹²

III. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2025–014 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act¹³ to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁴ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires,

among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices" and "to protect investors and the public interest."¹⁵

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to list and trade Shares of the Trust, which would hold SOL, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.¹⁶

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by June 13, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 27, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–CboeBZX–2025–014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–014 and should be submitted on or before June 13, 2025. Rebuttal comments should be submitted by June 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09255 Filed 5–22–25; 8:45 am]

BILLING CODE 8011–01–P

¹⁷ 17 CFR 200.30–3(a)(57).

⁷ See Notice, *supra* note 3.

⁸ The Exchange states that SOL is a digital asset that is created and transmitted through the operations of the peer-to-peer Solana Network, a decentralized network of computers that operates on cryptographic protocols. See *id.* at 9747.

⁹ See *id.* at 9750. VanEck Digital Assets, LLC is the sponsor of the Trust, Delaware Trust Company is the trustee, and a third-party custodian will be responsible for custody of the Trust's SOL. See *id.* at 9746, 9750.

¹⁰ See *id.*

¹¹ See *id.*

¹² See *id.* at 9752.

¹³ 15 U.S.C. 78s(b)(2)(B).

¹⁴ *Id.*

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103068; File No. SR–NYSEARCA–2025–10]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 2, and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 2, To Amend Rules Regarding Position and Exercise Limits for Options on the Grayscale Bitcoin Mini Trust ETF and the Bitwise Bitcoin ETF To Permit Flexible Exchange Options on the Grayscale Bitcoin Mini Trust and the Bitwise Bitcoin ETF

May 19, 2025.

I. Introduction

On February 3, 2025, NYSE Arca, Inc. (“Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”) ¹ and Rule 19b–4 thereunder, ² a proposed rule change to amend rules regarding the position and exercise limits for options on the Grayscale Bitcoin Mini Trust and the Bitcoin Bitwise ETF and to permit Flexible Exchange Options on the Grayscale Bitcoin Mini Trust and the Bitwise Bitcoin ETF. On February 14, 2025, the Exchange filed Amendment No. 1 to the proposed rule change. The proposed rule change, as amended, was published for comment in the **Federal Register** on February 24, 2025. ³

On March 12, 2025, pursuant to Section 19(b)(2) of the Act, ⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change. ⁵ The Commission has received no comments on the proposed rule change, as modified by Amendment No. 1. On April 28, 2025, the Exchange filed Amendment No. 2 to the proposed rule change (“Amendment No. 2”), as described in Items II and III below, which Items have been prepared

by the Exchange. ⁶ The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 2, and is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act ⁷ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 2.

II. Self-Regulatory Organization’s Description of the Proposed Rule Change, as Modified by Amendment No. 2

The Exchange proposes to amend certain rules that restrict the position and exercise limits for options on the Grayscale Bitcoin Mini Trust ETF (“BTC”) and the Bitwise Bitcoin ETF (“BITB”) and to permit Flexible Exchange (“FLEX”) Options on such funds. This Amendment No. 2 supersedes and replaces the original filing in its entirety. ⁸ The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

III. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

⁶ Amendment No. 2 is available at: <https://www.sec.gov/comments/sr-nysearca-2025-10/srnysearca202510-594695-1727482.pdf>.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ On February 14, 2025, the Exchange submitted partial Amendment No. 1 to its proposal to make certain technical changes to the Exhibit 5 (the “original filing”). See Securities Exchange Act Release No. 102441 (February 18, 2025), 90 FR 10518 (February 24, 2025) (SR–NYSEARCA–2025–10) (the “Notice”). This Amendment No. 2 modifies the original filing to make clarifying changes to the Purpose section to reflect that the proposed position and exercise limits for options on BTC and BITB will be the same as the position and exercise limits for other equity options (i.e., not a fixed limit of 25,000 contracts) and that any FLEX and non-FLEX positions in the same underlying ETF must be aggregated for purposes of calculating position and exercise limits for that ETF, which changes more closely align with the rule text in the Exhibit 5. The Exchange also proposes a technical change to replace rule text references to “the Grayscale Bitcoin Mini Trust BTC” and “the Bitwise Bitcoin ETF” with their respective ticker symbol (i.e., BTC and BITB).

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend certain rules that restrict the position and exercise limits for options on BTC and BITB (each a “Fund” and, collectively, the “Funds”) and to permit options on the Funds to trade as FLEX Equity Options (“FLEX Fund options”) as described herein. Specifically, the Exchange proposes to (1) amend Commentary .06(f) to Rule 6.8–O (Position Limits) to remove the 25,000-contract position limit on BTC and BITB options thus allowing such limits for each Fund to be increased; ⁹ and (2) amend Rules 5.32–O(f)(1) (Terms of FLEX) and 5.36–O(b) (Position Limits) to permit FLEX trading of Fund options and to require the aggregation of any FLEX and non-FLEX positions in the same underlying Fund for purposes of calculating position and exercise limits for such Fund. ¹⁰

The Exchange notes that this proposal is competitive given that Nasdaq ISE, LLC (“ISE”) recently filed a proposal to remove the 25,000-contract position and exercise limits applicable to options on the iShares Bitcoin Trust ETF (“IBIT”). ¹¹

Background

Each Fund is an ETF that holds bitcoin and is listed on the Exchange. ¹²

⁹ As discussed herein, the removal of BTC and BITB (and associated 25,000-contract limits) from Commentary .06(f) means the position limit for options on BTC and BITB will be determined based on trading in each Fund during the most recent six-month period. See Rule 6.8–O, Commentary .06(a)–(e). As discussed herein, BTC and BITB currently qualify for options position (and exercise) limits of 250,000 contracts per Rule 6.8–O, Commentary .06(e)(i).

¹⁰ The Exchange notes that it recently submitted a substantively identical filing to increase the aggregated position and exercise limits for, and to permit FLEX trading of options on, the Grayscale Bitcoin Trust (BTC) (“GBTC”), which filing is pending with the Commission. See SR–NYSEARCA–2025–07, filed Jan. 29, 2025. Like the Funds, GBTC is currently subject to a 25,000-contract position and exercise limit and is not eligible for FLEX trading. See Rules 6.8–O, Commentary .06(f); and 5.32–O(f)(1).

¹¹ See Amendment No 2 to Proposed Rule Change to modify the position and exercise limits for IBIT options to the applicable position and exercise limits as determined by Options 9, Sections 13 and 15 (SR–ISE–2024–62), filed Mar. 26, 2025, available at <https://www.sec.gov/comments/sr-ise-2024-62/srise202462-593575-1721782.pdf>. (“ISE IBIT Proposal”). Like BTC and BITB, IBIT is an ETF that holds bitcoin.

¹² NYSE Arca received approval to list and trade Bitcoin-Based Commodity-Based Trust Shares in BTC and BITB pursuant to NYSE Arca Rule 8.201–E(c)(1). See Securities Exchange Act Release Nos. 100610 (July 26, 2024) (order approving listing and

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102441 (Feb. 18, 2025), 90 FR 10518.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102630, 90 FR 12614 (Mar. 18, 2025). The Commission designated May 25, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

On October 18, 2024, the Commission approved the listing and trading of Fund options on NYSE American, LLC (“NYSE American”).¹³ On November 22, 2024, the Exchange obtained rule authority to trade options on BTC and BITB.¹⁴ The position (and exercise)¹⁵ limits for options on each Fund are 25,000 contracts, as set forth in Rule 6.8–O, Commentary .06(f), the lowest limit available in options.¹⁶

FLEX Equity Options are not generally subject to position or exercise limits.¹⁷ Today, pursuant to Rule 5.32–O(f)(1), Fund options are not approved for FLEX trading.¹⁸ Therefore, the 25,000-contract limit applicable to each Fund currently applies solely to non-FLEX Fund options.

Per the Commission, “rules regarding position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options positions.”¹⁹ For this reason, the Commission requires that “position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security.”²⁰ Based on its

review of the data and analysis provided by NYSE American, the Commission concluded that the proposed 25,000-contract position and exercise limits for options on BTC and BITB satisfied these objectives.²¹ The Exchange adopted the already-approved 25,000-contract limit for options on BTC and options on BITB.²²

Position Limits

While NYSE American proposed an aggregated 25,000 contract position (and exercise) limit for options on BTC and BITB, it nonetheless believed that evidence existed to support a much higher position limit.²³ Specifically, in approving Fund options trading on NYSE American, the Commission considered and reviewed NYSE American’s analysis that the exercisable risk associated with a position (and exercise) limit of 25,000 contracts represented only 0.7% and 3.6% of the outstanding shares of BTC and BITB, respectively.²⁴ The Commission also considered and reviewed NYSE American’s arguments that with a 25,000-contract limit for each Fund: (i) the 366,950,100 BTC shares outstanding, meant that 147 market participants would have to simultaneously exercise their same-side positions to place BTC under stress; and (ii) the 68,690,000 BITB shares outstanding, meant that 27 market participants would have to simultaneously exercise their same-side positions to place BITB under stress.²⁵ Based on the Commission’s review of this information and analysis, the Commission concluded that the proposed position and exercise limits of 25,000 contracts were designed to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security, and to prevent the establishment of options positions that can be used or might create incentives

to manipulate or disrupt the underlying market so as to benefit the options position.²⁶

Currently, BTC and BITB each qualify for a 250,000-limit on same-side contracts pursuant to Rule 6.8–O Commentary .06(e)(i), which requires that trading volume for the underlying security in the most recent six months be at least 100,000,000 shares.²⁷ As of November 25, 2024, during the most recent six-month period, trading volume for BTC was 163,712,700 shares. During the same period, trading volume for BITB was 288,800,860 shares. In addition, as of November 25, 2024, the market capitalization for BTC was \$3,496,748,882,²⁸ with an average daily volume (“ADV”) for the preceding three months of 2,036,369 shares. During this same period, the market capitalization of BITB was 4,095,157,000,²⁹ with an ADV for the three prior months of 2,480,478. Each Fund is well above the requisite minimum of 100,000,000 shares necessary to qualify for the 250,000-contract position and exercise limit. Also, as of November 25, 2024, there were 19,787,762 bitcoins in circulation.³⁰ At a price of \$94,830 per bitcoin,³¹ that equates to a market capitalization of greater than \$1.876 trillion. If an aggregated position and exercise limit of 250,000 contracts were considered for each Fund, the exercisable risk would represent 30.14%³² of BTC shares outstanding; and 31.27%³³ of BITB shares outstanding. Given the liquidity of BTC and BITB, the current 25,000-contract

trading of Commodity-Based Trust Shares of BTC, among other ETFs), 89 FR 62821 (August 1, 2024) (SR–NYSEARCA–2023–45); 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (order approving listing and trading of Commodity-Based Trust Shares of BITB, among other ETFs) (SR–NYSEARCA–2021–90).

¹³ See Securities Exchange Act Release No. 101386 (October 18, 2024), 89 FR 84960 (October 24, 2024) (SR–NYSEAMER–2024–49) (order approving rules to permit the listing and trading of options on BTC and BITB, among others) (the “Fund Options Approval Order”).

¹⁴ See Securities Exchange Act Release No. 101713 (November 22, 2024), 89 FR 94839 (November 29, 2024) (SR–NYSEARCA–2024–101) (notice of immediately effective rule change to permit BTC and BITB options trading, based on the already-approved NYSE American rules) (the “Arca Fund Options Notice”).

¹⁵ The Exchange notes that the exercise limit for options on each Fund are based on, and are always the same as, the position limit for such options. See Rule 6.9–O (Exercise Limits).

¹⁶ Pursuant to Rule 6.8–O, Commentary .06(f), options on the following ETFs—all of which, like BTC and BITB, hold bitcoin—are also subject to a 25,000-contract position and exercise limit: GBTC, IBIT, the Fidelity Wise Origin Bitcoin Fund (“FBTC”), and the ARK 21Shares Bitcoin (“ARKB”).

¹⁷ See Rule 5.35–O(b) (subject to the exceptions enumerated in the rule “there shall be no position limits” for FLEX Equity Options).

¹⁸ Pursuant to Rule 5.32–O(f)(1), FLEX trading is also not available for options on GBTC, IBIT, FBTC, and ARKB.

¹⁹ See Fund Options Approval Order, 89 FR at 84971.

²⁰ See *id.*

²¹ See *id.*

²² See Arca Fund Options Notice, 89 FR at 94842. See also Rule 6.8–O, Commentary .06(f).

²³ See Fund Options Approval Order, 89 FR, at 84970 (referring to NYSE American’s argument that, as of Sept. 30, 2024, BTC traded 335,492,930 shares and BITB traded 263,965,870 shares in the most recent six months of trading, which would qualify each Fund for a 250,000-contract position limit per NYSE American Rule 904, Commentary .07(a), which is identical to Arca Rule 6.8–O Commentary .06(e)). The Exchange notes that, as of September 30, 2024, BTC had been trading for only two months. See *id.*

²⁴ See *id.* Data represents figures from FactSet as of August 30, 2024.

²⁵ See Fund Options Approval Order, 89 FR at 84971.

²⁶ *Id.*

²⁷ See Rule 6.8–O Commentary .06(e) (providing at subparagraph (e) that the position limit shall be 250,000 contracts for options: (i) on underlying stock or Exchange-Traded Fund Share that had trading volume of at least 100,000,000 shares during the most recent six-month trading period; or (ii) on an underlying stock or Exchange-Traded Fund Share that had trading volume of at least 75,000,000 shares during the most recent six-month trading period and has at least 300,000,000 shares currently outstanding).

²⁸ The market capitalization of BTC was determined by multiplying a settlement price (\$42.16) by the number of shares outstanding (82,939,964). Data represents figures from FactSet as of November 25, 2024.

²⁹ The market capitalization of BITB was determined by multiplying a settlement price (\$51.70) by the number of shares outstanding (79,950,100). Data represents figures from FactSet as of November 25, 2024.

³⁰ See <https://www.coingecko.com/en/coins/bitcoin>.

³¹ This is the approximate price of bitcoin from 4 p.m. ET on November 25, 2024.

³² This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 82,939,964 BTC shares outstanding).

³³ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 79,950,100 BITB shares outstanding).

position (and exercise) limit is extremely conservative.

As noted above, position and exercise limits are designed to limit the number of options contracts traded on an exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. These limits, which are described in Rules 6.8–O and 6.9–O, are intended to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. Position and exercise limits must balance concerns regarding mitigating potential manipulation and the cost of inhibiting potential hedging activity that could be used for legitimate economic purposes.

To achieve this balance, the Exchange proposes to remove BTC and BITB (and the associated 25,000-contract limits) from Commentary .06(f), which would enable options on BTC and BITB to trade in the same manner as options on other ETFs not included in this Commentary.³⁴ Specifically, for each Fund, this proposal would result in an increased position (and exercise) limit from 25,000 to 250,000 same-side contracts, pursuant to Commentary .06(e)(i). In addition, like options on other ETFs not listed in Commentary .06(f), position limits for options on BTC or BITB would be subject to subsequent six (6) month reviews to determine future position (and exercise) limits.³⁵

In addition to determining each Fund's eligibility for a 250,000-contract position (and exercise) limit per Commentary .06(e)(i), the Exchange performed additional analyses regarding BTC and BITB in support of this proposal. First, the Exchange reviewed the Funds' data relative to the market capitalization of the entire bitcoin market in terms of exercise risk and availability of deliverables. As noted above, as of November 25, 2024, there were 19,787,762 bitcoins in circulation.³⁶ At a price of \$94,830 per

bitcoin,³⁷ that equates to a market capitalization of greater than \$1.876 trillion. If an aggregated position (and exercise) limit of 250,000 contracts were considered for each Fund, the exercisable risk would represent 30.14% of BTC shares outstanding³⁸ and 31.27% of BITB shares outstanding.³⁹ Since each Fund has a creation and redemption process managed through the issuer (whereby bitcoin is used to create shares of BTC or BITB, as applicable), the position (and exercise) limit can be compared to the total market capitalization of the entire bitcoin market, and in that case, the exercisable risk for options on each Fund would represent less than 0.06% (BTC) or 0.07% (BITB) of all bitcoin outstanding.⁴⁰

The Exchange notes that if options on each Fund were subject to a 250,000-contract position and exercise limit (based on underlying trading volume) and if all options on each Fund were exercised at once, this occurrence would have a virtually unnoticed impact on the entire bitcoin market. This analysis demonstrates that a 250,000-contract position (and exercise) limit for options on each Fund would be appropriate given the liquidity of BTC and BITB.

Next, the Exchange reviewed the proposed position limit by comparing it to position limits for derivative products regulated by the Commodity Futures Trading Commission ("CFTC"). While the CFTC, through the relevant Designated Contract Markets, only regulates options positions based upon delta equivalents (creating a less stringent standard), the Exchange examined equivalent bitcoin futures position limits. In particular, the Exchange looked to the Chicago Mercantile Exchange ("CME") bitcoin futures contract,⁴¹ which has a position limit of 2,000 futures (for the initial spot month).⁴² On October 22, 2024, CME

bitcoin futures settled at \$94,945.⁴³ On October 22, 2024, BTC settled at \$29.90 and BITB settled at \$36.74, which would equate to approximately 31,754,181 and 25,842,406 shares of BTC and BITB, respectively, if the CME notional position limit was utilized. Since substantial portions of any distributed options portfolio are likely to be out of the money on expiration, an options position limit equivalent to the CME position limit for bitcoin futures (considering that all options deltas are ≤ 1.00) should be a bit higher than the CME implied limit of 317,541 (BTC) and 258,424 (BITB).

Of note, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).⁴⁴ Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.⁴⁵ If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Considering CME's position limits on bitcoin futures, the Exchange believes a 250,000-contract limit for options on each Fund would be appropriate.

Finally, the Exchange analyzed a position and exercise limit of 250,000 for BTC and BITB against options on SPDR Gold Shares ("GLD"), which (like BTC and BITB), is a commodity-backed ETF.⁴⁶ The Exchange notes that GLD has a float of 306.1 million shares and a

³⁷ This is the approximate price of bitcoin from 4 p.m. ET on November 25, 2024.

³⁸ This percentage is arrived at with this equation: $(250,000 \text{ contract limit} * 100 \text{ shares per option} / 82,939,964 \text{ BTC shares outstanding})$.

³⁹ This percentage is arrived at with this equation: $(250,000 \text{ contract limit} * 100 \text{ shares per option} / 79,950,100 \text{ BITB shares outstanding})$.

⁴⁰ For BTC, this number was arrived at with this calculation: $((250,000 \text{ limit} * 100 \text{ shares per option} * \$42.16 \text{ settle}) / (19,787,762 \text{ bitcoin outstanding} * \$94,830 \text{ bitcoin price}))$; and for BITB, this number was arrived at with this calculation: $((250,000 \text{ limit} * 100 \text{ shares per option} * \$51.70 \text{ settle}) / (19,787,762 \text{ bitcoin outstanding} * \$94,830 \text{ bitcoin price}))$.

⁴¹ CME Bitcoin Futures are described in Chapter 350 of CME's Rulebook.

⁴² See the Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5 of CME's Rulebook. Each CME bitcoin futures contract is valued at five bitcoins as

defined by the CME CF Bitcoin Reference Rate ("BRR"). See CME Rule 35001.

⁴³ 2,000 futures at a 5-bitcoin multiplier (per the contract specifications) equates to \$949,450,000 $(2000 \text{ contracts} * 5 \text{ BTC per contract} * \$94,945 \text{ price of November BTC future})$ of notional value.

⁴⁴ See <https://www.cmegroup.com/education/courses/market-regulation/position-limits/position-limits-aggregation-of-contracts-and-table.htm>.

⁴⁵ *Id.*

⁴⁶ Like BTC and BITB, GLD holds one asset in trust.

³⁴ See proposed Rule 6.8–O, Commentary .06(f). The Exchange notes that the ETFs included in Commentary .06(f) (other than ETFs like BTC and BITB that hold bitcoin) have significantly higher position limits than are authorized by Rule, which increases were subject to Exchange rule filings.

³⁵ See Rule 6.8–O, Commentary .06(e) (providing that, every six months, the Exchange will review the volume and outstanding share information on all underlying ETFs on which options are traded months to determine applicable position limits). See also Rule 6.9–O (providing that exercise limits for options on an underlying will be the same as the position limits for such underlying).

³⁶ See <https://www.coingecko.com/en/coins/bitcoin>.

position limit of 250,000 contracts.⁴⁷ As previously noted, position and exercise limits are designed to limit the number of options contracts traded on the exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. A position limit exercise in GLD would represent 8.17% of the float of GLD. In comparison, a 250,000-contract position limit in each of BTC and BITB, would represent 30.14% of the BTC float and 31.27% of the BITB float. While less conservative than the standard applied to options on GLD, the Exchange nonetheless believes that subjecting options on BTC and BITB to a 250,000-contract position and exercise limit would be appropriate.⁴⁸

Based on the foregoing, the Exchange believes that it has demonstrated that BTC and BITB each have more than sufficient liquidity to garner an increased position and exercise limit of 250,000 same-side contracts. The Exchange believes that the significant liquidity present in each Fund mitigates against the potential for manipulation.

The Exchange believes that allowing options on each Fund to have increased aggregated position and exercise limits would lead to a more liquid and competitive market environment for such options, which will benefit customers that trade these options. Further, the reporting requirement for such options would remain unchanged. Thus, the Exchange will still require that each member that maintains positions in options on BTC or BITB, on the same side of the market, for its own account or for the account of a customer, report certain information to the Exchange. This information includes, but would not be limited to, the options positions, whether such positions are hedged and, if so, a description of the hedge(s). Market Makers⁴⁹ would continue to be exempt from this reporting requirement, however, the Exchange may access Market Maker position information.⁵⁰

⁴⁷ See <https://www.ssga.com/us/en/intermediary/etfs/spdr-gold-shares-gld>.

⁴⁸ See, e.g., Rule 6.8–O, Commentary .06(e) (setting forth trading volume requirements to qualify for a 250,000-contract position (and exercise) limit).

⁴⁹ Per Rule 6.32–O(a), a Market Maker is an individual who is registered with the Exchange for the purpose of making transactions as a dealer-specialist.

⁵⁰ The Options Clearing Corporation (“OCC”) through the Large Option Position Reporting (“LOPR”) system acts as a centralized service provider for OTP Holder compliance with position reporting requirements by collecting data from each OTP Holder or OTP Firm, consolidating the information, and ultimately providing detailed listings of each TPH’s report to the Exchange, as well as Financial Industry Regulatory Authority,

Moreover, the Exchange’s requirement that members file reports with the Exchange for any customer who held aggregate large long or short positions on the same side of the market of 200 or more option contracts of any single class for the previous day will remain at this level.⁵¹

The Exchange also has no reason to believe that the growth in trading volume in options on BTC and BITB will not continue. Rather, the Exchange expects continued volume growth in Fund options as opportunities for investors to participate in the options markets increase and evolve. The Exchange believes that the current position and exercise limits in Fund options are restrictive and will hamper the listed options markets from being able to compete fairly and effectively with the over-the-counter (“OTC”) markets. OTC transactions occur through bilateral agreements, the terms of which are not publicly disclosed to the marketplace. As such, OTC transactions do not contribute to the price discovery process on a public exchange or other lit markets. The Exchange believes that without the proposed changes to position and exercise limits for options on BTC and BITB, market participants will find the 25,000-contract position limit an impediment to their business and investment objectives as well as an impediment to efficient pricing. As a result, market participants may find the less transparent OTC markets a more attractive alternative to achieve their investment and hedging objectives, leading to a retreat from the listed options markets, where trades are subject to reporting requirements and daily surveillance.

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange are capable of properly identifying disruptive and/or manipulative trading activity. The Exchange also represents that it has adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify continued compliance with the Exchange’s listing standards. These procedures monitor market activity to identify unusual activity in both options and the underlying equities.

FLEX Fund Options

The Exchange also proposes to permit BTC and BITB to trade as “FLEX Fund options,” and would require the aggregation of any FLEX and non-FLEX

Inc. (“FINRA”), acting as its agent pursuant to a regulatory services agreement (“RSA”).

⁵¹ See Rule 6.6–O. Reporting of Options Positions.

positions in the same underlying Fund for purposes of calculating position and exercise limits on such Fund.⁵² Thus, for example, assuming a 250,000-contract position limit for options on BTC, the Exchange would restrict a market participant from holding positions that could result in the receipt of more than 250,000,000 shares (if that market participant exercised all its BTC options).

The share creation and redemption process available to each Fund is designed to ensure that an ETF’s price closely tracks the value of its underlying asset. For example, if a market participant exercised a long call position for 25,000 contracts and purchased 2,500,000 shares of BTC and this purchase resulted in the value of BTC shares to trade at a premium to the value of the (underlying) bitcoin held by BTC, the Exchange believes that other market participants would attempt to arbitrage this price difference by selling short BTC shares while concurrently purchasing bitcoin. Those market participants (arbitrageurs) would then deliver cash to BTC and receive shares of BTC, which would be used to close out any previously established short position in BTC. Thus, this creation and redemptions process would significantly reduce the potential risk of price dislocation between the value of BTC shares and the value of bitcoin holdings.

The Exchange understands that FLEX Options on ETFs are currently traded in the OTC market by a variety of market participants, e.g., hedge funds, proprietary trading firms, and pension funds, to name a few. The Exchange believes there is room for significant growth if a comparable product were introduced for trading on a regulated market. The Exchange expects that users of these OTC products would be among the primary users of FLEX options on BTC and BITB. The Exchange also believes that the trading of FLEX Fund options would allow these same market participants to better manage the risk associated with the volatility of BTC or BITB (the underlying ETF) positions given the enhanced liquidity that an exchange-traded product would bring. Additionally, the Exchange believes that FLEX Fund options traded on the Exchange would have three important advantages over the contracts that are

⁵² See proposed Rules 5.32–O(f)(1) (excluding options on BTC and BITB from prohibition against FLEX trading); and 5.35–O(b)(iii) (adopting requirement that FLEX and non-FLEX positions in the same underlying Fund must be aggregated for purposes of calculating position and exercise limits on that Fund as set forth in Rules 6.8–O and 6.9–O).

traded in the OTC market. First, because of greater standardization of contract terms, exchange-traded contracts should develop more liquidity. Second, counter-party credit risk would be mitigated by the fact that the contracts are issued and guaranteed by OCC. Finally, the price discovery and dissemination provided by the Exchange and its members would lead to more transparent markets. The Exchange believes that its ability to offer FLEX Fund options would aid it in competing with the OTC market and at the same time expand the universe of products available to interested market participants. The Exchange believes that an exchange-traded alternative may provide a useful risk management and trading vehicle for market participants and their customers.

The Exchange has analyzed its capacity and represents that it and The Options Price Reporting Authority ("OPRA") have the necessary systems capacity to handle the additional traffic associated with the listing of FLEX Fund options. The Exchange believes any additional traffic that would be generated from the trading of FLEX Fund options would be manageable. The Exchange believes OTP Holders will not have a capacity issue as a result of this proposed rule change. The Exchange also represents that it does not believe this proposed rule change will cause fragmentation of liquidity. The Exchange will monitor the trading volume associated with the additional options series listed as a result of this proposed rule change and the effect (if any) of these additional series on market fragmentation and on the capacity of the Exchange's automated systems.

The Exchange represents that the same surveillance procedures applicable to the Exchange's other options products listed and traded on the Exchange, including non-FLEX Fund options, will apply to FLEX Fund options, and that it has the necessary systems capacity to support such options. FLEX options products (and their respective symbols) are integrated into the Exchange's existing surveillance system architecture and are thus subject to the relevant surveillance processes. The Exchange's market surveillance staff (including staff of FINRA who perform surveillance and investigative work on behalf of the Exchange pursuant to a regulatory services agreement) conducts surveillances with respect to BTC and BITB (the underlying ETFs) and, as appropriate, would review activity in BTC and BITB when conducting surveillances for market abuse or manipulation in the FLEX options on

each Fund.⁵³ The Exchange does not believe that allowing FLEX Fund options would render the marketplace for non-FLEX Fund options, or equity options in general, more susceptible to manipulative practices.

The Exchange represents that its existing trading surveillances are adequate to monitor the trading in BTC and BITB as well as any subsequent trading of FLEX Fund options on the Exchange. Additionally, the Exchange is a member of the Intermarket Surveillance Group ("ISG") under the ISG Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition to the surveillance that is conducted by the Exchange's market surveillance staff, the Exchange would also be able to obtain information regarding trading in shares of BTC and BITB on other exchanges through ISG. In addition, and as referenced above, the Exchange has a regulatory services agreement with FINRA, pursuant to which FINRA conducts certain surveillances on behalf of the Exchange. Further, pursuant to a multi-party 17d-2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances.⁵⁴ The Exchange will implement any additional surveillance procedures it deems necessary to effectively monitor the trading of BTC and BITB options.

The proposed rule change is designed to allow investors seeking to trade options on each Fund to utilize FLEX Fund options. The Exchange believes that offering innovative products flows to the benefit of the investing public. A robust and competitive market requires that exchanges respond to members' evolving needs by constantly improving their offerings. Such efforts would be

⁵³ See Fund Options Approval Order, 89 FR at 84966-68 (regarding surveillance procedures applicable to BTC, BITB, and other funds that hold bitcoin).

⁵⁴ Section 19(g)(1) of the Act, among other things, requires every SRO registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. See 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d-2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO. Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

stymied if exchanges were prohibited from offering innovative products such as the proposed FLEX Fund options. The Exchange believes that introducing FLEX Fund options would further broaden the base of investors that use FLEX Options (and options on BTC or BITB, in general) to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. The proposed rule change is also designed to encourage Market Makers to shift liquidity from the OTC market on the Exchange, which, it believes, will enhance the process of price discovery conducted on the Exchange through increased order flow.

Implementation

The Exchange will announce the implementation date by Trader Update within sixty (60) days of rule approval.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),⁵⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁵⁶ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Position Limits

The Exchange believes the proposed rule change to remove the 25,000-contract position (and exercise) limit on BTC and BITB options thus allowing such options to qualify for higher aggregated limits will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest as it will provide market participants with the ability to more effectively execute their trading and hedging activities. In addition, this proposed change may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued demand for BTC and BITB options. Further, an increased aggregated position (and exercise) limit on BTC and BITB options may encourage other liquidity providers to continue to trade on the Exchange rather than shift their volume to OTC markets, which will enhance the process of price

⁵⁵ 15 U.S.C. 78f(b).

⁵⁶ 15 U.S.C. 78f(b)(5).

discovery conducted on the Exchange through increased order flow. The Exchange notes that permitting a higher aggregated position (and exercise) limit on BTC and BITB options would further allow institutional investors to utilize such options for prudent risk management purposes.

As noted herein, the Exchange analyzed several data points that support the appropriateness of an aggregated position (and exercise) limit of 250,000 contracts for BTC and BITB options based on recent trading volume in each Fund. Specifically, a comparison of each Fund's market capitalization to the bitcoin market in terms of exercise risk and availability of deliverables revealed that the exercisable risk of an aggregated limit of 250,000 contracts represented 30.14% and 31.27% of BTC and BITB shares outstanding. Further, since each Fund has a creation and redemption process managed through the issuer (whereby bitcoin is used to create BTC or BITB shares, as applicable), a 250,000-contract position (and exercise) limit as compared to the market capitalization of the bitcoin market indicated that the exercisable risk for options on each Fund represented less than 0.06% (BTC) or 0.07% (BITB) of all bitcoin outstanding.

Moreover, a comparison of a 250,000-contract position limit for options on each Fund to the (actual) position limits for equivalent bitcoin futures revealed that a 250,000-contract limit for each Fund would be appropriate. Finally, the Exchange compared an aggregated position limit of 250,000 contracts for each Fund against GLD, another commodity-backed ETF. A position limit exercise in GLD represents 8.17% of the float of GLD. By comparison, a position limit exercise in each Fund (assuming a 250,000-contract limit would represent 30.14% (BTC) and 31.27% (BITB) of that Fund's float. Although a 250,000-contract position (and exercise) limit on BTC and BITB options would not be as conservative as the standard applied to GLD, it is comparable and therefore appropriate.

FLEX Fund Options

The Exchange believes that the proposal to permit FLEX Fund options and to require aggregation of any FLEX and non-FLEX positions in the same underlying Fund for purpose of calculating position and exercise limits would remove impediments to and perfect the mechanism of a free and open market for several reasons. First, the Exchange believes that offering FLEX Fund options will benefit investors by providing them with an

additional, relatively lower cost investing tool to gain exposure to the price of bitcoin and provide a hedging vehicle to meet their investment needs in connection with a bitcoin-related product. Moreover, the proposal would broaden the base of investors that use FLEX Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. By trading a product in an exchange-traded environment (that is currently being used in the OTC market), the Exchange would be able to compete more effectively with the OTC market. The Exchange believes the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that it would lead to the migration of options currently trading in the OTC market to trading to the Exchange. Also, any migration to the Exchange from the OTC market would result in increased market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The Exchange also believes that offering FLEX Fund options may open up the market for options on these Funds to more retail investors.

Additionally, the Exchange believes the proposed rule change is designed to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest because FLEX Fund options are designed to create greater trading and hedging opportunities and flexibility. The proposed rule change should also result in enhanced efficiency in initiating and closing out positions and heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of FLEX Fund options. Further, the proposed rule change would result in increased competition by permitting the Exchange to offer products that are currently used in the OTC market.

The Exchange believes that offering innovative products flows to the benefit of the investing public. A robust and competitive market requires that exchanges respond to member's evolving needs by constantly improving their offerings. Such efforts would be stymied if exchanges were prohibited from offering innovative products such as the proposed FLEX Fund options. The Exchange does not believe that allowing FLEX Fund options would render the marketplace for equity options more susceptible to manipulative practices.

Finally, the Exchange represents that it has an adequate surveillance program

in place to detect manipulative trading in FLEX Fund options. Regarding the proposed FLEX Fund options, the Exchange would use the same surveillance procedures currently utilized for FLEX Options listed on the Exchange (as well as for non-FLEX Fund options). For surveillance purposes, the Exchange would have access to information regarding trading activity in BTC and BITB (the underlying ETFs).⁵⁷ In light of surveillance measures related to both options trading on each Fund the underlying Funds, the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed FLEX Fund options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Position Limits. The Exchange believes that its proposal to remove the 25,000-contract position and exercise limit on BTC and BITB options, thus allowing such limits for each Fund to increase, will not burden intra-market competition because it applies to all market participants that trade (or want to trade) BTC and BITB options. The Exchange believes the proposal would provide additional opportunities for market participants to continue to efficiently achieve their investment and trading objectives for equity options on the Exchange. The Exchange expects that all option exchanges will adopt substantively similar proposals for adopting the additional position limit tiers, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

FLEX Fund Options. The Exchange believes that the proposal to permit FLEX Fund options will not impose any burden on intra-market competition as all market participants can opt to utilize this product or not. The proposed rule change is designed to allow investors seeking option exposure to bitcoin to trade FLEX Fund options. Moreover, the Exchange believes that the proposal to permit FLEX Fund options would

⁵⁷ See Fund Options Approval Order, 89 FR at 84966–68 (regarding surveillance procedures applicable to BTC, BITB, and other funds that hold bitcoin).

broaden the base of investors that use FLEX Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. The Exchange believes that the proposed FLEX Fund options will not impose any burden on inter-market competition but will instead encourage competition by increasing the variety of options products available for trading on the Exchange, which products will provide a valuable tool for investors to manage risk. Should this proposal be approved, competing options exchanges will be free to offer products like the proposed FLEX Fund options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

IV. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEARCA–2025–10, as Modified by Amendment No. 2, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act⁵⁸ to determine whether the proposed rule change, as modified by Amendment No. 2, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,⁵⁹ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with the Act, and in particular, Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market

system, and, in general, to protect investors and the public interest.⁶⁰

Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change."⁶¹ The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,⁶² and any failure of a self-regulatory organization to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.⁶³ The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposal is consistent with the Act. In particular, the Commission asks commenters to address the potential market impacts of the proposed position and exercise limits.

V. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal, as modified by Amendment No. 2. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.⁶⁴

⁶⁰ 15 U.S.C. 78f(b)(5).

⁶¹ 17 CFR 201.700(b)(3).

⁶² See *id.*

⁶³ See *id.*

⁶⁴ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by June 13, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 27, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSEARCA–2025–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.
- All submissions should refer to file number SR–NYSEARCA–2025–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2025–10 and should be submitted on or before June 13, 2025.

Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

⁵⁸ 15 U.S.C. 78s(b)(2)(B).

⁵⁹ *Id.*

Rebuttal comments should be submitted by June 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09259 Filed 5–22–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103063; File No. SR–CboeBZX–2025–012]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the Bitwise Solana ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

May 19, 2025.

I. Introduction

On January 28, 2025, Cboe BZX Exchange, Inc. (“BZX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder, ² a proposed rule change to list and trade shares (“Shares”) of the Bitwise Solana ETF (“Trust”) under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.³

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ This order institutes proceedings under Section 19(b)(2)(B) of the Act ⁶ to determine

whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,⁷ the Exchange proposes to list and trade the Shares of the Trust under BZX Rule 14.11(e)(4), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

The investment objective of the Trust is to seek to track the performance of SOL,⁸ as measured by the CME CF Solana-Dollar Reference Rate—New York Variant (“Pricing Benchmark”), adjusted for the Trust’s expenses and other liabilities.⁹ In seeking to achieve its investment objective, the Trust will hold SOL and will value its Shares daily as of 4:00 p.m. ET using the same methodology used to calculate the Pricing Benchmark.¹⁰ The Trust’s assets will only consist of SOL, cash, and cash equivalents.¹¹ When the Trust sells or redeems its Shares, it will do so in cash transactions with authorized participants in blocks of 10,000 Shares.¹²

III. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2025–012 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act ¹³ to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁴ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for

additional analysis of the proposed rule change’s consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be “designed to prevent fraudulent and manipulative acts and practices” and “to protect investors and the public interest.” ¹⁵

The Commission asks that commenters address the sufficiency of the Exchange’s statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to list and trade Shares of the Trust, which would hold SOL, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.¹⁶

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by June 13, 2025. Any person who wishes to file a rebuttal to any other person’s submission must file that rebuttal by June 27, 2025.

⁶⁵ 17 CFR 200.30–3(a)(12), (57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102391 (Feb. 11, 2025), 90 FR 9772 (“Notice”). Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-012/sr-cboebzx2025012.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102608, 90 FR 12422 (Mar. 17, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Notice, *supra* note 3.

⁸ The Exchange states that SOL is a digital asset that is created and transmitted through the operations of the peer-to-peer Solana Network, a decentralized network of computers that operates on cryptographic protocols. See *id.* at 9773.

⁹ See *id.* at 9776. Bitwise Investment Advisers, LLC is the sponsor of the Trust, Delaware Trust Company is the trustee, and a third-party custodian will be responsible for custody of the Trust’s SOL. See *id.* at 9773, 9776.

¹⁰ See *id.* at 9776.

¹¹ See *id.*

¹² See *id.*

¹³ 15 U.S.C. 78s(b)(2)(B).

¹⁴ *Id.*

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2025-012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2025-012 and should be submitted on or before June 13, 2025. Rebuttal comments should be submitted by June 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-09254 Filed 5-22-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103070; File No. S7-24-89]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of the Fifty-Third Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis

May 19, 2025.

Pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 608 thereunder,² notice is hereby given that on May 4, 2025, the Participants³ in the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (the "UTP Plan") filed with the Securities and Exchange Commission ("Commission") a proposal to amend the UTP Plan. The amendment represents the Fifty-Third Amendment to the UTP Plan ("Amendment"). Under the Amendment, the Participants propose to amend the UTP Plan to reflect that NYSE Chicago, Inc. has changed its name to NYSE Texas, Inc. and to make changes to certain names and address of other exchanges.⁴

The proposed Amendment has been filed by the Participants pursuant to Rule 608(b)(3)(ii) under Regulation NMS⁵ as concerned solely with the administration of the UTP Plan and as a "Ministerial Amendment" under Section XVI of the UTP Plan. As a result, the Amendment can be submitted by the Chair of the UTP

¹ 15 U.S.C. 78k-1(a)(3).

² 17 CFR 242.608.

³ The Participants are: Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Long Term Stock Exchange, Inc., MEMX LLC, MMAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq ISE, LLC, Nasdaq PHLX, Inc., The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc.

⁴ See Letter from Jeff Kimsey, Chair, to Vanessa Countryman, Secretary, Commission dated May 4, 2025. In addition to the change to reflect the name change of NYSE Chicago, Inc. to NYSE Texas, Inc., the Participants also propose to make changes to reflect the past name changes of AMEX to NYSE American and of NSX to NYSE National, as well as to update the address of NYSE National.

⁵ 17 CFR 241.608(b)(2).

Plan's Operating Committee and becomes effective upon filing. The Commission is publishing this notice to solicit comments on the Amendment from interested persons. Set forth in Sections I and II is the statement of the purpose and summary of the Amendment, along with the information required by Rules 608(a) and 601(a) under the Act, as prepared and submitted by the Participants.

I. Rule 608(a)

1. Purpose of the Amendment

The above-captioned amendment effectuates a change to reflect the new name of NYSE Chicago, Inc.: NYSE Texas, Inc. The amendment also makes some changes to certain names of other exchanges.

2. Governing or Constituent Documents
Not applicable.

3. Implementation of Amendment

Because the amendment constitutes a "Ministerial Amendment" under Section XVI of the UTP Plan, the Chair of the UTP Plan's Operating Committee may submit the amendment to the Commission on behalf of the Participants in the UTP Plan. Because the Participants designate the amendment as concerned solely with the administration of the UTP Plan, the amendment becomes effective upon filing with the Commission.

4. Development and Implementation Phases

Not applicable.

5. Analysis of Impact on Competition

The amendments do not impose any burden on competition because it simply effectuates changes in the names of a Participants to the UTP Plan.

6. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

7. Approval by Sponsors in Accordance With Plan

See Item 3 above.

8. Description of Operation of Facility Contemplated by the Proposed Amendment

Not applicable.

9. Terms and Conditions of Access

Not applicable.

10. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

¹⁷ 17 CFR 200.30-3(a)(57).

11. Method and Frequency of Processor Evaluation

Not applicable.

12. Dispute Resolution

Not applicable.

II. Regulation NMS Rule 601(a)

1. Equity Securities for Which Transaction Reports Shall Be Required by the Plan

Not applicable.

2. Reporting Requirements

Not applicable.

3. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Not applicable.

4. Manner of Consolidation

Not applicable.

5. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Not applicable.

6. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

Not applicable.

7. Terms of Access to Transaction Reports

Not applicable.

8. Identification of Marketplace of Execution

Not applicable.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendment is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number S7-24-89 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number S7-24-89. This file number should be included on the subject line if email is used. To help the Commission process and review your

comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, and all written statements with respect to the proposed Amendment that are filed with the Commission, and all written communications relating to the proposed Amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal offices of the Participants. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number S7-24-89 and should be submitted on or before June 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-09261 Filed 5-22-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103065; File No. SR-CboeBZX-2025-013]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the Canary Solana Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

May 19, 2025.

I. Introduction

On January 28, 2025, Cboe BZX Exchange, Inc. ("BZX" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities

Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares ("Shares") of the Canary Solana Trust ("Trust") under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.³

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ This order institutes proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,⁷ the Exchange proposes to list and trade the Shares of the Trust under BZX Rule 14.11(e)(4), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

The investment objective of the Trust is to seek to track the performance of SOL,⁸ as measured by the CME CF Solana-Dollar Reference Rate—New York Variant (the "Pricing Benchmark"), adjusted for the Trust's expenses and other liabilities.⁹ In seeking to achieve its investment objective, the Trust will hold SOL and will value its Shares daily as of 4 p.m. ET using the same methodology used to calculate the Pricing Benchmark.¹⁰ The Trust's assets will only consist of SOL, cash, and cash equivalents.¹¹ When the Trust sells or redeems its Shares, it will

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102392 (Feb. 11, 2025), 90 FR 9756 ("Notice"). Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-013/srcboebzx2025013.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102588, 90 FR 12424 (Mar. 17, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Notice, *supra* note 3.

⁸ The Exchange states that SOL is a digital asset that is created and transmitted through the operations of the peer-to-peer Solana Network, a decentralized network of computers that operates on cryptographic protocols. See *id.* at 9757.

⁹ See *id.* at 9760. Canary Capital Group LLC is the sponsor of the Trust, CSC Delaware Trust Company is the trustee, and a third-party custodian will be responsible for custody of the Trust's SOL. See *id.* at 9756, 9759.

¹⁰ See *id.* at 9760.

¹¹ See *id.* at 9759.

⁶ 17 CFR 200.30-3(a)(85).

do so in cash transactions with authorized participants in blocks of 500 Shares.¹²

III. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2025–013 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act¹³ to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,¹⁴ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be “designed to prevent fraudulent and manipulative acts and practices” and “to protect investors and the public interest.”¹⁵

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to list and trade Shares of the Trust, which would hold SOL, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested

persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.¹⁶

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by June 13, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 27, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–CboeBZX–2025–013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number SR–CboeBZX–2025–013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

¹⁶ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–013 and should be submitted on or before June 13, 2025. Rebuttal comments should be submitted by June 27, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–09256 Filed 5–22–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21075; ILLINOIS Disaster Number IL–20016 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Illinois

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Illinois dated May 16, 2025.

Incident: Skokie Water Main Break.

DATES: Issued on May 16, 2025.

Incident Period: February 14, 2025 through February 16, 2025.

Economic Injury (EIDL) Loan

Application Deadline Date: February 17, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration,

¹⁷ 17 CFR 200.30–3(a)(57).

¹² See *id.* at 9759–60.

¹³ 15 U.S.C. 78s(b)(2)(B).

¹⁴ *Id.*

¹⁵ 15 U.S.C. 78f(b)(5).

applications for disaster loans may be submitted 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: Cook.

Contiguous Counties:

Illinois: DuPage, Kane, Lake, McHenry, Will.

Indiana: Lake.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 210750.

The States which received an EIDL Declaration are Illinois, Indiana.

(Catalog of Federal Domestic Assistance Number 59008)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025-09329 Filed 5-22-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[License No. 05050305]

High Street Capital IV SBIC, L.P.; Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under section 309 of the Small Business Investment Act of 1958, as amended, and 13 CFR 107.1900 of the Code of Federal Regulations to function as a small business investment company under the Small Business Investment Company 05050305 issued to High Street Capital IV SBIC, L.P., said license is hereby declared null and void.

Paul Salgado,

Director, Office of Investment and Innovation, United States Small Business Administration.

[FR Doc. 2025-09331 Filed 5-22-25; 8:45 am]

BILLING CODE P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21133]

ISQ Bus BIDCO, Inc. et al.—Acquisition of Control—A&S Transportation Incorporated et al.

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving and Authorizing Finance Transaction.

SUMMARY: On April 25, 2025, the following entities filed an application to acquire from Mobico Group PLC (the Seller) indirect control of the Seller's North American home-to-school transportation entities, which include regulated interstate passenger motor carriers (the Acquired Regulated Entities): ISQ Bus BidCo, Inc. (BidCo); ISQ Global Infrastructure Fund III (UST) Bus AIV, LP (Fund UST); ISQ Global Infrastructure Fund III (USTE) Bus AIV, LP (Fund USTE); ISQ Global Infrastructure Fund III Bus AIV, LP (Fund AIV); and ISQ Global Infrastructure Fund III (EU) Bus AIV, LP (Fund EU) (collectively, the Applicants). The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by July 7, 2025. If any comments are filed, the Applicants may file a reply by July 22, 2025. If no opposing comments are filed by July 7, 2025, this notice shall be effective on July 8, 2025.

ADDRESSES: Comments, referring to Docket No. MCF 21133, may be filed with the Board either via e-filing on the Board's website or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, send one copy of comments to the Applicants' representative: Jonathan R. Todd, Benesch, Friedlander, Coplan & Aronoff LLP, 127 Public Square, Suite 4900, Cleveland, OH 44114.

FOR FURTHER INFORMATION CONTACT:

Amy Ziehm at (202) 245-0391. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

SUPPLEMENTARY INFORMATION: According to the application, BidCo, a corporation organized under the laws of Delaware, is headquartered in Miami, Fla. (Appl. 2.) Fund UST, Fund USTE, and Fund AIV are yet-to-be formed Cayman Islands limited partnerships; Fund EU is a yet-to-be formed Luxembourg/Ontario limited partnership (collectively, the Fund Applicants). (*Id.*) These entities will all be headquartered in Miami, Fla.

(*Id.*) According to the application, the Applicants are all noncarriers, neither the Applicants nor any of their subsidiaries or affiliates own or control any passenger motor carriers in the United States, and neither the Applicants nor any of their subsidiaries or affiliates have interstate motor carrier authority, U.S. Department of Transportation (USDOT) Numbers, or USDOT Safety Ratings. (*Id.*)

The Applicants state that the Fund Applicants¹ will collectively, wholly own ISQ Bus Aggregator, LP, a Cayman Islands limited partnership headquartered in Miami, Fla., which will serve as limited partner of the next intermediate holding entity, ISQ Bus Intermediate, LP, a yet-to-be formed Cayman Islands limited partnership that will be headquartered in Miami, Fla. (*Id.* at 2.) The Applicants state that ISQ Global Fund III GP, LLC, a Delaware limited liability company headquartered in Miami, Fla., will serve as the general partner of ISQ Bus Intermediate, LP. (*Id.*) According to the Applicants, Bus Management LP, a Delaware limited partnership headquartered in Miami, Fla., will be the limited partner of ISQ Bus Intermediate, LP. (*Id.* at 2-3.) ISQ Bus Intermediate, LP, will own ISQ Bus Holdings, LP, a Delaware limited partnership headquartered in Miami, Fla. (*Id.* at 3.) The Applicants note that ISQ Bus Holdings GP, LLC, a Delaware limited liability company headquartered in Miami, Fla., will serve as general partner of ISQ Bus Holdings, LP.² (*Id.*) ISQ Bus Holdings, LP, will in turn own BidCo. (*Id.*) The Applicants state that, upon close of the proposed transaction, all interest in the Acquired Regulated Entities will be indirectly owned and held by BidCo, and indirectly controlled by the Fund Applicants. (*Id.*)

The application states that the Seller is a publicly held British corporation, formerly known as National Express Group, PLC, that has been listed on the London Stock Exchange since 1992.³ (Appl. 4.) The Applicants state that the Seller owns and controls companies that provide transportation and mobility services, including, but not limited to, public railway, tram, bus, motor coach,

¹ According to the application, I Squared Capital Advisors (US) LLC, a private equity noncarrier Delaware limited liability company, headquartered in Miami, Fla., will serve as the investment manager for the Fund Applicants. (*Id.* at 3.)

² As part of the overall proposed transaction, the Applicants state that ISQ Bus Holdings, LP will also acquire Canadian passenger motor carriers that do not, and will not, enter the United States or fall under the jurisdiction of the Board. (*See id.* at 5 n.5.)

³ More information about the Seller's corporate structure and ownership can be found in the application. (*See Appl.* at 4-5, Ex. C.)

and home-to-school buses, in 12 countries across Europe, North America, and North Africa. (*Id.*) The Applicants further assert that the Seller is not a motor carrier and does not have a USDOT Number, a Federal Motor Carrier Safety Administration docket number, or a USDOT Safety Rating. (*Id.*) The application explains that the Acquired Regulated Entities include the following:⁴

- A&S Transportation, Inc., which provides student school bus transportation and charter passenger services in Florida and Georgia;
- Durham School Services, L.P., which provides student school bus transportation and nationwide charter passenger services;
- Petermann Ltd., which provides student school bus transportation and charter passenger services in Ohio;
- Petermann STSA, LLC, which provides student school bus transportation and charter passenger services in Kansas;
- Quality Bus Service, LLC, which provides student school bus transportation and charter passenger services in Orange County, N.Y., and surrounding counties;
- Trinity, Inc., which provides student school bus transportation and motor coach charter passenger services in the Detroit, Mich., metropolitan area;
- Trinity Student Delivery, LLC, which provides student school bus transportation and charter passenger services in Northwest Ohio; and
- Wise Coaches, Inc., which provides school bus transportation services and charter services in central Tennessee.

(*Id.*) According to the application, the Seller also has operating subsidiaries that provide transportation services not involving regulated interstate transportation or requiring interstate passenger authority in the United States. (*See id.* at 5, Ex. B.)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges resulting from the proposed transaction, and (3) the interest of affected carrier employees. The Applicants have submitted the information required by 49 CFR 1182.2, including information demonstrating that the proposed transaction is consistent with the public interest

under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded \$2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5). (Appl. 6–9.)

The Applicants assert that the proposed transaction will not have a material, detrimental impact on the adequacy of transportation services available to the public. (*Id.* at 7.) According to the Applicants, the Acquired Regulated Entities will continue to provide the same services they currently provide, and under the same name they currently provide such services but will operate within the Applicants' organizational family. (*Id.*) Further, the Applicants note that the Acquired Regulated Entities will continue to operate and fulfill their respective current contracts but will also be in position to bid competitively to maintain desired contracts and to respond to open bids for other contracts that may be beneficial to their businesses. (*Id.*) As such, the Applicants state that they intend to further develop and expand the aggregate businesses of the Acquired Regulated Entities. (*Id.*)

The Applicants further claim that neither competition nor the public interest will be adversely affected by the proposed transaction. (*Id.* at 8–9.) The Applicants assert that the market for the transportation services provided by the Acquired Regulated Entities is competitive in nature, as the areas where such carriers operate are generally geographically dispersed and the majority of all home-to-school student transportation contracts are subject to competitive bid processes and the possibility that a school can provide “in-house” school bus services. (*Id.*) The Applicants also state that the competitors of the Acquired Regulated Entities include First Student, Student Transportation, Inc., North America Central School Bus, Beacon Mobility, and many other regional and local providers. (*Id.* at 9.) As to charter services, the Applicants assert that the Acquired Regulated Entities compete for charter services such as school-related activities (athletic and academic competitions, field trips, etc.) and occasionally non-school related activities and events but that the demand for such services is limited due to, among other things, a lack of amenities on school buses suitable for charter service needs. (*Id.* at 4–5, 9.) Based on the foregoing, the Applicants state that the impact of the proposed transaction will be minimal, at most,

and that neither competition nor the public interest will be adversely affected. (*Id.* at 9.)

With respect to fixed charges, the Applicants assert that such charges are not contemplated to have a material impact on the proposed transaction. (*Id.* at 7.) The Applicants further state that they do not expect the transaction to have substantial impacts on employees or labor conditions, nor do they anticipate a measurable reduction in force or changes in compensation levels or benefits. (*Id.*)

Based on the Applicants' representations, the Board finds that the acquisition of control of the Acquired Regulated Entities is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action in this proceeding.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at www.stb.gov.

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective July 8, 2025, unless opposing comments are filed by July 7, 2025. If any comments are filed, Applicant may file a reply by July 22, 2025.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: May 19, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Regena Smith-Bernard,
Clearance Clerk.

[FR Doc. 2025–09334 Filed 5–22–25; 8:45 am]

BILLING CODE 4915-01-P

⁴ Additional information about these motor carriers, including USDOT numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*See id.* at Ex. A.)

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

[Docket No.: FAA–2025–0842; Summary Notice No. 2025–32]

Petition for Exemption; Summary of Petition Received; Helicopter Wildlife Services

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 9, 2025.

ADDRESSES: Send comments identified by docket number FAA–2025–0842 using any of the following methods:

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

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

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time.

Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2025–0842.

Petitioner: Helicopter Wildlife Services.

Section of 14 CFR Affected:

§ 91.108(c)(2).

Description of Relief Sought:

Helicopter Wildlife Services seeks relief from § 91.108(c)(2) to use a supplemental restraint system (SRS) that has a harness which secures around the individual's torso and a lanyard that connects the harness to an FAA approved airframe attachment point or points, ensuring that the individual's torso remains inside the aircraft at all times.

[FR Doc. 2025–09287 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

[Docket No.: FAA–2025–0176; Summary Notice No. –2025–14]

Petition for Exemption; Summary of Petition Received; Muskox Ministries

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and

must be received on or before June 12, 2025.

ADDRESSES: Send comments identified by docket number FAA–2025–0176 using any of the following methods:

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

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

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2025–0176.

Petitioner: Muskox Ministries.

Section of 14 CFR Affected:

§ 61.113(c).

Description of Relief Sought: Muskox Ministries seeks an exemption from Title 14 Code of Federal Regulations § 61.113(c) that restricts reimbursement

of private pilots and requires them to not pay less than the pro-rata share of the operating expenses of a flight.

[FR Doc. 2025–09307 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–0708]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Pilot Certification Unmanned Aircraft Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves information submitted on FAA form 8710–13 (Remote Pilot Certificate and/or Rating Application) by persons applying for a Part 107 remote pilot certificate and/or rating. A Part 107 remote pilot certificate and/or rating is required to act as remote pilot in command of an unmanned aircraft system (UAS) being operated under Part 107. The form requires an applicant to provide information such as their name, address, physical characteristics (height, weight, etc.), existing pilot certificates, and whether the applicant took the knowledge test or training course. The applicant must provide proof of completion of a knowledge test or training course, as applicable, with the application. The information to be collected will be used to identify and evaluate your qualifications and eligibility for the issuance of a remote pilot certificate and/or rating. Form 8710–13 can be submitted electronically using the FAA's online Integrated Airman Certification and Rating Application (IACRA), by mail, or in person at certain FAA facilities.

DATES: Written comments should be submitted by July 22, 2025.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov (Enter docket number into search field).

By mail: Benjamin Walsh, FAA Flight Standards Service, Emerging

Technologies Division, AFS–700, 13873 Park Center Road, Suite 475, Herndon, VA 20171.

By fax: 202–267–8233.

FOR FURTHER INFORMATION CONTACT:

Benjamin Walsh by email at: ben.walsh@faa.gov; phone: 202–267–8233.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0777.

Title: Pilot Certification Unmanned Aircraft Systems.

Form Numbers: 8710–13.

Type of Review: Renewal of an information collection.

Background: Subpart C of title 14 Code of Federal Regulations part 107 (14 CFR part 107), Small Unmanned Aircraft Systems, provides requirements for applicants to obtain a remote pilot certificate, and establishes procedures for applicants to apply for such certificates. Part 107 also refers to a provision in 14 CFR part 61, as applicants who already hold a certificate under 14 CFR part 61 are eligible to obtain a remote pilot certificate by completing an initial training course in a manner acceptable to the Administrator.

Persons applying for a remote pilot certificate with a small UAS rating under part 107 must submit information using the FAA Form 8710–13, Remote Pilot Certificate and/or Rating Application. For applicants who do not hold a pilot certificate under part 61, the Remote Pilot Certificate and/or Rating Application is submitted along with a documentation demonstrating that the applicant has passed an aeronautical knowledge test. For applicants who hold a pilot certificate under part 61 and meet the flight review requirements of § 61.56, the Remote Pilot Certificate and/or Rating Application is submitted with evidence of completion of a training course.

The FAA has an electronic data collection system called the Integrated Airman Certification and Rating Application (IACRA). IACRA is a secure web-based application that uses online

validation and digital signatures to complete the remote pilot certificate application documents. IACRA interfaces with multiple FAA databases such as knowledge testing and airman records for data validation and verification. It automatically ensures that applicants meet regulatory and policy requirements.

IACRA improves the airman certification process by checking for data errors that cause rejected applications. The certification processing time is reduced since the applicant, recommending instructor (if required), and inspector/examiner can complete the airman application online and can submit the completed application electronically using digital signatures. OMB has used IACRA as an example of FAA's compliance with the Government Paperwork Elimination Act.

Respondents: Persons submitting an application for a Remote Pilot Certificate and/or Rating for Small Unmanned Aircraft Systems, submitted either in paper form or online using the FAA's Integrated Airman Certification and Rating Application (IACRA) website. Approximately 59,000 applications submitted annually.

Frequency: On occasion, once per applicant.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: One response per applicant per year; 14,750 hours total per year for all applicants.

Issued in Washington, DC, on May 19, 2025.

Joseph Morra,

Manager, Emerging Technologies Division, AFS–700.

[FR Doc. 2025–09268 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2025–0414; Summary Notice No.—2025–34]

Petition for Exemption; Summary of Petition Received; Northeast Unmanned Aviation Research Alliance

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the

FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 12, 2025.

ADDRESSES: Send comments identified by docket number FAA–2025–0414 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.
- **Mail:** Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- **Hand Delivery or Courier:** Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Fax:** Fax comments to Docket Operations at (202) 493–2251.

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

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–2928, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2025–0414.

Petitioner: Northeast Unmanned Aviation Research Alliance.

Section(s) of 14 CFR Affected:

§§ 91.7(a), 91.119(c), 91.121, 91.151(a), 91.151(b), 91.403(b), 91.405(a), 91.407(a)(1), 91.409(a)(1), 91.409(a)(2), 91.417(a), 91.417(b).

Description of Relief Sought:

Northeast Unmanned Aviation Research Alliance (NUAIR) seeks relief to operate fixed-wing and rotorcraft unmanned aircraft (UA) weighing up to 1,320 pounds (lbs.) which meet or exceed defined minimum performance requirements. The petitioner proposes to operate UA beyond visual line of sight (BVLOS) within a defined 450 square mile area of Central New York where NUAIR intends to utilize a network of ground-based radars and Automatic Dependent Surveillance-Broadcast (ADS-B) In terminals to detect and avoid aircraft during BVLOS operations.

[FR Doc. 2025–09312 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Operating Limitations at Newark Liberty International Airport, Interim Order Establishing Targeted Scheduling Limits

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Interim order establishing targeted scheduling limits at Newark Liberty International Airport.

I. Introduction

This interim Order establishes a temporary reduced targeted scheduling limit on the number of scheduled operations at Newark Liberty International Airport (EWR) reflected in authorized scheduled timings. The Acting Administrator of the Federal Aviation Administration (FAA) is issuing this Order as a result of a persistent number of flights above capacity at EWR. This Order is intended to relieve the substantial inconvenience to the traveling public caused by excessive flight delays at the airport due to construction, staffing challenges, and recent equipment issues, which magnify as they spread through the National

Airspace System. This Order aims to provide a more efficient use of the nation's airspace and alleviate temporary conditions exacerbating delays at EWR. This Order takes effect on May 20, 2025, and will expire upon the implementation of a final order.

II. Background

The U.S. Government has exclusive sovereignty over the airspace of the United States.¹ Under this broad authority, Congress has delegated to the Administrator extensive and plenary authority to ensure the safety of aircraft and the efficient use of the nation's navigable airspace. In this regard, the Administrator is required to assign the use of navigable airspace by regulation or order under such terms, conditions and limitations as he may deem necessary to ensure its efficient use.² The Administrator may modify or revoke an assignment when required in the public interest.³ Furthermore, in carrying out the Administrator's safety responsibilities under the statute, the Administrator must consider controlling the use of the navigable airspace and regulating civil operations in that airspace in the interest of the safety and efficiency of those operations.⁴

The FAA's statutory authority to manage “the efficient use of airspace” encompasses its management of the nationwide system of air commerce and air traffic control. Ensuring the efficient use of the airspace means that FAA must take all necessary steps to prevent extreme congestion at an airport from disrupting or adversely affecting the overall air traffic system for which FAA is responsible. Further, delays at EWR frustrate the efficient operations of air carriers transporting passengers to and from this important region. The impacts of delays at EWR spread throughout the NAS, resulting in substantial economic loss for the traveling public, air carriers, shippers, and others.

EWR Level 2 Designation

On April 6, 2016, FAA designated EWR as a Level 2 schedule-facilitated airport under the International Air Transportation Association (IATA)

¹ 49 U.S.C. 40103.

² 49 U.S.C. 40103(b)(1), as previously codified in 49 U.S.C. App. § 307(a). Title 49 was recodified by Public Law 103–222, 108 Stat. 745 (1994). The textual revisions were not intended to result in substantive changes to the law. The recodification stated that the words in § 307(a) “under such terms, conditions, and limitations as he may deem” were omitted as surplus. H. Rpt. 103–180 (103d Cong., 1st Sess. 1993) at 262.

³ *Id.*

⁴ 49 U.S.C. 40101(d)(4).

Worldwide Slot Guidelines (WSG), effective October 30, 2016.⁵

The FAA does not allocate slots, apply historic precedence, or impose minimum usage requirements at EWR. Level 2 schedule facilitation depends upon close and continuous discussions and voluntary agreement between airlines and FAA to reduce congestion. At Level 2 airports, FAA provides priority consideration for flights approved by FAA and operated by the carrier in those approved times in the prior scheduling season when FAA reviews proposed flights for facilitation in the next corresponding scheduling season. Only those flights that were actually operated as approved in the prior scheduling season generally receive priority for the next corresponding scheduling season. However, FAA notes that the usual Level 2 processes include flexibility for the facilitator to prioritize planned flights that are canceled in advance or on the day of the scheduled operation due to operational impacts beyond the control of the carrier.

Although FAA redesignated EWR from a Level 3 to Level 2 airport in 2016, FAA has continuously monitored the airport's performance due to its prominence in the NAS and impact on the system overall. As such, EWR implemented targeted scheduling limits in an effort to minimize delay and congestion. The current baseline targeted scheduling limit for EWR is 77 operations per hour.⁶ The FAA has implemented a number of mitigations to address delays at the airport due to staffing challenges and runway construction.

Staffing-Related Relief at EWR

On March 27, 2023, FAA announced a limited policy for prioritizing up to ten percent of a carrier's returned operations at EWR, due to post-pandemic effects on ATC staffing at New York Terminal Radar Approach Control (TRACON)(N90), for purposes of establishing a carrier's operational baseline in the next corresponding season.⁷ The FAA determined that the interdependency and complexity of the airspace, number of flights into the New York City region, and N90 staffing shortfalls met the applicable waiver standard for the N90's Level 3 airports and justified an offer of relief for carriers at EWR. The FAA extended this relief through the close of the Summer 2025 Scheduling Season.⁸ This relief is part

of a continuous effort, in partnership with air carriers, to manage traffic at EWR safely and efficiently while staffing levels improve.

EWR Construction

On November 20, 2024, FAA announced a limited, conditional policy for prioritizing returned operations at EWR due to a construction-related runway closure at EWR for purposes of establishing a carrier's operational baseline in the next corresponding scheduling seasons.⁹ Runway 4L-22R has been and remains closed daily from April 15, 2025, through June 15, 2025. Weekend closures of Runway 4L-22R were scheduled from March 1, 2025, to April 14, 2025, and will resume September 1, 2025, to December 31, 2025, from Friday at 11:00 p.m. through 5:00 a.m. on Sunday, Eastern Time.

The FAA worked with carriers to address the impact this runway closure has on scheduled operations for the Summer 2025 and Winter 2025/2026 scheduling seasons. The FAA requested that carriers reduce operations from April 15, 2025, through June 15, 2025, to no more than 35 arrivals per hour from 6:00 a.m. to 2:00 p.m., Eastern Time and no more than 31 arrivals per hour from 3:00 p.m. to the end of the day, Eastern Time. The FAA also requested that carriers reduce operations to no more than 35 departures per hour through 4:00 p.m., Eastern Time, and no more than 31 departures per hour from 5:00 p.m. through the end of the day, Eastern Time. The FAA stated that no new requested timings would be approved during the runway closure period.

Air Traffic Controller Staffing Status

Since July of 2024, Philadelphia TRACON (PHL) has been the TRACON facility responsible for overseeing the Newark area. PHL's targeted staffing number is 114 Certified Professional Controllers (CPCs); the current onboard number at PHL is 82, representing 71.9% staffed. Area C, overseeing the Newark area, has a targeted staffing number of 38 CPCs, with its current staff of 24 CPCs representing 63% staffed. Under an arrangement by the previous administration, by the end of July 2026, 16 CPCs currently assigned to Area C will return to N90, which previously oversaw the Newark area. Actions are currently underway to train CPCs for Area C and to replace those 16 CPCs. PHL currently has 26 trainees, and many of these have previous experience at higher level facilities and are expected to certify in less time than

typical. This pipeline of personnel will allow FAA to build up CPC staffing for Area C.

Equipment Outages

EWR recently experienced technology issues at PHL which guides aircraft in and out of the airport.¹⁰ The FAA is taking steps to immediately shore up the reliability of equipment and operations at EWR in light of these outages. However, these outages lead to disruptions in operations causing delays and impact CPCs serving the airport.

III. Decision To Convene a Delay Reduction Meeting

The convergence of underlying staffing challenges, PHL equipment issues caused by an antiquated air traffic control system, and runway closures due to construction has resulted in the current operational levels at EWR becoming untenable.

Congress authorized the Secretary of Transportation to ask U.S. air carriers to meet with the FAA to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during peak operating hours.¹¹ Under this authority, the Secretary and Acting Administrator of the FAA determined that such a meeting was necessary to address delays and congestion at EWR.

Through a notice issued on May 14, 2025, and published in the **Federal Register**, FAA invited U.S. air carriers with scheduled operations at EWR and the Port Authority of New York and New Jersey (PANYNJ) to attend the scheduling reduction meeting commencing on May 14, 2025.¹² The FAA invited all other interested parties and persons to submit information on the subject of operations at EWR to a public docket for FAA's consideration in issuing this Order.

IV. Determination of Operational Targets

The statute authorizing the Administrator to conduct a scheduling reduction meeting requires FAA to establish operational targets for the efficient scheduling of the airport.¹³ The FAA announced the proposed operational targets in the Notice of the Delay Reduction Meeting and invite to carriers. The FAA reviewed the current delay and cancellation rates at EWR against the approved schedules during

¹⁰ Update: Newark Liberty International Airport, FAA General Statements (May 7, 2025). FAA General Statements | Federal Aviation Administration

¹¹ 49 U.S.C. 41722(a).

¹² 90 FR 20545 (May 14, 2025).

¹³ 49 U.S.C. 41722(c).

⁵ 81 FR 19861 (April 6, 2016).

⁶ 89 FR 43501 (May 17, 2024).

⁷ 88 FR 18032 (March 27, 2023).

⁸ 90 FR 12931 (March 19, 2024).

⁹ 89 FR 91544 (November 20, 2024).

the construction period and for the remainder of Summer 2025 Scheduling Season. As previously stated in the Notice of the Delay Reduction Meeting announcing the scheduling reduction meeting, since April 15, 2025, cancellations at EWR are occurring at a rate of one to four per hour, with an increase in the afternoon and evening, averaging about 34 arrival cancellations per day.¹⁴ The number of delayed arrivals is consistently high, beginning with an average of five in the 7:00 a.m. hour and increasing throughout the day to an average of 16 between 7:00 p.m. and 11:00 p.m., Eastern Time. The average delay duration is 85 minutes at 7:00 a.m. and increases to 137 minutes at 5:00 p.m., Eastern Time. This rate declines, but holds, at about 100 minutes per flight at the end of the day. Overall, the data shows variability in scheduled versus actual arrivals, with a corresponding increased level of delayed arrivals across the hours of the day.

Based on FAA's analysis of the data, FAA proposed an hourly arrival rate of no more than 28 operations, with a corresponding hourly departure rate of 28 operations, resulting in no more than 56 total operations per hour during the remainder of the construction period.¹⁵ The construction period is defined as the daily closure of Runway 4L/22R until June 15, 2025, and weekends from September 1, 2025, through December 31, 2025, from Friday at 11:00 p.m. through 5:00 a.m. on Sunday, Eastern Time. Outside of the construction period, through the end of Summer 2025 scheduling season ending on October 25, 2025, FAA proposed a targeted scheduling rate of 34 arrivals per hour, with a corresponding departure rate of 34 operations, resulting in no more than 68 total operations per hour. The FAA determines that this operational target would reduce overscheduling, flight delays, and cancellations to an acceptable level at EWR and ensure the efficient use of the NAS. These operational targeted scheduling limits for this period will take place between 6:00 a.m. and 10:59 p.m., Eastern Time.

V. Meetings With the U.S. Air Carriers

The FAA convened the scheduling reduction meeting with the U.S. air carrier participants and representatives from the PANYNJ on May 14, 2025, and the meetings continued until its recess on May 16, 2025. The FAA had separate meeting sessions over the three days

with seven air carriers and the PANYNJ. In these meetings, FAA and carriers discussed voluntary modifications to schedules during the construction period and through the rest of the Summer 2025 Scheduling Season. Representatives of the Department of Justice's Antitrust Division and the Department of Transportation monitored the joint and individual meeting sessions of the scheduling reduction meeting. In addition, the in-person sessions were transcribed.¹⁶

The FAA stated that immediate action is required to address the situation at EWR. Since the daily runway closures conclude on June 15, 2025, and this schedule reduction meeting occurred during the Summer 2025 Scheduling Season, there is a limited window to implement schedule modifications. The FAA commends the carriers, especially United Airlines, Spirit Airlines, Allegiant Airlines, Alaska Airlines, and American Airlines, that made substantial schedule adjustments to accommodate the reduced rate during the construction period prior to the meetings.

The discussions were productive and, by the time of the meeting recess, participating carriers contributed a level of reduction almost at the proposed targets. On Friday, May 16, 2025, the FAA stated that further discussions with participating carriers will be necessary to finalize the reductions and re-timings proposed and agreed upon in the individual sessions.

On Monday, May 19, 2025, FAA determined that additional reductions were necessary for specific hours and subsequently advised those carriers affected by further reductions. The FAA has confirmed with each carrier their remaining operations following these reductions. These confirmed operations are designated authorized scheduled timings for EWR for the purposes of this interim order.

U.S. and foreign air carriers, the PANYNJ, and other interested parties were also invited by the May 14, 2025, **Federal Register** notice to provide whatever information and opinion they deemed relevant to FAA's ultimate decision. The Notice stated that FAA will work with foreign carriers using the IATA guidelines to address any voluntary reductions foreign carriers would like to propose during this period. All U.S. and foreign carriers are invited to contact the Slot

Administration Office with any additional proposed reductions or schedule modifications that would contribute to the overall effort to reduce operations at EWR. The FAA will take any additional proposed reductions or modifications into consideration before issuing a final Order in this matter.

VI. Revised Hourly Targeted Schedule Limitations

As established in the Notice and in sessions with carriers during the delay reduction meetings, the hourly targeted schedule limitations are reduced below current levels at two different rates depending on if the operation falls during or outside the construction periods.

Every day until June 15, 2025, and on weekends from September 1, 2025, through December 31, 2025, from Friday at 11:00 p.m. through 5:00 a.m. on Sunday, Eastern Time, the targeted limit is no more than 28 arrivals and 28 departures per hour. Outside of the construction period, until the close of the Summer 2025 Scheduling Season, October 25, 2025, the limit is no more than 34 arrivals and departures per hour. The FAA will continue to work with carriers to smooth their schedules and to adjust the timing of arriving and departing flights so as not to overwhelm a particular hour in the event of delays or other operational issues.

VII. Foreign Air Carriers

Prior to the issuance of a final Order, the FAA Slot Administration Office asks that foreign carriers assess their operations at EWR and propose any voluntary schedule reductions or modifications that may alleviate congestion at EWR. The FAA will work with foreign carriers to maintain historic prioritization for any previously approved timings for the purposes of establishing an operational baseline for the next corresponding season.

VIII. Unscheduled Operations and New Scheduled Operations

The FAA will not accommodate new unscheduled or scheduled operations through the construction period or remainder of the Summer 2025 Scheduling Season at EWR. New operations during this time period could exacerbate the existing conditions and undo the purpose of the scheduling reduction meetings, which is to achieve operational stability at EWR.

IX. Operational Flexibility

Based on FAA's experience with capacity-constrained airports, FAA anticipates that carriers may occasionally need to modify their

¹⁴ 90 FR 20545, 20546 (May 14, 2025).

¹⁵ Foreign carrier operations are factored into each reduced targeted scheduling limit.

¹⁶ The FAA has not yet formally adjourned the meeting. In the event that further meeting sessions are required, the meeting is in recess status prior to the issuance of final order to provide parties the opportunity to make additional voluntary schedule reductions and modifications.

schedule times for operational or other reasons while this Order is in effect. Accordingly, this Order provides a mechanism through which such carriers can modify their schedules.

Carriers operating at EWR must obtain the Administrator's written approval before making a schedule change that would be outside the hourly window associated with an authorized timing.

The FAA recognizes that the Winter 2025/2026 schedule submission date was May 15, 2025. The FAA will work with carriers to accommodate schedules proposed for Saturdays in the construction period in the Winter 2025/2026 Scheduling Season.

The FAA recognizes that there may be unexpected times when a carrier's operations are greatly disrupted due to operation issues, weather, or other circumstances beyond the carrier's control. Since EWR is a Level 2 airport, FAA will work the carrier on any additional relief needed to prioritize impacted operations for the purposes of establishing operational baselines for the next corresponding season.

Accordingly, with respect to scheduled flight operations at EWR, under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40101, 40103, 40113, and 41722, it is hereby ordered that:

1. This Order modifies the targeted scheduling limit for arrivals and departures at EWR during the affected hours for the U.S. air carriers who operate at EWR as reflected by scheduled authorized timings. The FAA will not accommodate authorized scheduled timings under this Order to any person or entity other than a certificated U.S. air carrier with appropriate economic authority and FAA operating authority under 14 CFR part 121, 129, or 135. This Order further affirms that FAA will not accommodate new requests or re-timings by other domestic or foreign carriers during the period this Order is effective. Under this interim Order, carriers may submit additional voluntary returns to be included in the final order. The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this paragraph. This Order applies to the following:

a. All U.S. air carriers conducting scheduled operations at EWR as of the date of this Order, any U.S. air carrier that operates under the same designator code as such carrier, and any air carrier that has or enters into a codeshare agreement with such carrier.

b. All U.S. air carriers operating scheduled or regularly conducted

commercial service to EWR while this Order is in effect.

2. This Order modifies targeted scheduled arrivals and departures at EWR from 6 a.m. through 10:59 p.m., Eastern Time, until October 25, 2025, and weekends from September 1, 2025, through December 31, 2025, from Friday at 11:00 p.m. through 5:00 a.m. on Sunday.

3. This Order takes effect on May 20, 2025 and expires upon the issuance of a final order consistent with these proceedings to allow for continued dialogue between air carriers and FAA to finalize schedule reductions and modifications.

4. The following procedures apply to authorized scheduled timings at EWR:

a. Scheduled air carrier arrivals and departures should not exceed 28 per hour, respectively, from 6 a.m. through 10:59 p.m., Eastern Time until June 15, 2025, and weekends from September 1, 2025, through December 31, 2025, from Friday at 11:00 p.m. through 5:00 a.m. on Sunday, Eastern Time. From June 16, 2025, through October 25, 2025, arrivals and departures should not exceed 34 per hour, respectively, aside from the Saturdays designated as part of the construction period when the lower targeted rate applies.

b. The Administrator may change the targeted limits if he determines that capacity exists to accommodate additional operations without a significant increase in delays.

5. A carrier operating an authorized scheduled timing may request the Administrator's approval to move any arrival or departure scheduled from 6 a.m. through 10:59 p.m. to another half hour within that period. Except as provided in paragraph seven, the carrier must receive the written approval of the Administrator, or his delegate, prior to conducting any scheduled arrival or departure. All requests to move an authorized scheduled timing must be submitted to the FAA Slot Administration Office, telephone (202) 267-2822 or email 7-AWA-Slotadmin@faa.gov, and must come from a designated representative of the carrier.

6. Notice of a swap under this paragraph must be submitted in writing to the FAA Slot Administration Office, telephone (202) 267-2822 or email 7-AWA-Slotadmin@faa.gov, and must come from a designated representative of each carrier. The FAA must confirm and approve these exchanges in writing prior to the effective date of the exchange. The FAA will approve swaps between carriers under the same marketing control up to 72-hours after the actual operation, but only to accommodate operational disruptions

that occur on the same day of the scheduled operation.

7. Any authorized scheduled timing not used during the remainder of the Summer 2025 Scheduling Season or applicable dates in the Winter 2025/2026 period will not be prioritized for the purposes of establishing an operational baseline for the next corresponding season unless the carrier notifies the FAA of a request for prioritization. The FAA and DOT review such requests, and FAA will respond to the carrier with an acknowledgement of relief.

8. If FAA determines that a further reduction in targeted scheduled operations is needed, the FAA may call an additional scheduling reduction meeting pursuant to 49 U.S.C. 41722.

9. The FAA will enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). A carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, will be liable for a civil penalty of up to \$75,000 for every flight it operates above the limits set forth in this Order. A carrier that is a small business as defined in the Small Business Act will be liable for a civil penalty of up to \$16,630 for every flight it operates above the limits set forth in this Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of this Order.

10. The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

Issued in Washington, DC, on May 20, 2025.

Christopher J. Rocheleau,
Acting Administrator, Federal Aviation Administration.

[FR Doc. 2025-09376 Filed 5-21-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA-2025-0631; Summary Notice No. 2025-33]

Petition for Exemption; Summary of Petition Received; Brunner Aerospace LLC

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal

Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 12, 2025.

ADDRESSES: Send comments identified by docket number FAA–2025–0631 using any of the following methods:

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

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

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kara White, 202–267–3793, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2025–0631.

Petitioner: Brunner Aerospace.

Section(s) of 14 CFR Affected: § 141.27(b)(3).

Description of Relief Sought: Brunner Aerospace LLC, is seeking relief from 141.27(b)(3) to reapply for the provisional pilot school certificate less than 180 days after the February 28, 2025, expiration date of their last provisional pilot school certificate.

[FR Doc. 2025–09286 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–0653]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Infrastructure Investment and Jobs Act (IIJA) Competitive Grant Project Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves soliciting project information for the Infrastructure Investment and Jobs Act (IIJA) Airport Terminal, Tower and Airport Infrastructure Grant Funding Reallocation Programs. The information to be collected will be used to determine projects to be awarded IIJA competitive grants.

DATES: Written comments should be submitted by July 22, 2025.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Jesse Carriger, Federal Aviation Administration, ATTN: Airports Infrastructure Branch (APP–540), 800 Independence Avenue SW, Suite 619, Washington, DC 20591.

By email: ijaaairports@faa.gov.

FOR FURTHER INFORMATION CONTACT: Jesse Carriger, Airports Infrastructure

Branch, by email at: ijaaairports@faa.gov; phone: (202) 674–2806.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0806.

Title: Infrastructure Investment and Jobs Act (IIJA) Competitive Grant Project Information.

Form Numbers: 5100–144.

Type of Review: Renewal of an information collection.

Background: The FAA uses this collection to solicit the information necessary to evaluate and select airport projects for funding under the Infrastructure Investment and Jobs Act (IIJA), signed on November 15, 2021. The IIJA provides about \$1,020,000,000 annually, for five years, to award competitive grants for airport terminal and tower development. Of this amount, about \$1,000,000,000 annually, for five years, is for the Airport Terminal Program; \$20,000,000 annually, for five years, is for an Airport-owned Contract Tower Program. Additionally, the IIJA directs funds that are unobligated at the end of the fourth fiscal year after first made available under the Airport Infrastructure Grant (AIG) program to be converted to a new competitive funding program for the fifth and final fiscal year of availability. Of the amounts converted, the first \$100,000,000 is set aside to augment the IIJA's Airport-owned Contract Tower Program grant program. Funds exceeding \$100,000,000 are then awarded through the new competitive grant program, called the Airport Infrastructure Grant Funding Reallocation Program (AFR). The information collected is based on grant considerations and priorities outlined in the IIJA. Project consideration areas include increasing terminal capacity and passenger access; replacing aging infrastructure; achieving compliance with the Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*); improving airport access for historically disadvantaged populations; improving energy efficiency; improving airfield safety through terminal relocation; encouraging actual and potential

competition; impact on the National Airspace System; reducing emissions; reducing noise impact to the surrounding community; reducing dependence on the electrical grid; and providing general benefits to the surrounding community. The information FAA is collecting will include general airport information, a project overview, and narratives on project consideration areas as outlined in the IIJA. Airport owners and managers who want to pursue funding and obtain benefits from the IIJA Programs will submit information via FAA Form 5100–144 to compete for grants. Approximately 3,075 airports are eligible to compete for this funding, but, based on previous-year submissions, the FAA expects only a small subset of eligible airports to submit project information through this competitive grant process.

Respondents: Approximately 655 airports.

Frequency: Annually.

Estimated Average Burden per Response: 6 hours.

Estimated Total Annual Burden: 3,930 hours for all respondents.

Issued in Washington, DC, on May 19, 2025.

Jesse Carriger,

Manager, Infrastructure Branch Office of Airports.

[FR Doc. 2025–09248 Filed 5–22–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2025–0008]

Notice of Intent To Prepare an Environmental Impact Statement in Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA, on behalf of the State Department of Transportation (Virginia DOT, or VDOT), is issuing this Notice of Intent (NOI) to solicit comment and advise the public, agencies, and stakeholders that an Environmental Impact Statement (EIS) will be prepared to evaluate potential transportation improvements for the Nimmo Parkway Phase VII–B Project (the Project; EISX—XVA–1727438866) in the Sandbridge community and surrounding areas within the City of Virginia Beach. Transportation improvements are being considered to extend Nimmo Parkway or improve existing Sandbridge Road to provide

reliable access and connectivity to the Sandbridge community.

DATES: Comments on this NOI and the Additional Project Information Document are to be received by the FHWA at the address below by June 23, 2025.

ADDRESSES: This NOI and the Additional Project Information Document are available in the docket referenced above at <http://www.regulations.gov> and on the project website located at <https://pw.virginiabeach.gov/roads/transportation-projects/nimmo-pkwy>. The Additional Project Information Document also will be mailed upon request. Interested parties are invited to submit comments by any of the following methods:

Website: For access to the documents, go to the Federal eRulemaking Portal located at <http://www.regulations.gov> or the Project website located at <https://pw.virginiabeach.gov/roads/transportation-projects/nimmo-pkwy>. Follow the online instructions for submitting comments.

Mailing address of hand delivery or courier: Federal Highway Administration, 400 North 8th Street, Suite 750, Richmond, Virginia, 23219.

Email address: Amanda.Heath@dot.gov.

All submissions should include the agency name and the docket number that appears in the heading of this Notice. All comments received will be posted without change to <http://www.regulations.gov> or the Project website, <https://pw.virginiabeach.gov/roads/transportation-projects/nimmo-pkwy>, including any personal information provided. A summary of the comments received will be included in the Draft EIS, and all comments received will be included in an appendix to the Draft EIS.

FOR FURTHER INFORMATION CONTACT:

FHWA: Amanda Heath, Environmental Protection Specialist, Federal Highway Administration—Virginia Division, 400 North 8th Street, Suite 650, Richmond, VA 23219–4825; email:

Amanda.Heath@dot.gov; 804–775–3342.

VDOT: Andrew Pike, NEPA Project Manager/Environmental Division, Virginia Department of Transportation, 1401 East Broad Street, Richmond, VA, 23219; email: andrew.pike@vdot.virginia.gov; 804–786–2360.

Persons interested in receiving Project information can contact NimmoParkwayEIS@vdot.virginia.gov to be added to the Project mailing list.

SUPPLEMENTARY INFORMATION: The environmental review of transportation improvement alternatives for the

Nimmo Parkway Phase VII–B Project area, the Sandbridge community, and surrounding areas within the City of Virginia Beach will be conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*), 23 U.S.C. 139, FHWA regulations implementing NEPA (23 CFR part 771) and all other applicable Federal, State, and local laws and regulations. The NEPA process is anticipated to be completed by a combined Final EIS and Record of Decision within two years of issuance of this NOI.

The project subject to this notice is:

Project Location: The project limits include the existing east-west Nimmo Parkway/Nimmo Trail right-of-way, which extends approximately 1.9 miles between Albuquerque Drive and Sandbridge Road east of McClannan's Curve, and approximately 3.4 miles of Sandbridge Road between Entrada Drive to just east of McClannan's Curve.

Proposed Project Action

Background. The City of Virginia Beach has studied a direct connection to the Sandbridge community since 1968. An east-west corridor to the community was included in the City's Master Transportation Plan in 1971, the 1979 and 1985 Comprehensive Plans. In 1999, a corridor study completed by the City of Virginia Beach recommended the Nimmo Parkway Corridor, with a bridge over Ashville Bridge Creek, as the preferred alternative in linking General Booth Boulevard/Princess Anne Road with the Sandbridge community. In 2003, planning studies were conducted on the Nimmo Parkway Corridor which determined that, when compared to other corridor improvement projects for the area, the Nimmo Parkway Corridor alternative was preferred. In subsequent years, additional improvements have been made along Nimmo Parkway and Sandbridge Road, with the construction of existing Nimmo Parkway occurring in four phases over a 30-year period.

In May 2022, FHWA approved an Environmental Assessment (EA) for public availability for the EA for this proposed Project included a study area limited to an east-west corridor of approximately 1.85 miles between the end of existing Nimmo Parkway to the west at Albuquerque Drive and Sandbridge Road approximately 0.2 miles past McClannan's Curve, as well as the Sandbridge Road corridor, approximately 3.4 miles, from Entrada Drive to approximately 0.2 miles past McClannan's Curve in the City of Virginia Beach, Virginia.

The Nimmo Parkway Phase VII-B EA evaluated two alternatives, the No Build and Build. The No Build Alternative was retained to serve as a baseline for comparison. The single Build Alternative was a 1.8-mile-long two-lane undivided roadway extending from Albuquerque Drive to Sandbridge Road with an 800-foot proposed bridge over Ashville Bridge Creek.

A public hearing on the EA was held on June 8, 2022. Based on public and agency comments on the EA, in September 2023, FHWA determined that an Environmental Impact Statement (EIS) is required for the Project (23 CFR 771.119(i)). Federal agency comments on the EA stated a need to analyze an additional alternative, specifically improvements to existing Sandbridge Road within the City of Virginia Beach. This alternative had been considered in the EA but was not retained for detailed evaluation, because improvements to existing Sandbridge Road would have higher right-of-way, environmental impacts and costs than the Build Alternative (see Section 2.2.1 of the EA for more details). Agency coordination on the EIS began in April 2024 with an understanding among FHWA, VDOT, U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service (USFWS) that the Build Alternative from the EA and improvements to existing Sandbridge Road would be further evaluated as standalone alternatives.

More information regarding the following sections is included in the Additional Project Information Document.

The Preliminary Purpose and Need for the Proposed Agency Action. Based upon the unreliable conditions of Sandbridge Road and the increasing risk of flooding, the preliminary purpose and need of the Nimmo Parkway Phase VII-B proposed Project is to provide reliable access and connectivity to the Sandbridge community. Flooding, roadway deficiencies, and crashes and other obstructions are needs that have been identified that limit reliable access and connectivity.

Sandbridge Road is currently the only public access in and out of the Sandbridge community connecting it to the rest of the City of Virginia Beach. However, the existing conditions of Sandbridge Road cause the roadway to be impassable due to flooding, accidents, and other obstructions.

The preliminary Purpose and Need was developed with agency coordination and public input, as described in this NOI; see the Additional Project Information

Document for details on the development of the Purpose and Need. Agencies and the public are invited to comment on the preliminary Purpose and Need. The preliminary Purpose and Need may be revised based on comments received during the comment period on this notice. The Purpose and Need statement and supporting documentation, including data and public input summary, will be available in the Draft EIS. The preliminary Purpose and Need has been discussed with Cooperating and Participating agencies, including information contained in the Additional Project Information Document.

A Preliminary Description of the Proposed Action and Alternatives the Environmental Impact Statement Will Consider. The preliminary proposed action includes transportation improvements in the Sandbridge community and surrounding areas within the City of Virginia Beach. Agencies and the public are invited to comment on the Range of Alternatives for the proposed action. The preliminary Range of Alternatives has been discussed with Cooperating and Participating agencies, including information contained in the Additional Project Information Document. Additional information on the Range of Alternatives is in the Additional Project Information Document. The Range of Alternatives proposed to be considered in the EIS include:

No Build

The No Build Alternative will be retained for detailed study and will serve as a benchmark for comparison with the build alternatives. The No Build Alternative would maintain roadways in the current configuration and includes existing planned improvements. Within the Study Area, Sandbridge Road is currently a two-lane, undivided roadway with no shoulders. Within the Study Area and at its intersection with Albuquerque Drive, existing Nimmo Parkway is a two-lane, undivided roadway with curb-and-gutter and a shared-use path. The No Build Alternative includes existing maintenance and any current fiscally-constrained projects. This alternative would not affect any social, economic, cultural, or natural resources.

Nimmo Parkway

The Nimmo Parkway Alternative is approximately 1.8 miles long and extends from Albuquerque Drive to Sandbridge Road at a point approximately 0.8 miles west of its terminus at the Atlantic Ocean. This alternative would include new

alignment to extend existing Nimmo Parkway to the east and connect to Sandbridge Road. This alternative consists of a 2-lane undivided roadway, 12-foot travel lanes, 4-foot on-road bike lane, and a 4-foot-wide paved shoulder in both directions. Four-foot-wide graded shoulders are included along the paved shoulders. A 10-foot-wide shared-use path would be included on one side of the roadway with an 8-foot buffer. The Nimmo Parkway Alternative includes spanning Ashville Bridge Creek via an 800-foot-long bridge.

Improvements to Existing Sandbridge Road

This Build Alternative would improve the existing Sandbridge Road corridor between Entrada Drive to Sandbridge Road at a point approximately 0.8 miles west of its terminus at the Atlantic Ocean. This alternative would consist of the same dimensions as the Nimmo Parkway Alternative. The improvements would also include elevating the roadway to minimize the risk of flooding and improving the horizontal curves on the roadway where necessary.

Concepts Considered but Proposed Not To Be Retained for Consideration in the EIS

Transportation System Management (TSM)/Transportation Demand Management (TDM) Improvements

TSM/TDM improvements are operational improvements that do not necessarily involve physical changes to infrastructure but rather maximize the efficiency of the current transportation system or reduce the demand for travel on the system through the implementation of low-cost improvements. Examples of TSM activities include the addition of turn lanes, optimized signalization at intersections, and electronic Intelligent Transportation Systems. Examples of TDM activities include ride sharing, van and carpooling, installation of park and ride facilities, and encouragement of teleworking.

Stand-alone TSM/TDM improvements are proposed to not be retained because they would not provide reliable access and connectivity to the Sandbridge community.

Transit-Only Improvements

Transit-only improvements considered include additional bus services, such as new buses or lines to supplement the existing Hampton Roads Transit (HRT) system which services the City of Virginia Beach. Per the City of Virginia Beach Master Transportation Plan, an HRT line currently accesses as

far as Upton Drive on Nimmo Parkway; there is no existing service to the Sandbridge community. HRT performs market analysis reviews to assess the demand for transit services by evaluating areas with high concentration of potential transit users, commuters, jobs, and non-work destinations, along with travel flow analysis. Per the HRT Fiscal Year 2018–2027 Transit Development Plan, the Project vicinity falls within an area of low potential transit utilization and there are no plans to expand service in this area of the city.

Stand-alone transit-only improvements are proposed to not be retained because they would not provide reliable access and connectivity to the Sandbridge community.

The alternatives to be retained will be finalized after the consideration of public comments received during the comment period on this Notice, and they will be documented in the Draft EIS. The alternatives may be revised based on the consideration of public comments. The alternatives not retained will also be documented in the Draft EIS. See the Additional Project Information Document for a more detailed description of the development of the preliminary Range of Alternatives.

Brief Summary of Expected Effects. The EIS will evaluate the potential social, economic, and environmental effects resulting from the implementation of the build alternatives and the No Build Alternative. FHWA and VDOT will seek input from the public and agencies during the EIS development process regarding the effects of the Project. FHWA and VDOT will evaluate effects to environmental and community resources in accordance with their NEPA guidance and procedures. The following resources are the most sensitive resources in the Project area and will be evaluated closely by FHWA and VDOT:

- *Wetlands and other Waters of the U.S.:* Both build alternatives would require fill and removal from Waters of the U.S. and impacts to wetlands considered to be jurisdictional which will require a permit from the USACE for the discharge of dredged or fill material into Waters of the U.S., including wetlands.

- *Section 4(f):* Both build alternatives are located adjacent to lands included in the Back Bay National Wildlife Refuge, which is managed by the USFWS. There is the potential for impacts to the Refuge, which is a Section 4(f) property. Potential impacts to this Section 4(f) property will be analyzed and

coordinated in accordance with 23 CFR part 774.

- *Wildlife and wildlife habitat:* Both build alternatives have the potential to impact wildlife and wildlife habitat. Such impacts would be assessed to consider footprint impacts, the effects of noise and visual disturbance from construction and operations, potential wildlife-vehicle collisions, and habitat connectivity. This would also be included in the assessment of effects on the function and purpose of the Back Bay National Wildlife Refuge as part of the Section 4(f) analysis.

- *Section 7:* Both build alternatives would include tree removal and potential impacts to the federally-endangered northern long-eared bat and the proposed endangered tricolored bat.

- *Flood plains:* Portions of both build alternatives are within the 100-year flood plain, or base flood plain, so there is the potential for encroachments on flood plains.

- *Community impacts:* The improvements to existing Sandbridge Road alternative have the potential for right-of-way impacts and relocations. The Nimmo Parkway alternative is within right-of-way owned by the Project sponsor, the City of Virginia Beach, so right-of-way acquisition and relocations are not anticipated.

- *Safety:* Roadway safety would also be considered in the analysis of alternatives, including the potential for wildlife-vehicle collisions.

The EIS will evaluate the expected impacts and benefits to the known resources above, as well as the following resources: Land use and right-of-way, farmland, social and community resources, economics, air quality, transportation, traffic noise, ecosystem resources (wildlife and threatened and endangered species), historic and cultural resources, hazardous waste sites, and visual resources. The level of review of the identified resources for the EIS will be commensurate with the anticipated effects to each resource from the proposed Project and will be governed by the statutory or regulatory requirements protecting those resources.

The analyses and evaluations conducted for the EIS will identify the potential for effects; avoidance measures; whether the anticipated effects would be adverse; and the appropriate environmental mitigation measures. Additional information on the expected impacts is provided in the Additional Project Information Document available for review in the docket established for this proposed Project and on the project website as noted in the **ADDRESSES** section.

Agencies, stakeholders, and the public are invited to comment on the expected impacts. The environmental impact analysis will not begin until the Purpose and Need, Range of Alternatives, and impact categories are finalized based on public comment on this notice. The identification of impacts may be revised due to the consideration of public comments. See the Additional Project Information Document for a more detailed description of the Summary of Expected Impacts. The studies to identify the impacts, as well as the analyses of impacts from the retained alternatives, will be presented in the Draft EIS.

Anticipated Permits and Other Authorizations. A Clean Water Act Section 404 permit decision from the USACE is anticipated on August 31, 2027. Other likely Federal and State authorizations include the Virginia Marine Resources Commission (VRMC) Subaqueous Bottoms and Tidal Wetlands Permit on March 31, 2027, a Virginia Department of Environmental Quality (VDEQ) Individual Permit on April 30, 2027, and a Coastal Zone Consistency Determination on June 1, 2027. Per U.S.C. 139(d)(10), the aforementioned permits and authorizations should be completed by no later than 90 days after the issuance of the Record of Decision. The Project sponsor, the City of Virginia Beach, has committed to obtaining permits within 90 days of the issuance of the Record of Decision.

Section 7 consultation under the Endangered Species Act is expected to be concluded on January 1, 2026, and Section 106 consultation under the National Historic Preservation Act is anticipated to be concluded on June 1, 2026. See the Additional Project Information Document for more detail on the anticipated permits and other authorizations.

A Schedule for the Decision-Making Process. The Project schedule follows the requirements of the environmental review process under 23 U.S.C. 139, which requires that environmental reviews for major projects occur within agency average of 2 years (from the date of publication of the NOI) to the date of issuance of the ROD. Cooperating and Participating Agencies have reviewed the schedule and agencies with permitting or other authorizations, including USACE, VMRC, VDEQ, USFWS, and the National Oceanic and Atmospheric Agency, have confirmed the schedule is appropriate. Per 23 U.S.C. 139(d)(10), permits and authorizations should be completed by no later than 90 days after the issuance of the Record of Decision. The Project

sponsor, the City of Virginia Beach, has committed to obtaining permits within 90 days of the issuance of the Record of Decision. Following the issuance of this notice, FHWA and VDOT will coordinate with the Participating, Cooperating, and Cooperating/Concurring Agencies to develop study documentation and the Draft EIS.

- The Draft EIS is anticipated to be issued in September 2025.
- The combined Final EIS and Record of Decision is anticipated in May 2027.
- A Section 404 permit decision from the USACE is expected in August 2027.

See the Additional Project Information Document for additional schedule details.

Description of the Public Scoping Process, Including Scoping Meetings

Outreach Conducted During Development of the EA

In September 2018, the City of Virginia Beach held a Citizen Information Meeting (CIM) to seek feedback from the public on the Project. More than 100 members of the public attended the CIM, and more than 600 people completed a project survey online or via hard copy at the CIM.

In Spring 2019, the City of Virginia Beach held a scoping meeting and send scoping letters to Federal and State agencies to request relevant information and identify any key issues regarding potential environmental impacts. Six agencies provided comments.

In May 2022, the City of Virginia Beach held a public hearing to present the preliminary Project design and the findings of the EA. More than 300 public comments were received on the EA.

Agency Scoping

In March 2024, as part of initial NEPA scoping to determine the class of action, VDOT and FHWA identified agencies who would likely serve as Cooperating and Participating Agencies for the EIS. These agencies are largely the same entities involved in the preparation of the Nimmo Parkway Phase VII-B EA.

Beginning in April 2024, VDOT and FHWA began to brief the likely Cooperating and Participating Agencies on initial NEPA scoping activities to support the development of the EIS.

Agency coordination up to this point has been conducted primarily through VDOT's monthly NEPA Agency Coordination Meeting. All likely Cooperating and Participating Agencies are invited to attend the monthly agency coordination meeting. A brief summary of agency coordination is included below.

April 2024

- Introduction of the Project, including Project history
- Discussion of resource methodologies and preliminary purpose and need and range of alternatives

May 2024

- Discussion of agency comments on resource methodologies
- Discussion of preliminary purpose and need

June 2024

- Discussion of preliminary purpose and need and range of alternatives

July 2024

- Discussion of preliminary range of alternatives and future permitting activities

August 2024

- Discussion of preliminary range of alternatives

September 2024

- Preliminary concurrence from agencies on preliminary purpose and need and discussion of preliminary range of alternatives

October 2024

- Discussion of preliminary range of alternatives

November 2024

- Preliminary concurrence from agencies on preliminary range of alternatives

In accordance with 23 U.S.C. 139, an Agency Coordination Plan is being developed and will be finalized within 90 days of the issuance of this NOI; the Agency Coordination Plan establishes a framework for coordination among the Federal, State, local agencies participating and the public in the development of the EIS.

Public Review

A 30-day comment period is being held in association with this NOI. Agencies and the public are invited to comment on the Environmental Analysis Methodologies, Purpose and Need, and Range of Alternatives for the proposed action. Comments may be submitted according to the instructions in the **ADDRESSES** section of this Notice. Interested persons can sign up to receive email announcements, notifications, and newsletters on the above Project website. The scoping process for this EIS will conclude at the end of the 30-day comment period after the publication of the NOI. During the 30-day comment period, VDOT will present information in the NOI and receive public comments. The public will also be able to submit comments by completing an online survey, email, telephone, and mail. VDOT will post public materials on the EIS website,

including a brochure and narrated video presentation, in addition to contacting by mail local property owners.

Public hearings will be held during the development of the EIS, as described below. Generally, the locations, dates, and times for each public hearing will be publicized through the EIS website <https://pw.virginiabeach.gov/roads/transportation-projects/nimmo-pkwy> and in newspapers with local and regional circulation, including The Virginian-Pilot. Materials will be available at the meetings in English and Spanish and oral and written comments will be solicited.

Public Hearing on a Recommended Preferred Alternative

A public hearing on VDOT's Recommended Preferred Alternative (RPA) is required by the Code of Virginia to inform the Virginia Commonwealth Transportation Board (CTB), which is authorized by the Code of Virginia to make location decisions for highway projects, including as part of NEPA studies.

Several media outlets will be used to advertise the public hearing on the RPA, including but not limited to newspaper advertisements, postcards sent to each property within the Study Area, a social media campaign, email, and continued updates to the project website.

Public Hearing on the Draft EIS

Notice of availability of the Draft EIS for public and agency review will be published in the **Federal Register** and through other methods which will identify where interested parties can go to review a copy of the Draft EIS. The public hearing will be conducted by VDOT and announced a minimum of 30 days in advance. VDOT will provide information for the public hearing, including the location, date, and time for the meeting through a variety of means including the EIS website <https://pw.virginiabeach.gov/roads/transportation-projects/nimmo-pkwy> and by newspaper advertisement.

Request for Comment on Alternatives and Effects, as well as on Relevant Information, Studies, or Analyses with Respect to the Proposed Action. To ensure that a full range of issues related to the Project are addressed in the EIS and all potential issues are identified, FHWA and VDOT invite comments and suggestions from all interested parties. FHWA and VDOT request comments and suggestions on the purpose and need, potential alternatives and impacts, and the identification of any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human and natural

environment. Any information presented herein, including the preliminary purpose and need, preliminary range of alternatives and identification of impacts may be revised after consideration of the comments. The purpose of this request is to bring relevant comments, information, and analyses to FHWA's and VDOT's attention, as early in the process as possible, to enable the agencies to make maximum use of this information in decision making. Comments may be submitted according to the instructions in the **ADDRESSES** section of this Notice.

Identification of Cooperating and Participating Agencies, and Information That Such Agencies Require in the Notice. FHWA and VDOT have invited the following Federal, State, regional, and local agencies to participate in the development of the EIS. Beginning in April 2024, VDOT has convened Cooperating and Participating Agencies at a monthly coordination meeting to discuss the development of the EIS, including the preliminary Purpose and Need, preliminary Range of Alternatives, draft NOI and Additional Project Information Document. At the August 14, 2024, VDOT NEPA Programs Agency Coordination Meeting, VDOT described the new NOI requirement included in 40 CFR 1502.4(e)(9) and asked Cooperating and Participating Agencies for input. No agencies have requested information to be included in the NOI.

- *Cooperating Agencies:* National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S. Navy.
- *Participating Agencies:* Advisory Council on Historic Preservation, City of Virginia Beach, Federal Emergency Management Agency, Federal Rail Administration, Federal Transit Administration, Hampton Roads Planning District Commission, Hampton Roads Transportation Planning Organization, National Park Service, National Resources Conservation Service, U.S. Department of the Interior, U.S. Department of Housing and Urban Development, Virginia Department of Agriculture and Consumer Services, Virginia Department of Conservation and Recreation, Virginia Department of Emergency Management, Virginia Department of Environmental Quality, Virginia Department of Forestry, Virginia Department of Health, Virginia Department of Housing and Community Development, Virginia Department of Historic Resources, Virginia Department of Rail and Public Transportation, Virginia Department of Wildlife

Resources, Virginia Energy, Virginia Marine Resources Commission, Virginia State Police

Unique Identification Number. All environmental documents prepared for the proposed action will reference the following unique identification number: EISX—XVA—1727438866.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Edward Ofori-Abebbresse,

Division Administrator, Federal Highway Administration.

[FR Doc. 2025–09288 Filed 5–22–25; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2025–0059]

Petition for Waiver of Compliance; Extension of Comment Period

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice; Extension of comment period.

SUMMARY: This document extends the period for public comment regarding the Association of American Railroads' (AAR) petition for relief from certain regulations concerning track inspections.

DATES: FRA must receive comments on the petition by July 9, 2025. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Yujiang Zhang, Staff Director, FRA Track & Structures Division, telephone: 202–493–6460, email: yujiang.zhang@dot.gov.

SUPPLEMENTARY INFORMATION: On May 9, 2025, FRA published notice¹ that AAR, on behalf of its members, petitioned FRA for a waiver of compliance from 49 CFR 213.233(b) and (c), *Visual track inspections*, which specifies the method and frequency in which railroads must conduct visual track inspections. FRA assigned the petition Docket Number FRA–2025–0059.

On May 13, 2025, the Brotherhood of Maintenance of Way Employees Division,² and on May 14, 2025, the Transportation Trades Department, AFL–CIO,³ requested that FRA extend the comment period on this petition. Through this notice, FRA is extending the comment period for an additional 30 days (until July 9, 2025).

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by July 9, 2025, will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records

¹ <https://www.regulations.gov/document/FRA-2025-0059-0002>.

² <https://www.regulations.gov/document/FRA-2025-0059-0003>.

³ <https://www.regulations.gov/document/FRA-2025-0059-0004>.

notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

Issued in Washington, DC.

John Karl Alexy,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

[FR Doc. 2025-09282 Filed 5-22-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Reports of Transactions With Foreign Financial Agencies

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

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comments on the proposed renewal, without change, of certain existing information collection requirements found in Bank Secrecy Act (BSA) regulations. Specifically, the regulations authorize the Secretary of the Treasury, as appropriate, to promulgate regulations requiring specified financial institutions to file reports with the Financial Crimes Enforcement Network (FinCEN) of certain transactions with designated foreign financial agencies. Although no changes are proposed to the information collection itself, this request for comments covers proposed changes in the methods that FinCEN uses to estimate reporting and recordkeeping burdens. This request for comments is made pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments are welcome and must be received on or before July 22, 2025.

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

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN-2025-0006 and Office of Management and Budget (OMB) control number 1506-0055.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket

Number FINCEN-2025-0006 and OMB control number 1506-0055.

Please submit comments by one method only. Comments will generally become a matter of public record. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. A comment about the burden posed to a financial institution by a specific regulation requiring the reporting of certain transactions with designated foreign financial agencies, issued under the general regulation that is the subject of this notice, but that does not describe in detail the specific regulation or the reporting requirement imposed by that specific regulation, will not be considered to contain confidential information.

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

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Provisions

The legislative framework generally referred to as the BSA consists of the Currency and Foreign Transactions Reporting Act of 1970,¹ as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act),² and other legislation, including the Anti-Money Laundering Act of 2020 (AML Act).³ The BSA is codified at 12 U.S.C. 1829b, and 1951-1960; 31 U.S.C. 5311-5314, and 5316-5336, including notes thereto; with implementing regulations at 31 CFR chapter X.

The BSA authorizes the Secretary of the Treasury (Secretary) to, *inter alia*, require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, or regulatory matters, risk assessments or proceedings, or in intelligence or counter-intelligence activities, including analysis, to protect against terrorism, and to implement anti-money laundering/countering the financing of terrorism (AML/CFT) programs and compliance procedures.⁴ The Secretary has delegated to the Director of FinCEN

(Director) the authority to administer the BSA.⁵

The Secretary is authorized to require any "resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency."⁶ The term "foreign financial agency"⁷ (FFA) applies to an action outside the United States of a "financial agency," which the statute defines as "a person acting for a person . . . as a financial institution, bailee, depository trustee, or agent, or acting in a similar way related to money, credit, securities, gold, a transaction in money, credit, securities or gold, or a service provided with respect to money, securities, futures, precious metals, stones and jewels, or value that substitutes for currency."⁸ The Secretary is also authorized to prescribe exemptions to the reporting requirement and to prescribe other matters the Secretary considers necessary to carry out 31 U.S.C. 5314.⁹ The regulations implementing these authorities to require reports of transactions with FFAs are found at 31 CFR 1010.360.

Briefly, 31 CFR 1010.360(a) generally authorizes the Secretary, when the Secretary deems appropriate, to promulgate specific regulations (FFA Regulations) under which specified financial institutions¹⁰ must file reports of certain transactions with designated FFAs.¹¹ An FFA Regulation must

⁵ Treasury Order 180-01 (*Reaffirmed* Jan. 14, 2020); see also 31 U.S.C. 310(b)(2)(I) (providing that the Director of FinCEN shall "[a]dminister the requirements of subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary.").

⁶ 31 U.S.C. 5314(a).

⁷ 31 U.S.C. 5312(b)(2).

⁸ See 31 U.S.C. 5312(a)(1) as amended by 6102 (d)(1)(A) of the AML Act. The definition of financial agency exempts a person acting for a country, a monetary or financial authority acting as a monetary or financial authority, or an international financial institution of which the United States Government is a member.

⁹ See 31 U.S.C. 5314(b)(1) and (5).

¹⁰ 31 CFR 1010.100(t).

¹¹ If such a regulation is issued as a final rule without notice and opportunity for public comment, then a finding of good cause for dispensing with notice and comment in accordance with 5 U.S.C. 553(b) must be included in the regulation. If the regulation is not published in the **Federal Register**, then any financial institution subject to the regulation must be named and personally served or otherwise given actual notice in accordance with 5 U.S.C. 553(b). If a financial institution is given notice of a reporting requirement by means other than publication in the

¹ Title II of Public Law 91-508, 84 Stat. 1118 (Oct. 26, 1970).

² Public Law 107-56, 115 Stat. 272 (Oct. 26, 2001).

³ The AML Act was enacted as Division F, sections 6001-6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, 134 Stat. 3388 (Jan. 1, 2021).

⁴ See 31 U.S.C. 5311(1)-(2).

designate one or more of the following categories of information to be reported by the specified financial institution(s):

- checks or drafts, including traveler's checks, received by a respondent financial institution for collection or credit to the account of a designated FFA, sent by the respondent financial institution to a foreign country for collection or payment, drawn by the respondent financial institution on a designated FFA, drawn by a designated FFA on the respondent financial institution, including the following information: name of maker or drawer; name of drawee or drawee financial institution; name of payee; date and amount of instrument; and names of all endorsers;¹²
- transmittal orders received by a respondent financial institution from a designated FFA or sent by respondent financial institution to a designated FFA, including all information maintained by that institution pursuant to 31 CFR 1010.410 and 1020.410;¹³
- loans made by respondent financial institution to or through a designated FFA, including the following information: name of borrower; name of person acting for borrower; date and amount of loan; terms of repayment; name of guarantor; rate of interest; method of disbursing proceeds; and collateral for loan;¹⁴
- commercial paper received or shipped by the respondent financial institution, including the following information: name of maker; date and amount of paper; due date; certificate number; and amount of transaction;¹⁵
- stocks received or shipped by respondent financial institution, including the following information: name of corporation; type of stock; certificate number; number of shares; date of certificate; name of registered holder; and amount of transaction;¹⁶
- bonds received or shipped by respondent financial institution, including the following information: name of issuer; bond number; type of bond series; date issued; due date; rate

of interest; amount of transaction; and name of registered holder;¹⁷

- certificates of deposit received or shipped by respondent financial institution, including the following information: name and address of issuer; date issued; dollar amount; name of registered holder; due date; rate of interest; certificate number; and name and address of issuing agent.¹⁸

In issuing FFA Regulations, the Secretary must prescribe: a reasonable classification of financial institutions subject to or exempt from a reporting requirement; a foreign country to which a reporting requirement applies if the Secretary decides that applying the requirement to all foreign countries is unnecessary or undesirable; the magnitude of transactions subject to a reporting requirement; and the kind of transaction subject to or exempt from a reporting requirement.¹⁹

FFA Regulations may prescribe the manner in which the information is to be reported. However, the Secretary may authorize a designated financial institution to report in a different manner if the institution demonstrates to the Secretary that the form of the required report is unnecessarily burdensome on the institution as prescribed; that a report in a different form will provide all the information the Secretary deems necessary; and that submission of the information in a different manner will not unduly hinder the effective administration of 31 CFR chapter X.²⁰

Pursuant to 31 CFR 1010.360(e), the Secretary: (i) in issuing FFA Regulations must consider the need to avoid impeding or controlling the export or import of monetary instruments and the need to avoid burdening unreasonably a person making a transaction with a designated FFA; (ii) must not issue an FFA Regulation for the purpose of obtaining individually identifiable account information concerning a customer, as defined by the Right to Financial Privacy Act,²¹ where that customer is already the subject of an ongoing investigation for possible violation of the BSA, or is known by the

Secretary to be the subject of an investigation for possible violation of any other Federal law; and (iii) may issue an FFA Regulation requiring a financial institution to report transactions completed prior to the date it received notice of the reporting requirement. However, with respect to completed transactions, a financial institution may be required to provide information only from records required to be maintained pursuant to the requirements of 31 CFR chapter X, or any other provision of state or Federal law, or otherwise maintained in the regular course of business.²² All records that are required to be retained by chapter X shall be retained for a period of five years, including those records required to be created under 31 CFR 1010.360.²³

II. Paperwork Reduction Act of 1995 (PRA)²⁴

Title: Reports of transactions with foreign financial agencies (31 CFR 1010.360).

OMB Control Number: 1506–0055.

Form Number: Not applicable.

Abstract: FinCEN is issuing this notice to renew the OMB control number for regulations requiring reports of transactions with designated FFAs.

Affected Public: Businesses or other for-profit institutions, and non-profit institutions.

Type of Review: Renewal without change of a currently approved information collection.

Frequency: As required.

Estimated Number of Potential Respondents: 46,158 domestic financial institutions.

As described above, 31 CFR 1010.360(a) authorizes the Secretary, when appropriate, to promulgate regulations requiring specified financial institutions, as defined in 31 CFR 1010.100(t), to file reports of certain transactions with designated FFAs. Table 1, below, presents FinCEN's estimate of the total population of entities so defined and its distribution by definitional categories.

TABLE 1—DISTRIBUTION OF FINANCIAL INSTITUTIONS COVERED BY THIS NOTICE, BY TYPE OF FINANCIAL INSTITUTION

Financial institution type ^a	Number of entities
Bank ^b	^c 9,384
Bank with a Federal Functional Regulator (FFR)	8,989

Federal Register, the Secretary may prohibit disclosure of the existence or provisions of that reporting requirement to the designated FFA(s) and to any other party. See 31 CFR 1010.360(a).

¹² See 31 CFR 1010.360(b)(1)(i) through (v).

¹³ See 31 CFR 1010.360(b)(2).

¹⁴ See 31 CFR 1010.360(b)(3)(i) through (viii).

¹⁵ See 31 CFR 1010.360(b)(4)(i) through (v).

¹⁶ See 31 CFR 1010.360(b)(5)(i) through (vii).

¹⁷ See 31 CFR 1010.360(b)(6)(i) through (viii).

¹⁸ See 31 CFR 1010.360(b)(7)(i) through (viii).

¹⁹ See 31 CFR 1010.360(c)(1) through (4).

²⁰ See 31 CFR 1010.360(d).

²¹ 12 U.S.C. 3401 *et seq.*

²² See 31 CFR 1010.360(e)(1) through (3).

²³ 31 CFR 1010.430(d).

²⁴ Public Law 104–13, 109 Stat. 163 (May 22, 1995), codified at 44 U.S.C. 3506(c)(2)(A).

TABLE 1—DISTRIBUTION OF FINANCIAL INSTITUTIONS COVERED BY THIS NOTICE, BY TYPE OF FINANCIAL INSTITUTION—
Continued

Financial institution type ^a	Number of entities
Bank without an FFR	395
Broker or dealer in securities (broker-dealer) ^d	^e 3,306
Money Services Business ^f	^g 28,456
Dealer in Foreign Exchange ^h	ⁱ 4,974
Check Casher ^j	^k 22,773
Issuer/Seller of Traveler's Checks ^l	^m 2,801
Issuer/Seller of Money Orders ⁿ	14,295 ^o
Provider or Seller of Prepaid Access ^p	^q 3,985
Money Transmitter ^r	^s 17,944
U.S. Postal Service ^t	^u 0
Telegraph Company ^v	^w 0
Casino or Card Club ^x	^y 1,292
Person subject to supervision by any State or Federal Bank Supervisory Authority ^z	0 ^{aa}
Futures Commission Merchants and Introducing Brokers in Commodities ^{bb}	^{cc} 956
Mutual Fund ^{dd}	^{ee} 2,764
Total	46,158

^a See 31 CFR 1010.100(t) (definition of financial institution).

^b See 31 CFR 1010.100(t)(1); see also 31 CFR 1010.100(d) (definition of bank).

^c This includes 4,490 Federal Deposit Insurance Corporation (FDIC)-insured depository institutions (including national banks, state banks that are members of the Federal Reserve System, state-chartered non-member banks, and insured U.S. branches of foreign banks, *i.e.*, all federally regulated banks) according to the FDIC's quarterly data summary for Q4 2024, and 4,499 National Credit Union Administration (NCUA)-insured credit unions (including federal credit unions and state-chartered credit unions with NCUA insurance, *i.e.*, all federally regulated credit unions) according to NCUA's quarterly credit union data summary for Q4 2024. The Board of Governors of the Federal Reserve System Master Account and Services Database contains data on financial institutions that utilize Federal Reserve Bank financial services, including those with no FFR. FinCEN used this data to identify 395 banks and credit unions with no FFR that are utilizing Federal Reserve Bank financial services.

^d See 31 CFR 1010.100(t)(2).

^e This estimate is based on Securities and Exchange Commission (SEC) data on active broker-dealers which listed 3,306 active broker-dealers registered with the SEC as of Apr. 29, 2025. See SEC, Company Information About Active Broker-Dealers, available at <https://www.sec.gov/foia-services/frequently-requested-documents/company-information-about-active-broker-dealers>.

^f See 31 CFR 1010.100(t)(3); see also 31 CFR 1010.100(ff) (definition of money services business).

^g The definition of MSB (31 CFR 1010.100(ff)) covers both principal money services businesses (MSBs) and agents. The topline value for all MSBs represents the average number of uniquely identifiable registered MSBs with indicia of ongoing operations as of the three year-ends 2022–2024, and primarily includes only principal MSBs required to register with FinCEN. FinCEN believes that the reporting and recordkeeping obligations this regulation imposes on MSBs will fall overwhelmingly on principals rather than their agents, but FinCEN is interested in any comments the public may have on this position. FinCEN has estimated that the number of agent MSBs is approximately 229,161 and invites public comment on this figure as well. See FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Regulations Requiring Records To Be Made and Retained by Financial Institutions, Banks, and Providers and Sellers of Prepaid Access*, 89 FR 65971 (Aug. 13, 2024).

^h See 31 CFR 1010.100(ff)(1).

ⁱ This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as either "Currency Dealer or Exchanger" (FinCEN Form 107, Code 407) or "Dealer in Foreign Exchange" (FinCEN Form 107, Code 415). Registrants may be members of multiple category types. The estimate is derived from FinCEN's publicly available MSB data as of Apr. 28, 2025.

^j See 31 CFR 1010.100(ff)(2).

^k This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as "Check Casher" (FinCEN Form 107, Code 408). Registrants may be members of multiple category types. The estimate is derived from FinCEN's publicly available MSB data as of Apr. 28, 2025.

^l See 31 CFR 1010.100(ff)(3).

^m This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as either "Issuer of Travelers Checks" (FinCEN Form 107, Code 401) or "Seller of Travelers Checks" (FinCEN Form 107, Code 402). Registrants may be members of multiple category types. The estimate is derived from FinCEN's publicly available MSB data as of Apr. 28, 2025.

ⁿ See 31 CFR 1010.100(ff)(3).

^o This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as either "Issuer of Money Orders" (FinCEN Form 107, Code 404) or "Seller of Money Orders" (FinCEN Form 107, Code 405). Registrants may be members of multiple category types. The estimate is derived from FinCEN's publicly available MSB data as of Apr. 28, 2025.

^p See 31 CFR 1010.100(ff)(4)(i)–(iii), (7)(i)–(ii).

^q This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as either "Seller of Prepaid Access" (FinCEN Form 107, Code 413) or "Provider of Prepaid Access" (FinCEN Form 107, Code 414). Registrants may be members of multiple category types. The estimate is derived from FinCEN's publicly available MSB data as of Apr. 28, 2025.

^r See 31 CFR 1010.100(ff)(5).

^s This value represents the number of uniquely identifiable registered MSBs with indicia of ongoing operations as of year-end 2024 that self-identified as "Money Transmitter" (FinCEN Form 107, Code 409). Registrants may be members of multiple category types. The estimate is derived from FinCEN's publicly available MSB data as of Apr. 28, 2025.

^t See 31 CFR 1010.100(ff)(6).

^u FinCEN does not expect the U.S. Postal Service, as defined in 31 CFR 1010.100(ff)(6), to incur any recordkeeping or reporting obligations in connection with this rule.

^v See 31 CFR 1010.100(t)(4).

^w As an estimate of uniquely registered, potentially affected entities, FinCEN expects this category to contain no additional persons or organizations not already included in other counts, particularly as money transmitters.

^x See 31 CFR 1010.100(t)(5)–(6).

^y Estimate based on the American Gaming Association (AGA) "State of the States," available at <https://www.americangaming.org/wp-content/uploads/2024/05/AGA-State-of-the-States-2024.pdf>.

^z See 31 CFR 1010.100(t)(7).

^{aa} It is unclear to FinCEN at this time whether any entities exist in this category that, for purposes of being counted towards unique potentially affected parties that could incur burdens associated with regulations issued pursuant to 31 CFR 1010.360, are not already captured by concurrent status in another category of financial institution under the 31 CFR 1010.100(t) definition. To the extent that additional data can better inform this estimate, public comment including provision of such data is invited.

^{bb} See 31 CFR 1010.100(t)(8–9).

^{cc} The number of futures commissions merchants as of May 2025 was obtained from data available at NFA Membership and Registration, available at <https://www.nfa.futures.org/registration-membership/membership-and-directories.html>. This estimate may include some entities registered in both categories, but FinCEN believes this figure to be small. According to the Commodity Futures Trading Commission (CFTC), as of Mar. 31, 2025, there are 63 registered futures commissions merchants. See CFTC, Financial Data For CFMs, available at <https://www.cftc.gov/MarketReports/financialfcmdata/index.htm>.

^{dd} See 31 CFR 1010.100(t)(10).

^{ee} According to the SEC, as of the fourth quarter of 2024, in 2024 there were 2,764 open-end registered investment companies that report on Form N-CEN. (<https://www.sec.gov/dera/data/form-ncen-data-sets>).

While the entities in Table 1 are subject to FFA Regulations as described above, FinCEN typically issues FFA Regulations to a significantly smaller subset of the eligible population. From 2022 to 2025, FinCEN generally issued FFA Regulations to banks and broker-dealers as defined in Table 1. Among these, FinCEN required reports from an average of 15 unique institutions per year. FinCEN has applied historical data on FFA Regulations to estimate the number of respondents per year. The estimated number of expected respondents per year is based on the average number of respondents per FFA Regulation issued over the three-year period from 2022 to 2025 multiplied by the average number of FFA Regulations issued per year over the same period.

Estimated Number of Expected Respondents: 40 domestic financial institutions, annually on average.²⁵

FinCEN is revising its estimate of expected respondents upward to reflect an increase in the quantity of FFA Regulations issued and an increase in the average number of financial institutions directed to respond to each such FFA Regulation since the most recent previous OMB control number renewal. In the three calendar-year period between 2019 and 2022, FinCEN issued four FFA Regulations to an average of nine covered financial institutions per regulation.²⁶ During the analogous three-year period between 2022 and 2025, FinCEN issued 11 FFA Regulations (about four per year) to an average of ten covered financial institutions per regulation.

Estimated Total Annual Responses: 40 responses.²⁷

²⁵ Because the same respondent may be subject to reporting requirements under more than one issued regulation in the same calendar year, the estimated number of expected respondents may exceed the number of unique entities to whom reporting and recordkeeping burdens would accrue. See *infra* discussion below.

²⁶ See FinCEN, “Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Reports of Transactions With Foreign Financial Agencies”, 87 FR 1479 (Jan. 11, 2022), n. 10 and 11.

²⁷ The estimated number of annual responses is based on the expectation that each newly issued regulation would engender one response per

FinCEN is also revising the structure of its burden estimates to enhance comparability and tractability across the activities a covered financial institution is expected to undertake in compliance with 31 CFR 1010.360. The downward revision in the estimated total annual responses in this renewal (40), as compared to the most recent previous estimate (84), does not reflect an expected decrease in responses, but rather a change in what a ‘response’ is intended to represent.

In formulating its estimates of reporting and recordkeeping burdens for this OMB control renewal, FinCEN anticipates that each FFA Regulation will require information from one or more respondents who would consequently incur incremental reporting and recordkeeping obligations unique to the regulation. Each respondent would be required to provide FinCEN with a response in the form of a report, or reports, with respect to each of the FFAs identified in the regulation. In prior renewals, FinCEN has referred to, and treated each of the reports provided to comply with an issued regulation as an individual response, and because the number of reports and the time-period covered by each report required has historically varied by regulation issued, this made the exercise of mapping respondents to responses to per-response burden for purposes of cost estimations less tractable and less likely to meaningfully represent the manner in which respondents view and operationalize their compliance activities. While the historical analysis below retains individual reports as the fundamental unit of analysis, for purposes of estimating PRA burdens, FinCEN is employing a standardized model that treats the sum total of reports a respondent provides to FinCEN as one response, composed of three notional reports, one that captures a more

respondent, consisting of three reports (one initial and two subsequent), and is based on the average number of regulations issued per calendar year over the most recent three years multiplied by the average number of respondents per regulation issued during the same period. See discussion below.

extensive, costly “initial report,” and represents all follow-on reporting as two “subsequent reports” of shorter length and lower associated costs (*i.e.*, “subsequent reports” after the initial report).

In calendar years 2022–2024, FinCEN issued a total of 11 FFA Regulations—approximately four per year. The FFA Regulations required that financial institutions respond with information on one to 308 FFAs per request, with an average of 50 FFAs per regulation.

Four annual FFA Regulations multiplied by 50 FFAs per regulations equals 200 FFAs per year per respondent. During this period, there was one FFA Regulation that included 308 FFAs, which is significantly larger than the number of FFAs per regulation when compared to other FFA Regulations issued during the same period. Excluding that instance, the average number of FFAs per regulation was approximately 25 (24.4). FinCEN believes that instance to be an outlier. However, to maintain a conservative estimate, FinCEN has retained the higher figure of 50 FFAs per regulation.

Although FFA Regulations require about 200 reports per respondent per year, each response requires multiple reports that are sent at different times. The initial report will include transactions that occurred over a specified “look-back” period. Each subsequent report will include transactions that have occurred since the initial report (if it is the first subsequent report) or since the most recent prior report (if it is not the first subsequent report). In general, initial reports are more burdensome because they typically require more data and initial research. Across the 11 FFA Regulations issued during the three-year period from 2022–2025, seven have been completed,²⁸ and the resulting reports contained an average of approximately ten million total rows of data, with the initial report containing an average of approximately 60 percent of this volume.

²⁸ Several FFA Regulations from 2024 and 2025 are still ongoing.

During the three-year period from 2022 to 2025, the average look-back period per request was 737 days, which is approximately 24 months. FinCEN assesses that this is representative of the duration of the look-back period in future requests.²⁹ FinCEN estimates that the initial report, requiring a look-back over an average two-year period, will take approximately 16 hours (two business days) for initial research, approval by management, and reporting (*i.e.* transmission), which includes setting up a template for subsequent reporting.

Over the same period, the number of subsequent reporting periods per FFA Regulation ranged from seven to 14, with an average of ten. The subsequent reports were always required over a period of 180 days. However, beginning in 2025 and for future FFA Regulations, FinCEN intends to require a smaller number of subsequent reporting periods, with as few as two per regulation, as appropriate. This approach will result in an average number of three reports per regulation under this framework: the initial report (including look-back), and two subsequent reports. FinCEN estimates that each subsequent report

(an expected average of two in total) will take approximately two hours (one hour for data gathering and one hour for approval and reporting).

Estimated Reporting and Recordkeeping Burden: 40,500 hours, as set out in Table 2, below.

FinCEN considers the primary burden to be associated with the preparation of required reports, which it anticipates may potentially involve multiple stages of processing and review by respondents and/or their need to access multiple data systems, depending on the scope or complexity of the regulation or the nature of a given FFA.

Generally, the information required to be reported pursuant to an FFA Regulation is basic information that a domestic financial institution must already maintain to comply with current BSA recordkeeping requirements. For example, a domestic financial institution sending or receiving transmittal orders (funds transfers) with a designated FFA would have access to the information required to be reported. The information required to be reported pursuant to an FFA Regulation falls into one or more of the following categories: (i) checks or drafts; (ii) transmittal

orders; (iii) loans; (iv) commercial paper; (v) stocks; (vi) bonds; and (vii) certificates of deposit. Although FFA Regulations may concern any of these types of transactions, in general, over the past three years, FinCEN has only promulgated regulations associated with funds transfers. As noted above, FinCEN will specify the form and method for reporting and typically provides a reporting schedule to each specified financial institution. If a specified financial institution does not have any reportable transactions, that information must be reported to FinCEN.

FinCEN also requires that filers maintain records of data reported pursuant to FFA Regulations. The FFA information is typically reported by uploading a comma-separated value file spreadsheet through FinCEN's Secure Information Sharing System, which allows the filer to save an electronic version of the report and satisfy the recordkeeping requirement. FinCEN estimates that the recordkeeping requirement will take five minutes on average.

Table 2 provides a summary of the total expected annual burden hours for all FFA Regulations.

TABLE 2—BURDEN ASSOCIATED WITH EACH PORTION OF THE ANNUAL PRA ESTIMATE

Activity	Expected number of FFA regulations issued	Expected number of respondent	Expected frequency per respondent	Average burden hours per provision	Total annual burden hours
Filing initial report(s) ^a of certain transactions with designated FFAs ^b ...	4	10	1	800	32,000
Filing subsequent reports of certain transactions with designated FFAs			2	100	8,000
Complying with recordkeeping requirements that apply to reports ^c			3	^d 4	500
Total					40,500

^a The burden calculations in this table contemplate that the average number of FFAs per regulation issued is 50, each of which would require its own report, and would thereby incur the following burden hours per report: 16 (initial report), 2 (subsequent reports), and 1/12 (recordkeeping).

^b The filing of an initial report includes the applicable look-back period and includes the burden associated with operationalizing the reporting format specified by FinCEN.

^c Records associated with the reports produced in response to regulations issued pursuant to 31 CFR 1010.360 are subject to the requirements in 31 CFR 1010.430.

^d Rounded to the nearest whole number (four) from approximately 4.2 ($50 \times 1/12 = \sim 4.167$).

In the previous renewal of this OMB control number, FinCEN revised its estimate of burden in response to comments received,³⁰ which described a range of required response times for FFA Regulations of varying complexity.³¹ In that renewal, FinCEN proposed three categories of FFA

Regulation: simple regulations (25% of total request, taking seven hours total per response on average), typical regulations (50% of total requests, taking 100 hours total per response on average), and complex regulations (25% of total requests, taking 360 hours per response on average). The weighted

average response time for these regulation categories is 141.75 hours in total. Between 2019 and 2021 (the period before the comment letter was submitted), FinCEN FFA Regulations sought information on an average of seven FFAs per regulation. As discussed above, FinCEN has also historically

²⁹ This range can vary, particularly when "renewing" an FFA Regulation. In such cases, FinCEN asks respondents to "look-back" over a shorter period, generally one to three months to the last collection on the associated FFAs. In such cases, initial reporting burden will be smaller. FinCEN applies a conservative estimate for the purposes of estimating burden here, assuming FFAs

that are the subject of a regulation are initial FFA Regulations with no immediate precedent.

³⁰ See FinCEN, "Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Reports of Transactions With Foreign Financial Agencies," 87 FR 1479 (Jan. 11, 2022). See also the information collection

request documents, including the supporting statement for the 2022 renewal at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202203-1506-001.

³¹ See the public comment in response to the 2022 renewal at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202203-1506-001.

required seven subsequent reports before the recent change (where going forward, FinCEN expects to only require two subsequent reports in most FFA Regulations). Using this methodology in combination with the revised time estimates laid out in Table 2, the initial report for the past period (2022–2025) would be estimated to require 112 hours (16 hours per 7 FFAs, conducted one time) and the subsequent reports are estimated to take 98 hours (two hours per 7 FFAs, conducted seven times on average), for a total of 210 hours on average per FFA Regulation. However, because subsequent reports were more frequent during this period, and therefore involved smaller data files, the corresponding subsequent report time for this period would be closer to one hour per FFA (instead of two hours per FFA). Applying this equivalence results in a total estimated average time of 161

hours per FFA Regulation during 2022–2025, which is a close approximation of the weighted average time per FFA Regulation from the previous renewal. Using the figures from Table 2, the average total time per request anticipated by this renewal is 1,000 hours (an initial report taking 16 hours per FFA for 50 FFAs on average, plus two subsequent reports taking two hours per FFA for 50 FFAs on average). This increase is largely the result of the previous period (2022–2025) including several highly complex requests involving significantly more FFAs than were included in prior years’ FFA Regulations. As discussed above, during this period there was an FFA Regulation that included 308 FFAs. Excluding that instance, the average number of FFAs per FFA Regulation was approximately 25 (24.4). While this previous period may therefore be exceptional, and

therefore of limited predictive value for future expectations, FinCEN is not removing outliers from its estimates to take a more conservative approach to assessing the burden of issuing regulations. Using the figure of 25 FFAs per regulation results in an expected average total time per regulation of 500 hours, which is approximately equivalent to the upper end of the typical range described by the commenter for the 2019–2021 period. *Estimated Total Annual Recordkeeping Cost:* The estimated total annual PRA cost is \$4,860,000, as set out in Table 3. To estimate the costs associated with the annual PRA burden hours, FinCEN is utilizing a fully loaded composite hourly wage rate of \$120.07, or rounded to the nearest dollar, \$120.00.³² The total estimated cost of the annual PRA burden is reflected in Table 3 below:

TABLE 3—ESTIMATED TOTAL COST OF ANNUAL PRA BURDEN

Activity ^a	Burden hours	Wage rate	Total cost
Filing initial reports of certain transactions with designated FFAs	32,000	\$120	\$3,840,000
Filing subsequent reports of certain transactions with designated FFAs	8,000		960,000
Complying with the recordkeeping requirements in 31 CFR 1010.430	500		60,000
Total annual cost			4,860,000

^a See respective activities in Table 2.

Under the PRA, FinCEN as a Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years.³³ *Requests for Comment:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. *General Request for Comments—*Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of FinCEN’s estimates of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity

of the information to be collected; (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (5) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. *Additional Requests for Comment—*In connection with a variety of initiatives FinCEN is undertaking to implement the AML Act, FinCEN intends to conduct, in the future, additional assessments of the PRA burden associated with BSA requirements. To assist with those activities, FinCEN is also requesting comments in response to the following additional questions: (1) As noted above, FinCEN data indicates that initial reporting volume requires significantly more research and templating than the subsequent reports.

FinCEN estimated 16 hours for initial reports and two hours each for subsequent reports. Does this distribution of expected burden hours reflect how responses to FFA Regulations are executed? If not, how long does it take a firm on average to provide an initial report and each subsequent report? Are there any factors that affect this time burden that would improve FinCEN’s estimates of burden or costs? (2) FinCEN’s burden analysis recognizes that there may be technology costs associated with reporting and storing transaction data. Are these incremental costs readily quantifiable? If so, how much are they expected to vary by respondent? Do they differ in

³² The wage rate applied here is a general composite hourly wage (\$85.55), scaled by a private-sector benefits factor of 1.42 (\$120.07 = \$85.55 × 1.42), that incorporates the mean wage data provided by the Bureau of Labor Statistics (BLS) associated with the six occupational codes (11–1010: Chief Executives; 11–3021: Computer and Information Systems Managers; 11–3031: Financial Managers; 13–1041: Compliance Officers; 23–1010: Lawyers and Judicial Law Clerks; 43–3099:

Financial Clerks, All Other) for each of the nine groupings of NAICS industry codes that FinCEN determined are most directly comparable to its eleven categories of covered financial institutions as delineated in 31 CFR parts 1020–1030. See BLS, Occupational Employment and Wage Statistics Tables, “May 2023—National industry-specific and by ownership,” available at <https://www.bls.gov/oes/tables.htm>. The benefit factor is 1 plus the benefit/wages ratio. As of June 2023, Total Benefits

= 29.4 and Wages and Salaries = 70.6 (29.4/70.6 = 0.42) based on the BLS’ Private Industry Workers Series data. See BLS, News Release, “Employer Costs for Employee Compensation—June 2023,” available at https://www.bls.gov/news.release/archives/eccec_09122023.pdf. Because many employers provide non-wage benefits (e.g., insurance, paid leave), the private sector benefit is applied to reflect the total cost to the employer. ³³ See 31 CFR 1010.430(d).

relative or absolute value for smaller respondents?

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network

[FR Doc. 2025–09310 Filed 5–22–25; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Disclosure of Returns and Return Information to Designee of Taxpayer

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before July 22, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include “OMB Control No. 1545–1816” in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the Treasury Decision should be directed to Kerry Dennis at (202) 317–5751, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at Kerry.L.Dennis@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate

of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Disclosure of Returns and Return Information to Designee of Taxpayer.

OMB Control Number: 1545–1816.

Regulation Project Number: TD 9504, as amended by TD 9618.

Abstract: Under section 6103(a), returns and return information are confidential unless disclosure is otherwise authorized by the Code. Section 6103(c), as amended in 1996 by section 1207 of the Taxpayer Bill of Rights II, Public Law 104–168 (110 Stat. 1452), authorizes the IRS to disclose returns and return information to such person or persons as the taxpayer may designate in a request for or consent to disclosure, or to any other person at the taxpayer’s request to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person. Disclosure is permitted subject to such requirements and conditions as may be prescribed by regulations. With the amendment in 1996, Congress eliminated the longstanding requirement that disclosures to designees of the taxpayer must be pursuant to the written request or consent of the taxpayer.

Current Actions: There are no changes to the regulation that would affect burden.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Responses: 9,000.

Estimated Time per Response: 12 minutes.

Estimated Total Annual Burden Hours: 1,800.

Dated: May 14, 2025.

Kerry L. Dennis,

Tax Analyst.

[FR Doc. 2025–09263 Filed 5–22–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0894]

Agency Information Collection Activity: Program of Comprehensive Assistance for Family Caregivers (PCAFC) Decision Appeal Form

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before July 22, 2025.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Rebecca Mimmall, 202–695–9434, vhacopra@va.gov.

VA PRA information: Dorothy Glasgow, 202–461–1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA’s functions, including whether the information will have practical utility; (2) the accuracy of VHA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Program of Comprehensive Assistance for Family Caregivers

(PCAFC) Decision Appeal Form (VA Form 10–306).

OMB Control Number: 2900–0894.
https://www.reginfo.gov/public/do/PRASearch. (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection.)

Type of Review: Revision of a currently approved collection.

Abstract: The Caregivers and Veterans Omnibus Health Services Act of 2010 (Pub. L. 111–163) enacted 38 U.S.C. 1720G, which directed the Department of Veterans Affairs (VA) to establish a Program of Comprehensive Assistance for Family Caregivers (PCAFC) and a Program of General Caregiver Support Services (PGCSS). VA's regulations implementing PCAFC and PGCSS are in 38 CFR part 71. Both programs are managed by VA's Caregiver Support Program (CSP) Office. On June 6, 2018, the President signed into law the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 or the VA MISSION Act 2018 (Pub. L. 115–182). The VA MISSION Act of 2018 expanded the PCAFC to Family Caregivers of eligible Veterans of all eras in a phased approach, established new benefits for Primary Family Caregivers of eligible Veterans, and made other changes affecting program eligibility

and VA's evaluation of PCAFC applications.

Since program inception, Veterans and caregivers who disagree with a PCAFC decision were afforded the right to appeal through the Veterans Health Administration (VHA) Clinical Appeals Process. A 2021 Court ruling in the case of *Jeremy Beaudette & Maya Beaudette v. Denis McDonough, Secretary of Veterans Affairs* changed the appeal and review options available to individuals who have received a PCAFC decision and disagree with that decision. In that case, the U.S. Court of Appeals for Veterans Claims ruled in favor of petitioners seeking review by the Board of Veterans' Appeals (BVA or Board) of decisions under the PCAFC. As a result of the Court's ruling, BVA review is now available to individuals who have received a decision under the PCAFC since the program began in May 2011. Consequently, VA expanded options available to Veterans and caregivers who seek review of or to appeal a PCAFC decision.

The options include a separate appeals process (legacy) that must be used to appeal to the Board regarding PCAFC decisions issued before February 19, 2019. The legacy process is implemented through use of VA Form 10–306, which allows Veterans and caregivers to request information about past PCAFC decisions to determine

whether they wish to pursue an appeal to the Board or request review. VA projects the submission of a lower number of 10–306 forms going forward because the annual number of requests following the court decision has been decreasing over time. CSP is discontinuing VA Form 10–307, which previously was included in this collection, as the form is no longer necessary and will become obsolete. There is a commensurate decrease in the burden hours for this collection due to the discontinuance and removal of VA Form 10–307 and the anticipated decrease in the number of 10–306 forms that will be received annually by VA.

Affected Public: Individuals or Households.

Estimated Annual Burden: 12,500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 50,000.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

*Acting, VA PRA Clearance Officer, (Alt.)
Office of Enterprise and Integration/Data
Governance Analytics, Department of
Veterans Affairs.*

[FR Doc. 2025–09328 Filed 5–22–25; 8:45 am]

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Part II

Environmental Protection Agency

40 CFR Part 52

Air Plan Approval; Texas and Oklahoma; Texas Regional Haze Plans for the First and Second Implementation Periods and Five-Year Progress Report; Oklahoma Regional Haze Plan for the First Implementation Period; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2025–0197; FRL–12217–01–R6]

Air Plan Approval; Texas and Oklahoma; Texas Regional Haze Plans for the First and Second Implementation Periods and Five-Year Progress Report; Oklahoma Regional Haze Plan for the First Implementation Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and withdrawal of proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve regional haze State Implementation Plan (SIP) revisions submitted by the Texas Commission on Environmental Quality (TCEQ), dated March 20, 2014, and July 20, 2021, as satisfying applicable requirements under the Clean Air Act (CAA or Act) and EPA's Regional Haze Rule (RHR). Additionally, the EPA is proposing to approve portions of the 2009 Texas Regional Haze SIP submission and portions of the 2010 Oklahoma Regional Haze SIP submission that relate to reasonable progress requirements for the first planning period from 2007 through 2018. Finally, the EPA is also withdrawing its 2023 proposed disapprovals regarding Texas's and Oklahoma's first planning period SIPs and its 2024 proposed action regarding Texas's second planning period SIP. The EPA is taking this action pursuant to sections 110 and 169A of the Act.

DATES: Written comments must be received on or before June 23, 2025.

Withdrawal: As of May 23, 2025, the proposed rule published October 15, 2024, at 89 FR 83338 is withdrawn, and the proposed disapprovals for portions of Texas and Oklahoma SIPs included as part of the proposed rule published on July 26, 2023, at 88 FR 48152 are withdrawn.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2025–0197, 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 whose disclosure 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 Michael Feldman, 214–665–9793, Feldman.Michael@epa.gov. For 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>.

Docket: The index to the docket for this action is available electronically at www.regulations.gov. While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.*, CBI).

FOR FURTHER INFORMATION CONTACT:

Michael Feldman, U.S. Environmental Protection Agency, Region 6, Air and Radiation Division, SO₂ and Regional Haze Section (ARSH), 1201 Elm Street, Suite 500, Dallas, Texas 75270, 214–665–9793, Feldman.Michael@epa.gov. We encourage the public to submit comments via <https://www.regulations.gov>. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

I. What action is EPA proposing?

On March 19, 2009, Texas submitted a revision to its SIP to address regional haze for the first planning period (2009 Plan). Texas made this SIP submission to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308. The EPA is proposing to approve the portions of Texas's 2009 Plan which the EPA previously disapproved related to certain reasonable progress requirements under 40 CFR 51.308(d)(1) through (3).¹ The disapproval was subsequently vacated by the Fifth Circuit. The EPA is also

proposing to approve the portions of Oklahoma's first planning period SIP that the State submitted in 2010 (2010 Plan) that address certain requirements under 40 CFR 51.308(d)(1). EPA's disapproval of these portions of the Oklahoma plan was also vacated by the Fifth Circuit as part of the same action that vacated portions of our disapproval of Texas's 2009 Plan.

On March 20, 2014, Texas submitted its five-year progress report as a SIP revision (2014 Plan) to satisfy the requirements of 40 CFR 51.308(g) and (h). The EPA is proposing to approve Texas's 2014 Plan.

On July 20, 2021, Texas submitted a revision to its SIP to address regional haze for the second planning period (2021 Plan). Texas made this SIP submission to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308. The EPA is proposing to approve the 2021 Plan.

II. Background and Regional Haze Rule Requirements

In the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and wilderness areas.² The CAA establishes 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

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 (SO₂), nitrogen oxides (NO_x), and, in some cases, volatile organic compounds (VOC) and ammonia (NH₃)). 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

² CAA section 169A. 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. CAA section 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

³ CAA section 169A.

¹ The BART requirements for EGUs were disapproved in a separate action in 2012. See 77 FR 33642 (June 7, 2012). EPA promulgated a Federal Implementation Plan (FIP) to address these requirements in 2017 and revised it in 2020. See 82 FR 48324 (October 17, 2017) and 85 FR 49170 (Aug. 12, 2020). As such this action does not address BART for EGUs in Texas.

perception of clarity and color, as well as visible distance.⁴

To address regional haze visibility impairment, the 1999 RHR 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 contribute to any impairment of visibility” in a Class I area to periodically submit SIP revisions to address such impairment. CAA section 169A(b)(2);⁵ see also 40 CFR 51.308(b) and (f) (establishing submission dates for iterative regional haze SIP revisions); 64 FR 35714, 35768 (July 1, 1999).

A. Regional Haze Rule Requirements for the First Planning Period

Much of the focus in the first implementation period of the regional haze program, which ran from 2007 through 2018, was on satisfying States’ Best Available Retrofit Technology (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). Those provisions required that States containing Class I areas establish reasonable progress goals (RPGs) that are measured in deciviews and reflect the anticipated visibility conditions at the end of the implementation period including from implementation of States’ long-term strategies. The first planning period RPGs were required to provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same

period. In establishing the RPGs for any Class I area in a State, the State was required to consider four statutory factors: the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources.⁶

States were also required to calculate baseline (using the five year period of 2000–2004) and natural visibility conditions (*i.e.*, visibility conditions without anthropogenic visibility impairment) for each Class I area, and to calculate 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 known as the uniform rate of progress (URP) and 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.⁷ The 1999 RHR also provided that States’ long-term strategies must include the “enforceable emissions limitations, compliance, schedules, and other measures as necessary to achieve the reasonable progress goals.”⁸ In establishing their long-term strategies, States are required to consult with other States that also contribute to visibility impairment in a given Class I area and include all measures necessary to obtain their shares of the emission reductions needed to meet the RPGs.⁹ Section 51.308(d) also contains seven additional factors States must consider in formulating their long-term strategies, 40 CFR 51.308(d)(3)(v), as well as provisions governing monitoring and other implementation plan requirements.¹⁰

Finally, the 1999 RHR required States to submit periodic progress reports—SIP revisions due every five years that contain information on States’ implementation of their regional haze plans and an assessment of whether anything additional is needed to make reasonable progress, see 40 CFR 51.308(g) and (h)—and to consult with the Federal Land Manager(s)¹¹ (FLMs) responsible for each Class I area according to the requirements in CAA section 169A(d) and 40 CFR 51.308(i).

B. Regional Haze Rule Requirements for the Second Planning Period

On January 10, 2017, the EPA promulgated revisions to the RHR, (82 FR 3078, January 10, 2017), that apply for the second and subsequent implementation periods. The reasonable progress requirements as revised in the 2017 rulemaking (referred to here as the 2017 RHR Revisions) are codified at 40 CFR 51.308(f). For additional background on the 2017 RHR revisions, please refer to section III of the preamble to the 2017 RHR revisions.¹² The following is an abbreviated history and background of the regional haze program and 2017 Regional Haze Rule as it applies to the current action.

Under the CAA and EPA’s regulations, all 50 States, the District of Columbia, and the 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 visibility impairment in Class I areas.¹³ 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 40 CFR 51.308(f)(1) through (3) generally mirroring the order of the steps in the reasonable progress analysis¹⁴ and

⁴ 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 RHR. 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 for expressing visibility and is measured in inverse megameters (Mm^{-1}). Light extinction can be simpler to use in calculations than deciviews, since it is not a logarithmic function. The formula for the deciview is $10 \ln(b_{ext})/10 Mm^{-1}$. 40 CFR 51.301.

⁵ The RHR 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) and (f).

⁶ CAA section 169A(g)(1); 40 CFR 51.308(d)(1).

⁷ 40 CFR 51.308(d)(1)(i)(B) and (d)(2). The EPA established the URP framework in the 1999 RHR to provide “an equitable analytical approach” to assessing the rate of visibility improvement at Class I areas across the country. The starting point for the URP analysis is 2004 and the endpoint was calculated based on the amount of visibility improvement that was anticipated to result from implementation of existing CAA programs over the period from the mid-1990s to approximately 2005. Assuming this rate of progress would continue into the future, the EPA determined that natural visibility conditions would be reached in 60 years, or 2064 (60 years from the baseline starting point of 2004). However, the EPA did not establish 2064 as the year by which the national goal *must* be reached. 64 FR 35714, 35731–32 (July 1, 1999). That is, the URP and the 2064 date are not enforceable targets but are rather tools that “allow for analytical comparisons between the rate of progress that would be achieved by the State’s chosen set of control measures and the URP.” 82 FR 3078, 3084 (January 10, 2017).

⁸ 40 CFR 51.308(d)(3).

⁹ 40 CFR 51.308(d)(3)(i) and (ii).

¹⁰ 40 CFR 51.308(d)(4).

¹¹ The EPA’s regulations define “Federal Land Manager” as “the Secretary of the department with authority over the Federal Class I area (or the Secretary’s designee) or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission.” 40 CFR 51.301.

¹² Section III of the 2017 RHR is titled “Overview of Visibility Protection Statutory Authority, Regulation, and Implementation” 82 FR 3078, 3081, January 10, 2017.

¹³ CAA section 169A(b)(2)(B).

¹⁴ The EPA explained in the 2017 RHR 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 3078, 3091, January 10, 2017).

paragraphs (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.¹⁵ 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.¹⁶ 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 CAA section 169A(g)(1) to sources of visibility impairing pollutants that the State has selected to assess for controls for the second implementation period. Additionally, as further explained below, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five “additional factors”¹⁷ that States must consider in developing their long-term strategies.¹⁸

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 CAA. 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 URP 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.¹⁹ There are additional requirements in the rule, including FLM consultation, that apply to all visibility protection SIPs and SIP revisions.²⁰

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 submission 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.²¹ 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 existing source subject to such requirements.”²² 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 to satisfy the CAA's reasonable progress mandate.”²³ Thus, for each source it has selected for four-factor analysis,²⁴ a State must consider a “meaningful set” of technically feasible control options for reducing emissions of visibility impairing pollutants.²⁵ The EPA has also explained that, in addition to the four statutory factors, States have flexibility under the CAA and RHR to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.²⁶ Ultimately, while States have discretion to reasonably weigh the factors and to determine what level of control is needed, 40 CFR 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, 40 CFR 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 40 CFR 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. If the outcome of a four-factor analysis is that an emissions reduction measure is necessary to make reasonable progress towards remedying existing or preventing future anthropogenic visibility impairment, that measure must be included in the SIP.

The characterization of information on each of the factors is also subject to the documentation requirement in 40 CFR 51.308(f)(2)(iii). The reasonable progress analysis is a technically complex exercise, and also a flexible one that provides States with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility,

²³ 82 FR 3078, 3091 (January 10, 2017).

²⁴ “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 RHR 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, 3088 (January 10, 2017).

²⁵ *Id.* at 3088.

²⁶ See, *e.g.*, “Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule” (December 2016), Docket Number EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency at 186.

¹⁵ See 40 CFR 51.308(f) and (f)(2).

¹⁶ See 40 CFR 51.308(f)(1).

¹⁷ The five “additional factors” for consideration in 40 CFR 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that States must consider and apply to sources in determining reasonable progress.

¹⁸ See 40 CFR 51.308(f)(2).

¹⁹ 40 CFR 51.308(f)(2) and (3).

²⁰ See *e.g.*, 40 CFR 51.308(i).

²¹ The CAA provides that, “[i]n determining reasonable progress there shall be taken into consideration” the four statutory factors. CAA 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 planning period.

²² CAA section 169A(g)(1).

40 CFR 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. Additionally, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five “additional factors”²⁷ 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, 40 CFR 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. 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.²⁸ Additionally, the RHR 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.²⁹ 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.³⁰ Under all

circumstances, a State must document in its SIP submission all substantive consultations with other contributing States.³¹

Reasonable progress goals “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.”³² For the second implementation period, the RPGs are set for 2028. Reasonable progress goals 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, 40 CFR 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.”

RPGs may also serve as a metric for assessing the amount of progress a State is making towards the national visibility goal. To support this approach, the RHR requires States with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP 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 URP (i.e., if visibility conditions are improving more slowly than the rate described by the URP), 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.³³ To this end, section 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 URP 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.”

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 section 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. 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.³⁴ 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, as well as a statewide inventory documenting such emissions.³⁵ 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.³⁶

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.³⁷ To this end, every State’s SIP revision for the second implementation period is required to assess changes in visibility conditions and 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.³⁸

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 FLM or FLMs; pursuant to that consultation, the State must include a summary of the FLMs’ conclusions and recommendations in

²⁷ The five “additional factors” for consideration in 40 CFR 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that States must consider and apply to sources in determining reasonable progress.

²⁸ 40 CFR 51.308(f)(2)(ii)(A).

²⁹ 40 CFR 51.308(f)(2)(ii)(B).

³⁰ 40 CFR 51.308(f)(2)(ii)(C).

³¹ 40 CFR 51.308(f)(2)(ii)(C).

³² 82 FR 3078, 3091 (January 10, 2017).

³³ 40 CFR 51.308(f)(3)(ii).

³⁴ 40 CFR 51.308(f)(6), (f)(6)(i) and (iv).

³⁵ 40 CFR 51.308(f)(6)(ii), (iii), and (v).

³⁶ 40 CFR 51.308(f)(6)(vi).

³⁷ See 81 FR 26942, 26950 (May 4, 2016), 82 FR 3078, 3119 (January 10, 2017).

³⁸ 40 CFR 51.308(g)(1) and (2).

the notice to the public. Consistent with this statutory requirement, the RHR also requires that States “provide the [FLM] 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 [FLM] can meaningfully inform the State’s decisions on the long-term strategy.”³⁹ For the EPA to evaluate whether FLM consultation meeting the requirements of the RHR has occurred, the SIP submission 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 FLMs.⁴⁰ Finally, a SIP revision must provide procedures for continuing consultation between the State and FLMs 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.⁴¹

III. What regional haze SIPs are being addressed in this proposal?

A. Texas’s First Planning Period SIP and Five-Year Progress Report SIP

Texas submitted its regional haze SIP for the first implementation period to the EPA on March 31, 2009 (2009 Plan). The EPA issued a limited disapproval of Texas’s 2009 Plan on June 7, 2012, due to its reliance on the Clean Air Interstate Rule (CAIR) to address BART requirements for Texas electric generating units (EGUs).⁴² Two years later, the EPA proposed a rule to partially approve and partially disapprove Texas’s 2009 Plan on December 16, 2014;⁴³ however, due to a related ruling from the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit),⁴⁴ the EPA could not finalize the December 2014 proposal in its entirety. As such, the EPA’s obligations for the first implementation period for Texas’s regional haze SIP were addressed in two separate actions.⁴⁵

One action, finalized on January 5, 2016, addressed the first planning

period regional haze requirements in Texas except for BART requirements for EGUs (2016 Final Rule).⁴⁶ The 2016 Final Rule partially approved and partially disapproved Texas’s 2009 Plan. Specifically, we disapproved the following requirements:

- Section 51.308(d)(1)(i)(A), regarding Texas’s reasonable progress four factor analysis.
- Section 51.308(d)(1)(i)(B), regarding Texas’s calculation of the emission reductions needed to achieve the URPs for the Guadalupe Mountains and Big Bend National Parks.
- Section 51.308(d)(1)(ii), regarding Texas’s RPGs for the Guadalupe Mountains and Big Bend National Parks.
- Section 51.308(d)(2)(iii), regarding Texas’s calculation of the natural visibility conditions for the Guadalupe Mountains and Big Bend National Parks.
- Section 51.308(d)(2)(iv)(A) regarding Texas’s calculation of natural visibility impairment.
- Section 51.308(d)(3)(i) regarding Texas’s long-term strategy consultation.
- Section 51.308(d)(3)(ii) regarding Texas securing its share of reductions in other States’ RPGs.
- Section 51.308(d)(3)(iii) regarding Texas’s technical basis for its long-term strategy.
- Section 51.308(d)(3)(v)(C), regarding Texas’s emissions limitations and schedules for compliance to achieve the RPGs.

We approved the 2009 Plan as to the other regional haze rule requirements under 40 CFR 51.308(d)(1) through (4), 40 CFR 51.308(i), as well as Texas’s BART determinations and BART rules for non-EGUs as required under 40 CFR 51.308(e). As discussed in more detail in section III.B of this document, we also addressed an outstanding portion of Oklahoma’s first planning period SIP (2010 Plan) related to the requirements under 40 CFR 51.308(d)(1) due to potential impacts from Texas sources on Oklahoma’s Class I area. Specifically, we disapproved the portion of Oklahoma’s 2010 Plan that addressed 40 CFR 51.308(d)(1), with the exception of the minimum progress requirement under 40 CFR 51.308(d)(1)(vi), which we approved. To address the deficiencies in the SIPs, we also promulgated a FIP as part of the 2016 Final Rule that, among other things, established SO₂ emission limits for 15 EGUs located at eight coal-fired power plants in Texas.

The 2016 Final Rule was challenged in the U.S. Court of Appeals for the Fifth Circuit (Fifth Circuit), and was

stayed by the court on July 15, 2016.⁴⁷ In the court’s published stay opinion, the court determined that the Petitioners in that case showed a likelihood of success on the merits that the EPA acted arbitrarily and capriciously in both its disapproval of a portion of Texas’s 2009 Plan and also in promulgating a FIP to address said deficiencies, which included SO₂ emission limits on 15 units at eight coal-fired power plants in Texas. Considering the stay, the EPA requested a partial voluntary remand of the 2016 Final Rule, which was granted by the Fifth Circuit on March 22, 2017.⁴⁸ On July 26, 2023, the EPA proposed a rule to address the remanded 2016 Final Rule (2023 RP Proposal).⁴⁹ In the 2023 RP Proposal, the EPA proposed to disapprove the same portions of the Texas and Oklahoma SIPs which had been previously disapproved in the 2016 Final Rule, in certain instances supplementing and clarifying our rationale for disapproval and, in others, incorporating our original bases for disapproval.⁵⁰ Additionally, in the 2023 RP Proposal, the EPA proposed to amend the FIP portion of the 2016 Final Rule, by rescinding the control measures it previously promulgated for 15 EGUs in Texas.⁵¹

During remand proceedings, notably while working to respond to the public comments received on the 2023 Proposals, the EPA became aware that key documents in the administrative record of the 2016 Final Rule were no longer in the EPA’s possession. As such, on September 3, 2024, the EPA filed a motion for voluntary vacatur, acknowledging that the administrative record no longer contained information required by the Federal Rules of Appellate Procedure and the Clean Air Act for judicial review of the EPA’s partial SIP disapprovals and FIPs.⁵² The Fifth Circuit granted the EPA’s motion for partial voluntary vacatur on December 17, 2024, vacating the SIP disapproval and FIP portions of the 2016 Final Rule.⁵³

⁴⁷ *Texas v. EPA*, 829 F.3d 405, 411 (5th Cir. 2016).

⁴⁸ *Texas v. EPA*, Case No. 16–60118, Order (March 22, 2017).

⁴⁹ 88 FR 48152 (July 26, 2023).

⁵⁰ 88 FR 48152, 48159 (July 26, 2023).

⁵¹ 88 FR 48152, 48159 (July 26, 2023).

⁵² Respondents’ Motion for Voluntary Vacatur, *Texas v. EPA*, Case No. 16–60118 (September 3, 2024).

⁵³ *Texas v. EPA*, Case No. 16–60118, Order (December 17, 2024). Because the EPA’s motion for vacatur was specific to the SIP disapprovals and the FIPs and the Fifth Circuit granted this motion, the court vacated the disapproval and FIP portions of the 2016 Final Rule, leaving the approvals intact. Thus, we are leaving our prior approvals in place and not reconsidering or reopening those determinations in this action.

³⁹ 40 CFR 51.308(i)(2).

⁴⁰ 40 CFR 51.308(i)(3).

⁴¹ 40 CFR 51.308(i)(4).

⁴² 77 FR 33642 (June 7, 2012).

⁴³ 79 FR 74818 (December 16, 2014).

⁴⁴ *EME Homer City Generation, L.P. v. EPA*, 795 F.3d 118 (D.C. Cir. 2015).

⁴⁵ 81 FR 296 (January 5, 2016); 82 FR 48324 (October 17, 2017), affirmed and supplemented in 85 FR 49170 (August 12, 2020).

⁴⁶ 81 FR 296 (January 5, 2016). In July 2016, the 5th Circuit Court of Appeals issued a stay of the action. *Texas v. EPA*, 829 F.3d 405 (5th Cir. 2016). Subsequent to the stay opinion, the EPA requested and the court granted EPA’s motion for a partial voluntary remand.

The second action, finalized on October 17, 2017, and affirmed and supplemented on August 12, 2020, promulgated a FIP to address the BART requirements for Texas EGUs for which we disapproved back in 2012.⁵⁴ The FIP established an intrastate SO₂ Trading Program that served to satisfy SO₂ BART requirements for Texas EGUs and relied on CSAPR participation as a NO_x BART alternative for Texas EGUs. The EPA is not addressing BART requirements for Texas EGUs in this action.⁵⁵

On March 24, 2014, Texas submitted its five-year progress report as a SIP revision (2014 Plan) under 40 CFR 51.308(g) and (h). The EPA is subject to a consent decree deadline of December 15, 2026, to act on Texas's 2014 Plan.⁵⁶

B. Oklahoma's First Planning Period SIP

Oklahoma submitted its regional haze SIP revision on February 19, 2010 (2010 Plan). We finalized a partial approval and partial disapproval of that submittal on December 28, 2011, but did not act on the portions of the SIP that addressed reasonable progress as required by 40 CFR 51.308(d)(1). We deferred consideration of the reasonable progress requirements because to properly assess whether Oklahoma had satisfied these requirements, we first needed to evaluate and act upon the regional haze SIP revision submitted by the State of Texas.⁵⁷ On December 16, 2014, we proposed to disapprove the portion of the Oklahoma regional haze SIP that addressed 40 CFR 51.308(d)(1), with the exception of the minimum progress requirement under 40 CFR 51.308(d)(1)(vi), which we approved.⁵⁸ The disapproval stemmed from consideration of impacts from Texas sources in establishing the reasonable progress goals for Wichita Mountains. In that same proposed action, we proposed a FIP for both Texas and Oklahoma. Specific to Oklahoma, the FIP proposed to reset Oklahoma's RPGs based on our proposed finding that the controls we

proposed for the Texas FIP also served to cure the defects in these sections of Oklahoma's regional haze SIP as well, thus satisfying the FIP obligation stemming from our proposed disapproval of portions of the Oklahoma SIP. The proposed partial disapproval and FIP for Oklahoma were finalized with our concurrent FIP for Texas (2016 Final Rule).⁵⁹

However, as discussed in section III.A. of this document, the Fifth Circuit granted the EPA's motion for voluntary vacatur on December 17, 2024, vacating the SIP disapprovals and FIP portions of the 2016 Final Rule for Oklahoma and Texas.⁶⁰ Because the EPA's 2016 Final Rule SIP disapprovals and FIPs were vacated, the EPA now has an outstanding obligation to act on those portions of Oklahoma's first planning period SIP that address 40 CFR 51.308(d)(1), with the exception of 40 CFR 51.308(d)(1)(vi) which we previously approved. We provide our evaluation of those requirements in section V.B of this document.

C. Texas's Second Planning Period SIP

In accordance with CAA sections 169A and the RHR at 40 CFR 51.308(f) and (i), on July 20, 2021, Texas submitted a SIP revision to address its regional haze obligations for the second implementation period, which runs through 2028 (2021 Plan). Texas made its 2021 Plan available for public comment on October 9, 2020. Texas received and responded to public comments and included the comments and responses to those comments in their submission.

IV. Withdrawal of the 2023 RP Proposed Disapprovals

As previously discussed, EPA's 2016 Final Rule SIP disapprovals and FIPs were vacated by the Fifth Circuit. Therefore, the EPA now has an outstanding obligation to act on those portions of Texas's first planning period SIP, which we are proposing to act on in this action. The 2016 Final Rule also disapproved Oklahoma's RPGs for the Wichita Mountains and disapproved the portions of the Oklahoma SIP addressing the requirements of section 51.308(d)(1) regarding setting RPGs, with the exception of section 51.308(d)(1)(iv). Because the Fifth Circuit's order vacated the SIP disapprovals and FIPs, the EPA's 2023 RP Proposal can no longer stand, as that proposed action either relied upon the 2016 Final Rule or proposed to modify

portions of the rule that have since been vacated by the court. As such, the EPA is now proposing to withdraw the 2023 proposed disapprovals. Commenters who would like the EPA to consider any comments submitted on the 2023 RP Proposal, 88 FR 48152 (July 26, 2023), must resubmit such comments during the comment period for this proposed action.⁶¹

V. The EPA's Evaluation and Proposed Action on The First Planning Period Regional Haze SIPs

In this action, we are proposing to approve those portions of the Texas and Oklahoma first planning period SIPs that were vacated by the Fifth Circuit. Specifically, the EPA is now acting on the portions of the Texas 2009 Plan SIP addressing the following requirements:

- Section 51.308(d)(1)(i)(A) and 51.308(d)(1)(ii), regarding Texas's consideration of the four statutory factors in establishing its reasonable progress goals for the Guadalupe Mountains and Big Bend National Parks;
- Section 51.308(d)(1)(i)(B), regarding Texas's calculation of the emission reductions needed to achieve the uniform rates of progress for the Guadalupe Mountains and Big Bend National Parks;
- Section 51.308(d)(2)(iii), regarding Texas's calculation of natural visibility conditions for the Guadalupe Mountains and Big Bend National Parks;
- Section 51.308(d)(2)(iv)(A), regarding Texas's calculation of the number of deciviews by which baseline conditions exceed natural visibility conditions for the Guadalupe Mountains and Big Bend National Parks;
- Section 51.308(d)(3)(i), regarding consultation requirements with other States where emissions from Texas are reasonably anticipated to contribute to visibility impairment in any Class I area located in another State or States;
- Section 51.308(d)(3)(ii), regarding Texas securing its share of reductions necessary to achieve the reasonable progress goals at impacted Class I areas in other States;
- Section 51.308(d)(3)(iii), regarding Texas's documentation of its technical basis for which it is relying on to determine its apportionment of emission reductions necessary for those Class I areas in other States for which it affects; and
- Section 51.308(d)(3)(v)(C), regarding Texas's emission limitations and schedules for compliance to achieve the reasonable progress goals.

Similarly, we are also addressing the portion of Oklahoma's first planning period SIP addressing section

⁵⁴ See 82 FR 48324 (October 17, 2017); 85 FR 49170 (August 12, 2020).

⁵⁵ In 2023, the EPA proposed to reconsider its 2020 BART FIP for EGUs. See 88 FR 28918 (May 4, 2023). The proposed 2023 has not been finalized and the 2020 final FIP is still in place.

⁵⁶ *Our Children's Earth Foundation v. Regan*, Case 1:23-cv-02848, Consent Decree (May 31, 2024).

⁵⁷ 76 FR 81728 (December 28, 2011). In this earlier action, we also disapproved the SO₂ BART determinations for six EGUs at three power plants in Oklahoma and promulgated a FIP that established SO₂ emission limits for these EGUs. Subsequently, we approved a SIP revision from Oklahoma addressing the BART requirements for two EGUs at one power plant and removed the FIP requirements for this facility. 79 FR 12944 (March 7, 2014).

⁵⁸ 79 FR 74818 (December 16, 2014).

⁵⁹ 81 FR 296 (January 5, 2016).

⁶⁰ *Texas v. EPA*, Case No. 16–60118, Order (December 17, 2024).

⁶¹ The rulemaking docket for the now withdrawn action is available under Docket ID EPA–R06–OAR–2014–0754 at www.regulations.gov.

51.308(d)(1)⁶² which we previously disapproved.⁶³

In support of this proposed action, the EPA's evaluation takes into account the requirements of the CAA and RHR, and the published stay opinion from the Fifth Circuit which outlined that Petitioners had a strong likelihood of success on the merits in showing that EPA was arbitrary and capricious and exceeded its statutory authority in partially disapproving the Texas and Oklahoma plans and replacing portions of them with a FIP. Because Texas considered the four factors and otherwise met the outstanding first planning period rule requirements contained in section 51.308(d), we are now proposing approval of Texas's 2009 Plan. Approval of the 2009 SIP is further warranted due to BART obligations for EGUs that have been addressed since 2017 and affirmed in 2020.⁶⁴ The EPA also notes that emission reductions and improvements in visibility have far exceeded the reductions and improvements contemplated in the 2009 Plan and that the Fifth Circuit weighed the improvements in monitored visibility exceeding the goals in its 2016 stay opinion. Finally, because our previous disapproval of portions of Oklahoma's 2010 Plan were largely contingent on our disapproval of portions of Texas's 2009 Plan, we are also proposing to approve the portion of Oklahoma's 2010 Plan that addresses section 51.308(d)(1).⁶⁵

A. Texas's 2009 Plan

1. Calculations of Natural Visibility Conditions and Uniform Rate of Progress

As required by section 51.308(d)(2)(i) and (iii) of the Regional Haze Rule, and in accordance with EPA's 2003 Natural Visibility Guidance,⁶⁶ Texas calculated baseline (which were current at the time)⁶⁷ and natural visibility conditions for its two Class I areas, Big Bend National Park (Big Bend) and Guadalupe Mountains National Park (Guadalupe Mountains), on the most impaired and least impaired days. The EPA previously found that Texas satisfied

the requirement under 40 CFR 51.308(d)(2)(i) to calculate baseline visibility conditions, and as stated earlier in this action, we are not reconsidering or reopening that determination. The EPA is now proposing to approve Texas's 2009 Plan, including the requirement to calculate natural visibility conditions under 40 CFR 51.308(d)(2)(iii). Additionally, and stemming from the approval of Texas's calculation of natural visibility conditions, the EPA is proposing to find that Texas satisfied the requirements of 40 CFR 51.308(d)(2)(iv)(A)⁶⁸ with respect to the calculation of natural visibility impairment at Big Bend and Guadalupe Mountains and 40 CFR 51.308(d)(1)(i)(B) for calculating the uniform rate of improvement (URP) for Big Bend and Guadalupe Mountains.

Under 40 CFR 51.308(d)(2)(iii), States must determine natural visibility conditions for the most impaired and least impaired days for the Class I areas located in the State. While the Regional Haze Rule requires States to calculate natural visibility conditions for those Class I areas located in the State, the rule does not require that natural visibility conditions be calculated in a specific manner, thus providing States with discretion so long as that discretion is reasonable. The rule simply requires that States base such calculations on available monitoring information and appropriate data analysis techniques. To assist States in calculating natural visibility conditions, the EPA issued guidance that provided default natural conditions for the 20% most impaired and 20% least impaired days for each Class I area based on the original IMPROVE equation. However, the guidance also explained that States are allowed to use a "refined" approach or alternative approaches to the guidance defaults to estimate the values that characterize the natural visibility conditions of their Class I areas.⁶⁹ The default natural conditions in our 2003 guidance were updated by the Natural Haze Levels II Committee utilizing the new IMPROVE equation and included some refinements to the estimates for the PM components.⁷⁰ These estimates are referred to as the "NC II" default natural visibility conditions. Texas started with this refined version of

default natural visibility conditions, but altered the parameters concerning the contributions of coarse mass and fine soil by assuming that 100% of the fine soil and coarse mass concentrations in the baseline period should be attributed to natural causes and that the corresponding estimates in the NC II values should be replaced.⁷¹ For the 20% most impaired days, the TCEQ calculated natural visibility conditions for Big Bend and the Guadalupe Mountains of 10.09 dv and 12.26 dv, respectively. For the 20% least impaired days, the TCEQ calculated that natural visibility conditions for Big Bend and the Guadalupe Mountains of 2.19 dv, and 2.10 dv, respectively.⁷²

Texas's 2009 Plan included an appendix with technical documents to support its decision to assume that 100% of the fine soil and coarse mass concentrations should be attributed to natural sources. These robust technical documents provided a detailed analysis and explanation of the land cover of the surrounding desert landscape, which consists primarily of highly erodible soils; the prevalence of dust storms; the general lack of potential anthropogenic sources of coarse mass and soil in the area surrounding the Class I areas; and the fact that the monitors, especially the Big Bend monitor, are located in areas that have restrictions in place to minimize human impact on its desert environment.⁷³ For these reasons, we propose to find that Texas's refined calculation of natural visibility conditions for both Big Bend and Guadalupe Mountains was reasonable and well within the discretion afforded to States in developing SIPs.⁷⁴ Furthermore, Texas points out that, consistent with the approach followed for the first planning period—which focused on the 20% haziest days rather than the 20% of days with the greatest anthropogenic visibility impairment as EPA now requires for second planning period and subsequent SIPs—the 20% haziest days may involve days in which natural sources of visibility impairment play a large factor.⁷⁵ Thus, it is not

⁷¹ 2009 Texas Regional Haze Plan, at 5–5—5–6.

⁷² 2009 Texas Regional Haze Plan, at 5–3—5–6.

⁷³ See Texas's 2009 Plan, appendix 5–2.

⁷⁴ Texas's 2009 Plan also notes that to the extent its approach over-estimates the percentage of coarse mass and fine soil that is natural, the approach it relied on to estimate organic carbon is likely an underestimation and thus more than compensates for any over-estimation in coarse mass or fine soil. See 2009 Plan, appendix 5–2.

⁷⁵ As explained in the 2017 revisions to the RHR, the approach followed for the first implementation period involved selecting the least and most impaired days as the monitored days with the lowest and highest actual deciview levels regardless of the source of the particulate matter causing the

⁶² Excluding the portion addressing section 51.308(d)(1)(vi), which we previously approved.

⁶³ 79 FR 74818 (December 16, 2014).

⁶⁴ See 82 FR 48324 (October 17, 2017); 85 FR 49170 (August 12, 2020).

⁶⁵ Excluding the portion addressing section 51.308(d)(1)(vi), which we previously approved.

⁶⁶ Guidance for Estimating Natural Visibility Conditions Under the Regional Haze Rule, EPA–454/B–03–005, September 2003.

⁶⁷ Because this was the first planning period of the regional haze program, baseline visibility conditions and current visibility conditions were the same.

⁶⁸ In the 2017 RHR Revision, the EPA modified the regulation containing the requirement for States to calculate natural visibility conditions. The requirement under 40 CFR 51.308(d)(2)(iv)(A) is now found at 40 CFR 51.308(d)(2)(iv).

⁶⁹ Guidance for Estimating Natural Visibility Conditions Under the Regional Haze Rule, EPA–454/B–03–005, September 2003.

⁷⁰ This information is included in our docket for this action and is also available at <https://vista.cira.colostate.edu/Improve/rhr-archived-data/>.

unreasonable for Texas to assume that given the surrounding desert landscape and scarcity of anthropogenic sources that natural sources of fine soil and coarse mass dominated visibility impairment. Accordingly, we are proposing to approve Texas's calculation of natural visibility

conditions as required by 40 CFR 51.308(d)(2)(iii).

Section 51.308(d)(2)(iv)(A) requires States to calculate the number of dv by which baseline conditions exceed natural visibility conditions for the most impaired and least impaired days for each Class I area located within the State. The natural visibility impairment is calculated by subtracting the natural

visibility calculation from the baseline visibility calculation. In Chapter 5 of the 2009 Plan, Texas calculated the number of dv by which baseline conditions exceed natural visibility conditions for the most impaired and least impaired days and at Big Bend and the Guadalupe Mountains. This information is summarized below:

TABLE 1—TEXAS CLASS I AREAS NATURAL AND BASELINE VISIBILITY IMPAIRMENT

Class I Area	Haze index (deciviews)	
	Most impaired	Least impaired
Estimate of Natural Visibility Conditions		
Big Bend	10.09	2.19
Guadalupe Mountains	12.26	2.10
Baseline Visibility Conditions (2000–2004)		
Big Bend	17.30	5.78
Guadalupe Mountains	17.19	5.95
Estimate of Extent Baseline Exceeds Natural Visibility Conditions		
Big Bend	7.21	3.59
Guadalupe Mountains	4.93	3.85

Because we are proposing to approve the calculation of natural visibility conditions and we previously approved Texas's calculation of baseline visibility conditions, we are proposing to approve Texas's calculation of the number of deciviews by which baseline conditions exceed natural conditions for the most impaired and least impaired days at the Texas Class I areas, under 40 CFR 51.308(d)(2)(iv)(A).

Section 51.308(d)(1)(i)(B) requires that States analyze and determine the rate of progress needed to attain natural visibility conditions by the year 2064. Also, in establishing its RPGs, States must consider the uniform rate of improvement in visibility and the emission reduction measures needed to achieve it for the period covered by the SIP. To calculate this rate of progress, the State must compare baseline

visibility conditions to natural visibility conditions in the mandatory Federal Class I area and determine the uniform rate of visibility improvement (measured in deciviews) that would need to be maintained during each implementation period to attain natural visibility conditions by 2064. The TCEQ analyzed and determined the URP needed to reach natural visibility conditions by the year 2064. Also, in establishing its RPGs, the TCEQ considered the uniform rate of improvement in visibility and the emission reduction measures needed to achieve this rate for the period covered by the SIP. In Chapter 10 of the 2009 Plan, Texas compared the baseline visibility conditions to the natural visibility conditions for Big Bend and the Guadalupe Mountains, and determined the URP needed to attain

natural visibility conditions by 2064.⁷⁶ The TCEQ constructed the URP by plotting a straight graphical line from the baseline level of visibility impairment to the level of visibility conditions representing natural conditions in 2064 for both Big Bend and the Guadalupe Mountains.⁷⁷ The first benchmark year is 2018 and the calculated improvement required to attain the desired rate of progress is 1.7 dv for Big Bend and 1.2 dv for Guadalupe Mountains.⁷⁸ Using the baseline visibility values and natural visibility values discussed above, the TCEQ calculated the URP for Big Bend to be 0.12 dv/year, and that for the Guadalupe Mountains to be 0.08 dv/yr.⁷⁹ The information is summarized in the table below:

visibility impairment. While the EPA approved SIPs using this approach for the first implementation period, the 2017 revisions to the RHR explained that for the most impaired days an approach focusing on anthropogenic impairment is more appropriate because it will more effectively track whether states are making progress in controlling

anthropogenic sources. Because the 1999 RHR rule text already refers to the 20 percent most impaired days, we did not propose to change that wording. In the preamble to the proposal, we made clear that going forward, we would interpret "most impaired days" to mean those with the greatest anthropogenic visibility impairment, as opposed to

the 20 percent haziest days. 82 FR 3078, 3101 (January 10, 2017).

⁷⁶ 2009 Plan, at 10–1–10–3.

⁷⁷ 2009 Plan, at 10–1–10–3.

⁷⁸ 2009 Plan, at 10–1–10–3.

⁷⁹ 2009 Plan, at 10–1–10–3.

TABLE 2—TEXAS SUMMARY OF UNIFORM RATE OF PROGRESS

Visibility metric	Big bend (dv)	Guadalupe mountains (dv)
Baseline Conditions	17.30	17.19
Natural Visibility	10.09	12.26
Total Improvement by 2064	7.21	4.93
Uniform Rate of Progress (dv/year)	0.12	0.08
Improvement Needed by 2018	1.7	1.2

The EPA finds Texas's analysis to be reasonable. Therefore, because Texas correctly followed the procedures for analyzing and determining the rate of progress needed to attain natural visibility conditions by the year 2064 consistent with the requirements of the Regional Haze Rule, the EPA is proposing to approve Texas's calculation of the rate of progress needed to attain natural visibility conditions by the year 2064 as required by 40 CFR 51.308(d)(1)(i)(B).

Additionally, in Chapter 10 of the 2009 Plan, Texas provided a table showing the additional improvement needed to meet the uniform rate of progress for the planning period covered and the estimated emission reductions necessary to achieve it.⁸⁰

Because we find Texas's consideration of the uniform rate of improvement and the emission reduction measures needed to achieve it

for period covered the by SIP as required by RHR reasonable, we are proposing to approve Texas's 2009 Plan as to the requirements in 40 CFR 51.308(d)(1)(i)(B).

2. RPGs and Visibility Improvements

Under 40 CFR 51.308(d)(1), States with Class I areas are required to establish goals that provide for reasonable progress toward achieving natural visibility conditions. In establishing an RPG, a State must consider the four statutory factors outlined in CAA Section 169(A)(g)(1), "the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources," and include a demonstration showing how these factors were taken into consideration in selecting the goal." The reasonable

progress goals established by the State must provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the for least impaired days over the same period.

As required by 40 CFR 51.308(d)(1), Texas established reasonable progress goals (RPGs) for its two Class I areas, Big Bend and Guadalupe Mountains. In Chapter 10 of its SIP, Texas explained that its RPGs were derived from the CENRAP⁸¹ modeling and reflect emissions reductions programs already in place, including assumed reductions under the Clean Air Interstate Rule (CAIR)⁸² and additional refinery SO₂ reductions as a result of EPA's refinery consent decrees. The following tables summarize the RPGs Texas established for its two Class I areas.⁸³

TABLE 3—TEXAS CLASS I AREAS 20 PERCENT WORST DAYS

Class I Area	Baseline (dv)	RPG for 2018 (dv)	Improvement in visibility (dv)
Big Bend	17.3	16.6	0.7
Guadalupe Mountains	17.2	16.3	0.9

TABLE 4—TEXAS CLASS I AREAS 20 PERCENT LEAST IMPAIRED DAYS

Class I Area	Baseline (dv)	RPG for 2018 (dv)	Improvement in visibility (dv)
Big Bend	5.8	5.6	0.2
Guadalupe Mountains	5.9	5.7	0.2

⁸⁰ 2009 Plan, at 10–10. We note that the table provided in Texas's 2009 Plan appears to reflect estimates of visibility benefits from an earlier draft of the Texas Regional Haze SIP. In that draft SIP, the TCEQ estimated the visibility benefit from a certain set of controls to be 0.05 dv at each Class I area. Updating these calculations with TCEQ's final estimation of the visibility benefit from the TCEQ control set of 0.16 dv at Big Bend and 0.22 dv at Guadalupe Mountains yields revised amounts of 1,100,000 tons of SO₂ and NO_x reductions at a cost of \$2,000,000,000 for Big Bend, and 250,000 tons of SO₂ and NO_x reductions at a cost of \$440,000,000 for Guadalupe Mountains. 2009 Plan, at 10–6, 10–9 to 10–10. See also, <https://>

[wayback.archive-it.org/414/20210529054132/https://www.tceq.texas.gov/assets/public/implementation/air/sip/haze/4HazeSIPcompare_rev.pdf](https://www.tceq.texas.gov/assets/public/implementation/air/sip/haze/4HazeSIPcompare_rev.pdf).

⁸¹ The Central States Air Resource Agencies (CenSARA) is a regional planning organization (RPO) that was created in 1995 and currently includes as members the States of Texas, Oklahoma, Louisiana, Arkansas, Missouri, Kansas, Nebraska, and Iowa, as well as the federally recognized tribes within the boundaries of these States. CenSARA created the Central Regional Air Planning Association (CENRAP) to coordinate activities associated with the management of regional haze issues within the member States and tribes.

However, CENRAP has since been abolished and CenSARA currently conducts regional haze and other air quality planning activities for the CenSARA States. Since CENRAP was the entity which conducted technical analyses during the first planning period, this notice references CENRAP when discussing Texas's 2009 Plan and Oklahoma's 2010 Plan.

⁸² CAIR required certain States, including Texas, to reduce emissions of SO₂ and NO_x that significantly contribute to downwind nonattainment of the 1997 NAAQS for fine particulate matter and ozone. See 70 FR 25152 (May 12, 2005).

⁸³ 2009 Plan, at 10–1—10–4.

Based on the results of Texas's required reasonable progress four-factor analysis (described in the following paragraph), and the results of the CENRAP modeling, the TCEQ adopted the CENRAP modeled 2018 visibility conditions as the RPGs for the Big Bend and Guadalupe Mountains Class I areas. The TCEQ established a RPG of 16.6 dv for Big Bend and 16.3 dv for Guadalupe Mountains for the 20% most impaired days for 2018. This represents a 0.7 dv and 0.9 dv improvement in visibility over the baseline conditions at Big Bend and Guadalupe Mountains, respectively.

As part of establishing the RPGs for Big Bend and Guadalupe Mountains in its first planning period SIP revision, Texas conducted a control strategy analysis to inform its consideration of the four statutory factors. As part of its analysis, Texas assessed the costs of potential controls and reductions for Texas point sources at ten Class I areas, including the two Texas Class I areas and those in nearby States, such as the Wichita Mountains Wilderness Area (Wichita Mountains) in Oklahoma. Texas focused its control strategy analysis on emissions of SO₂ and NO_x from point sources. Texas focused on point sources of SO₂ and NO_x as these sources are the main anthropogenic pollutants that affect visibility at Class I areas in Texas based on source apportionment modeling conducted by CENRAP.⁸⁴ Having narrowed the scope of the control analysis to emissions of SO₂ and NO_x from point sources, Texas then developed a list of potential controls and costs associated with those controls to inform the four-factor analysis, using the CENRAP control strategy analysis as the starting point.⁸⁵ Texas adjusted CENRAP's analysis for Texas sources based on additional information and past experience. Texas also added some additional carbon black sources, which were not included in the CENRAP analysis. This work resulted in a list of potential add-on controls for reducing SO₂ and NO_x at Texas point sources. Sources with potential control strategy costs greater than \$2,700 per ton SO₂ or NO_x were initially screened out to limit the population to potential sources with relatively cost-effective control

strategies. Then, to better capture the point sources that the State believed were likely to contribute to visibility impairment at Class I areas, Texas screened out potential controls and sources using several different methods including a Q/d⁸⁶ (using estimated projected 2018 base annual emissions) of less than five, an area of influence (AOI) analysis, and any source with predicted 2018 emissions of less than 100 tons per year.⁸⁷ The final list of sources and potential controls resulted in the evaluation of SO₂ controls at 13 facilities⁸⁸ and NO_x controls at 15 facilities.⁸⁹ Further information about the types of controls considered, as well as the associated emission reductions and costs are detailed in appendix 10–1 of Texas's 2009 Plan.

Texas then calculated the total cost of SO₂ and NO_x controls and the resulting emission reductions by summing the individual costs of the identified controls. Texas's control set for SO₂ had an estimated cost of approximately \$270,800,000 and a projected reduction of 155,873 tpy. Texas's control set for NO_x point sources had an estimated cost of \$53,500,000 and a projected reduction of 27,132 tpy. Using CENRAP's modeling as a starting point, Texas also estimated the additional visibility benefit that would result in 2018 from controlling the sources it identified. The additional visibility benefit considered by Texas was beyond that already accounted for in the CENRAP modeling for 2018, which included the on-the-books controls, including CAIR/BART, for each State in the CENRAP region.

Using the above control strategy analysis, Texas then considered and weighed the four statutory factors in determining the reasonableness of additional controls and selecting the RPGs for Big Bend and Guadalupe Mountains. As part of the four-factor analysis, Texas identified the cost of

compliance as the key factor.⁹⁰ With respect to the cost of compliance, Texas found that at a total estimated cost of over \$300 million and with no perceptible visibility benefit, it was not reasonable to implement any additional controls.⁹¹ While visibility is not an explicitly listed factor to consider when determining whether additional controls are reasonable, the purpose of the four-factor analysis is to determine what degree of progress toward natural visibility conditions is reasonable. Texas noted that the time necessary for compliance was not a critical factor for the determination of applicable additional controls for Texas sources, and that to the extent energy impacts were quantifiable for a particular control, they were included in its cost estimates.⁹² Additionally, Texas did not assume any limited useful equipment life.⁹³

The RPGs established by Texas provided for an improvement in visibility conditions for the most impaired days over the first planning period and ensured no degradation in visibility for the least impaired days over the same period. Additionally, Texas's SIP included a demonstration showing how these factors were taken into consideration in selecting the goal. As outlined in the Fifth Circuit's 2016 stay opinion, the court determined that Petitioners had a likelihood of success on the merits in demonstrating that the EPA's prior disapproval of Texas's 2009 Plan and the EPA's FIP was unreasonable and thus arbitrary and capricious. We therefore find Texas's decision to focus the analysis of the four statutory factors on emissions of NO_x and SO₂ from point sources to be reasonable, as the CENRAP modeling results and the TCEQ's analysis in Chapter 11 and appendix 10–1 of the Texas 2009 Plan indicate that the predominant anthropogenic pollutants that affect Texas Class I areas are largely due to sulfate and nitrate, primarily from point sources. We also find that TCEQ adequately considered the four factors. Neither the CAA nor the RHR rule specify the specific amount of progress that States are required to make as part of establishing their reasonable progress goal. Rather, the purpose of the statute and RHR simply requires States to achieve "reasonable" progress, not maximal progress, toward Congress's natural visibility goal. Additionally, we find that Texas was reasonable in determining that no further emission

⁸⁴ 2009 Plan, at 10–2; appendix 10–1.

⁸⁵ 2009 Plan, at 10–4.; 2009 Plan, appendix 10–1. CENRAP contracted with Alpine Geophysics to conduct an evaluation of possible additional point-source add-on controls for sources in CENRAP States. The Alpine Geophysics evaluation relied on AirControl NET, a database tool the EPA released in 2006 to enable cost benefit analyses of potential emissions control measures and strategies. Alpine Geophysics prepared cost estimates for potential add-on controls for NO_x and SO₂ reductions in 2005 dollars for point sources in CENRAP States.

⁸⁶ Q/d is the ratio of annual emissions of a given pollutant over distance to a Class I area and can be used to identify those sources with the largest potential to impact visibility.

⁸⁷ Texas also excluded additional NO_x controls on cement kilns from consideration, as it concluded it had already required all the measures it had determined reasonable to control NO_x emissions from these sources in the latest Dallas-Fort Worth ozone SIP revision.

⁸⁸ SO₂ sources considered were Sommers Deely Spruce, Bryans Mill Plant, Big Brown, Coletto Creek Plant, Chemical Manufacturing, Deer Park Plant, Houston Plant, Como Plant, Waha Plant, Monticello, and three carbon black facilities (Big Spring, Borger, and Echo).

⁸⁹ NO_x sources considered were Sommers Deely Spruce, Texarkana Mill, Guadalupe Compressor Station, Fayette Power Project, Big Brown, Pampa Plant, Chemical Manufacturing, Tolk, Limestone, Sandow, Guardian Industries, Harrington Station, Martin Lake, Monticello, and Works No. 4.

⁹⁰ 2009 Plan, at 10–7.

⁹¹ 2009 Plan, at 10–7.

⁹² 2009 Plan, at 10–8.

⁹³ 2009 Plan, at 10–8.

reductions were necessary beyond what was accounted for in the CENRAP modeling, which included the emission reductions which were anticipated under the CAIR program (or its replacement). As discussed in the following paragraphs, Texas SO₂ Trading Program and the CSAPR NO_x Program serve as replacements for the reductions anticipated from the CAIR program.

Texas's 2009 Plan sought to satisfy SO₂ and NO_x BART requirements for EGUs, by relying on the finding in place at the time that CAIR was better than BART, and that participation in CAIR would satisfy these BART requirements for participating EGUs.⁹⁴ Chapter 10.5 of Texas's 2009 Plan discusses the emission reductions that CAIR or its replacement will bring about during the first planning period in terms of EGU emissions. Due to the uncertainty in the amount of reductions that CAIR would bring about, Texas relied on the Integrated Planning Model (IPM) projection. The IPM projection estimated that Texas SO₂ emissions in 2018 would be 350,000 tpy. Texas estimated that CAIR would bring about over 200,000 tpy of SO₂ reductions over the course of the first planning period.⁹⁵ These reductions are reflected in the projected 2018 visibility improvement in the CENRAP modeling relied upon to establish the RPGs.

In promulgating the Texas SO₂ Trading Program as a BART alternative that satisfies the SO₂ BART requirements for certain Texas EGUs, the EPA modeled it after the EPA's CSAPR SO₂ Group 2 Trading Program.⁹⁶ The CSAPR trading programs were promulgated to replace CAIR. Because it was modeled after the CSAPR SO₂ Group 2 Trading Program, the Texas SO₂ Trading Program established a stringency level comparable to CSAPR in Texas. Specifically, Texas's EGUs under CSAPR were estimated to be around 317,100 tons per year whereas the Texas SO₂ Trading Program created an assurance level set at 255,083 tons.⁹⁷ In addition, in our action promulgating the Texas SO₂ Trading Program, the EPA also relied on CSAPR participation as a NO_x BART alternative for Texas EGUs.⁹⁸ Thus, the current FIP in place

that satisfies BART requirements for EGUs in Texas is consistent with the approach in the Texas's 2009 Plan that relied on emission reductions under CAIR and ensures that the EGU emissions are kept below a specified assurance level.

Therefore, because Texas considered the four statutory factors in establishing its reasonable progress goals for Big Bend and Guadalupe Mountains National Park, the EPA is proposing that Texas's 2009 Plan has met the requirements of 40 CFR 51.308(d)(1)(i)(A).

40 CFR 51.308(d)(1)(ii)

Additionally, under 40 CFR 51.308(d)(1)(ii), if the State establishes an RPG that provides for a slower rate of improvement in visibility than the rate that would be needed to attain natural conditions by 2064, the State must demonstrate, based on the four factors, that the rate of progress to attain natural conditions by 2064 is not reasonable, and that the RPG adopted by the State is reasonable. The State must also provide an assessment of the number of years it would take to attain natural conditions if visibility improvement continues at the rate of progress selected by the State as reasonable.

Texas's RPGs for the 20% worst days established a slower rate of progress than the URP for Big Bend and the Guadalupe Mountains. Texas calculated that under the rate of progress it selected as reasonable, natural visibility conditions (as calculated by Texas) would not be attained at Big Bend until 2155 and at the Guadalupe Mountains until 2081.⁹⁹

Texas submitted that the RPGs it established for Big Bend and the Guadalupe Mountains on the 20% worst days were reasonable, and that it was not reasonable to achieve the glide path in 2018. In support of this conclusion, Texas reiterated the over \$300 million cost of compliance figure it calculated and the lack of visibility benefits it estimated as part of its four-factor analysis. Texas also took other factors into consideration in determining that it is not reasonable to achieve the glide paths in 2018 and that the RPGs adopted by the State were reasonable. Among these other factors, Texas specifically indicated that the ability to meet the URP or make additional progress towards reaching natural visibility conditions was impeded

primarily by the significant contribution of emissions from Mexico and other international sources. As support, Texas included a discussion of the pollutant contributions and the sources of visibility impairment at these Class I areas (see section 10.6. and Chapter 11 of the 2009 Plan). This discussion showed that based on Particulate Matter Source Apportionment Technology (PSAT) analysis conducted by CENRAP, 52 percent of the impairment at Big Bend and 25 percent of the impairment at Guadalupe Mountains was from Mexico and areas further south.¹⁰⁰

In our prior disapproval of Texas's RPGs, we expressed concerns with how Texas weighed the four factors, primarily as it related to consideration of costs and visibility benefits. As mentioned previously, the Fifth Circuit determined that the EPA's disapprovals would likely be found to be arbitrary and capricious. The court also determined that the Petitioners had a likelihood of success on the merits of demonstrating that the EPA's FIP was unreasonable and likely arbitrary and capricious. Specifically, the court noted that the EPA's FIP would require a number of costly control measures to be installed though the visibility conditions at the time were already better than Texas's RPGs and the RPGs the EPA established in the FIP. Therefore, the EPA is proposing to approve the portion of Texas's 2009 Plan addressing the requirements of 40 CFR 51.308(d)(1)(ii).

Additionally, we agree with the TCEQ that emissions and transport from Mexico and other international sources will limit the rate of progress achievable on the 20% worst days and that efforts to meet the goal of natural visibility by 2064 would require further emissions reductions not only within Texas, but also large emission reductions from international sources.¹⁰¹

EPA also notes that there has been an overall reduction in emissions from the group of sources that Texas selected for evaluation as part of its 2009 Plan. SO₂ emissions from this group in 2018 were at least 80,000 tons less than what was

¹⁰⁰ 2009 Plan, at 10–10.

¹⁰¹ Given the impacts from international emissions and the fact that the RHR did not allow States to adjust how the URP was calculated to account for international emissions for the first planning period, it was not reasonable at the time for Texas to establish a reasonable progress goal consistent with the rate of visibility improvement that would be needed to attain natural conditions by 2064. Furthermore, the approach followed in the first planning period for determining the URP for the most impaired days involved selecting the most impaired days as the monitored days with the highest actual deciview levels regardless of the source of the particulate matter causing the visibility impairment.

⁹⁴ As mentioned earlier, because CAIR was vacated, the EPA issued a limited disapproval of Texas's 2009 Plan on June 7, 2012, due to its reliance on the Clean Air Interstate Rule (CAIR) to address BART requirements for Texas EGUs.

⁹⁵ Chapter 10.5 of Texas's 2009 Plan discusses the emission reductions that CAIR or its replacement will bring about during the first planning period in terms of EGU emissions.

⁹⁶ 85 FR 49170, 49181, 49184 (August 12, 2020).

⁹⁷ 85 FR 49170, 49184 (August 12, 2020).

⁹⁸ 82 FR 48328 (October 17, 2017).

⁹⁹ Texas also included calculations based on the EPA's default natural conditions, estimating attainment of natural visibility conditions at the Big Bend in 2215 and Guadalupe Mountains in 2167 in appendix 10–3 of its regional haze SIP.

projected. Overall, emissions in Texas were lower than projected for 2018 and consequently, monitored visibility data shows visibility improvement exceeding what had been originally projected for 2018.¹⁰²

3. Requirements Related to the Long-Term Strategy

Section 51.308(d)(3) provides that Texas's long-term strategy include enforceable emissions limitations, compliance schedules, and other measures necessary to achieve the reasonable progress goals established by States having mandatory Class I areas. There are a number of requirements a State must meet when establishing its long-term strategy. These requirements include: (1) States must consult with downwind States to develop coordinated management strategies that address regional haze visibility impairment;¹⁰³ (2) where multiple States cause or contribute to visibility impairment in a Class I area, each State must demonstrate that it has put all measures necessary to obtain its share of emission reductions needed to meet the progress goal for the Class I area;¹⁰⁴ (3) each State must provide and document the technical basis on which the State is relying to determine its share of emission reductions necessary to achieve reasonable progress for each Class I area it affects;¹⁰⁵ and (4) in formulating their long-term strategies, States also have to consider the emissions limitations and schedule for compliance to achieve the reasonable progress goal.¹⁰⁶

Section 51.308(d)(3)(i) requires that where Texas has emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I area located in another State or States, it must consult with the other State(s) in order to develop coordinated emission management strategies. In the 2009 Plan, Texas reviewed the CENRAP modeling to assess which Class I areas in other States would be impacted by Texas's emissions.¹⁰⁷ Modeling indicated potential impacts to several out of State Class I areas from Texas sources. As evidenced in Chapter 4 and appendix 4 of Texas's 2009 Plan, Texas conducted the requisite consultation

with these States. Texas included documentation of its calls and correspondence with the relevant States from 2007 to 2008, prior to submitting its SIP in 2009. Texas's consultation documentation confirms that no States disagreed with Texas's approach to its long-term strategy. During consultation, Louisiana determined that emissions from Texas do not contribute to visibility impairment at the Breton Wilderness Class I area. Colorado confirmed during consultation that the projected emissions reductions in Texas's 2009 Plan would be adequate to meet Texas's apportioned part of reductions necessary for Colorado to meet the RPGs for the Colorado Class I areas. Based on the 2018 CENRAP projections, Missouri and Arkansas established RPGs for their Class I areas that provide for a slightly greater rate of improvement in visibility than needed to attain the URP and determined that the projected emission reductions from Texas sources included in the model were adequate for the States to meet their respective RPGs. Regarding Oklahoma, Texas and Oklahoma engaged in multiple conversations regarding Texas's potential impacts to the Wichita Mountains Class I area. Stemming from those discussions, Oklahoma requested that it be able to comment on best available control technology (BACT) determinations for PSD sources that significantly impact Wichita Mountains. Texas agreed to notify Oklahoma and the relevant FLM whenever modeling indicated that a proposed source significantly impacts Wichita Mountains. Throughout the consultation process, Oklahoma did not request any additional reductions from Texas and established a reasonable progress goal for Wichita Mountains that did not anticipate further emission reductions beyond those contemplated in Texas's 2009 Plan. For these reasons, as well as those reasons articulated in section V.B, we propose to find that Texas has satisfied the requirements of 40 CFR 51.308(d)(3)(i).

Section 51.308(d)(3)(ii) requires that if Texas emissions cause or contribute to impairment in another State's Class I area, it must demonstrate that it has included in its regional haze SIP all measures necessary to obtain its share of the emission reductions needed to meet the progress goal for that Class I area. Section 51.308(d)(3)(ii) also requires that since Texas participated in a regional planning process, it must ensure it has included all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process. As discussed

in the previous paragraphs, Texas consulted with the States that it identified for which emissions from Texas are reasonably anticipated to cause or contribute to visibility impairment at a Class I area located in that State. Through these consultation processes, none of the potentially impacted States requested that Texas include any additional measures in its 2009 Plan, and each State established RPGs that did not anticipate any additional emissions reductions from Texas sources beyond those reflected in the CENRAP modeling. For these reasons, we are proposing that Texas has met the requirements of 40 CFR 51.308(d)(3)(ii).

Section 51.308(d)(3)(iii) requires that Texas document the technical basis, including modeling, monitoring and emissions information, on which it is relying to determine its apportionment of emission reduction obligations necessary for achieving reasonable progress in each mandatory Class I area it affects. It may meet this requirement by relying on technical analyses developed by the regional planning organization and approved by all State participants. Texas relied on technical analyses developed by CENRAP and approved by all State participants, but it also performed additional technical analyses, based on Texas's expertise and knowledge of specific Texas related information. These additional analyses thus built upon the work of the regional planning organization in order to evaluate additional controls. Additionally, Texas's 2009 Plan included emissions inventory information as detailed in Chapter 7 and appendix 7–1. Texas's 2009 Plan also included a modeling assessment as detailed in Chapters 8 and appendix 8–1 of its 2009 Plan. Given the extensive technical, modeling, and monitoring information included and relied upon in Texas's 2009 Plan, we are proposing that Texas has met the requirements of 40 CFR 51.308(d)(3)(iii).

Section 51.308(d)(3)(v)(C) requires that, in developing its long-term strategy, Texas consider emissions limitations and schedules of compliance to achieve the RPGs. Texas determined that implementation of existing and ongoing control measures was adequate to achieve the RPGs established by it and other CENRAP States. As such, and for the reasons articulated in section V.A of this document to support our proposed approval of Texas's RPGs, we are proposing that Texas has met the requirements of 40 CFR 51.308(d)(3)(v)(C), finding that additional measures for Texas's long-

¹⁰² Monitoring of Protected Visual Environments (IMPROVE), <https://vista.cira.colostate.edu/Improve/rhr-summary-data/>.

¹⁰³ 40 CFR 51.308(d)(3)(i).

¹⁰⁴ 40 CFR 51.308(d)(3)(ii).

¹⁰⁵ 40 CFR 51.308(d)(3)(iii) and (iv).

¹⁰⁶ 40 CFR 51.308(d)(3)(v)(C).

¹⁰⁷ Texas First Planning Period Regional Haze SIP, page 4–2. The relevant States are Colorado, Louisiana, New Mexico, Missouri, Arkansas, and Oklahoma.

term strategy are unnecessary for this planning period.

4. Proposed Action

The regional haze program is made up of discrete planning periods with the ultimate goal of eventually achieving natural visibility in Class I areas. For each planning period, States must submit SIPs to demonstrate that progress is being made towards the goal of natural visibility, including a long-term strategy that contains measures that are necessary to make reasonable progress. As previously stated, the first planning period SIPs were due in 2007, and the planning period ended in 2018. Given Texas's consideration of the statutory factors and the explanation and justification outlined in the previous sections, we are proposing to approve the portions of Texas's 2009 Plan addressing the following requirements:

- Section 51.308(d)(1)(i)(A) and (d)(1)(ii), regarding Texas's consideration of the four statutory factors in establishing its reasonable progress goals for the Guadalupe Mountains and Big Bend National Parks;
- Section 51.308(d)(1)(i)(B), regarding Texas's calculation of the emission reductions needed to achieve the uniform rates of progress for the Guadalupe Mountains and Big Bend National Parks;
- Section 51.308(d)(2)(iii), regarding Texas's calculation of natural visibility conditions for the Guadalupe Mountains and Big Bend National Parks;
- Section 51.308(d)(2)(iv)(A), regarding Texas's calculation of the number of deciviews by which baseline conditions

exceed natural visibility conditions for the Guadalupe Mountains and Big Bend National Parks;

- Section 51.308(d)(3)(i), regarding consultation requirements with other States where emissions from Texas are reasonably anticipated to contribute to visibility impairment in any Class I area located in another State or States;
- Section 51.308(d)(3)(ii), regarding Texas securing its share of reductions necessary to achieve the reasonable progress goals at impacted Class I areas in other States;
- Section 51.308(d)(3)(iii), regarding Texas's documentation of its technical basis for which it is relying on to determine its apportionment of emission reductions necessary for those Class I areas in other States for which it affects; and
- Section 51.308(d)(3)(v)(C), regarding Texas's emission limitations and schedules for compliance to achieve the reasonable progress goals.

B. Oklahoma's 2010 Plan

As discussed in section III.B. of this document, the EPA finalized a disapproval of the portions of Oklahoma's 2010 Plan addressing the reasonable progress requirements of 40 CFR 51.308(d)(1) in our 2016 Final Rule. Because the SIP disapprovals and FIP portions of the 2016 Final Rule were vacated, the EPA now has an outstanding obligation to evaluate and act on this portion of Oklahoma's 2010 Plan.

1. Establishment of RPGs and Visibility Improvement

For each mandatory Class I Federal area located within the State, Oklahoma must establish goals (expressed in

deciviews) that provide for reasonable progress towards achieving natural visibility conditions.¹⁰⁸ The reasonable progress goals must provide for an improvement in visibility for the most impaired days over the period of the SIP and ensure no degradation in visibility for the least impaired days over the same period.¹⁰⁹

CENRAP modeling projected visibility conditions anticipated at the Wichita Mountains in 2018.¹¹⁰ This was based on the emissions reductions resulting from federal and State control programs that were either in effect at the time or with mandated future-year emission reduction schedules that predated 2018.¹¹¹ Based on the results of the four-factor analysis (discussed in the following paragraphs), the results of the CENRAP modeling, and additional information developed by CENRAP or obtained through direct consultations with States anticipated to impact visibility at Wichita Mountains, the ODEQ decided to adopt the CENRAP modeled 2018 visibility conditions as the RPGs for the Wichita Mountains Class I area.¹¹² The ODEQ established an RPG of 21.47 dv for the Wichita Mountains for 2018 for the 20% worst days.¹¹³ This represents a 2.33 dv improvement in visibility over a baseline of 23.81 dv.¹¹⁴ The ODEQ's RPG for the 20 percent worst days and 20 percent least impaired days are shown in Tables 5 and 6, which are based on information from Tables IX–2 through IX–4 of Oklahoma's 2010 Plan.

TABLE 5—OKLAHOMA CLASS I AREA REASONABLE PROGRESS GOALS ON 20% WORST DAYS

Oklahoma Class I area	Baseline conditions (dv)	Projected 2018 visibility (RPG) (dv)	Improvement projected by 2018 using RPG (dv)
Wichita Mountains	23.81	21.47	2.33

TABLE 6—OKLAHOMA CLASS I AREA COMPARISON OF REASONABLE PROGRESS GOAL TO BASELINE CONDITIONS ON 20% LEAST IMPAIRED DAYS

Oklahoma Class I area	Baseline visibility conditions (dv)	Projected 2018 visibility (dv)
Wichita Mountains	9.78	9.23

As shown in Tables 5 and 6 of this document, the ODEQ's modeled RPG for the 20% worst days shows an improvement in visibility of 2.33 dv at the Wichita Mountains in 2018 and the

modeled RPG for the 20% least impaired days shows an improvement of 0.54 dv from the baseline period.

In establishing a reasonable progress goal for any mandatory Class I area, the

State must consider four statutory factors. These factors are the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of

¹⁰⁸ 40 CFR 51.308(d)(1).

¹⁰⁹ 40 CFR 51.308(d)(1).

¹¹⁰ 2010 Plan, at 104.

¹¹¹ 2010 Plan, at 104.

¹¹² 2010 Plan, at 104–107.

¹¹³ 2010 Plan, at 104–106.

¹¹⁴ 2010 Plan, at 104–106.

compliance, and the remaining useful life of any potentially affected sources. The State must then demonstrate how these factors were taken into consideration in selecting the goal.

In its 2010 Plan, the ODEQ determined that sulfate and nitrate were the primary pollutants contributing to visibility impairment within Oklahoma, and that a large portion of these pollutants would come from point sources.¹¹⁵ As such, Oklahoma evaluated potential control measures for point sources of SO₂ and NO_x. To evaluate any additional control measures necessary for reasonable progress, the ODEQ initially relied on the same CENRAP analysis that Texas in part relied on. In considering the CENRAP analysis, Oklahoma found that it included certain controls that were already installed, prohibitively costly, technically infeasible, or otherwise unreasonable. As a result, the ODEQ conducted its own analysis that refined the CENRAP analysis for certain sources within Oklahoma. The full list of sources considered can be found in Table IX–5 of Oklahoma's 2010 Plan.

In considering the cost of compliance, the ODEQ relied on the control analysis performed by CENRAP as well as its knowledge of particular facilities and experience with implementing ozone reduction strategies.¹¹⁶ In considering the time necessary for compliance, the ODEQ determined that any such controls would have to be installed and in operation by 2018.¹¹⁷ It did not identify any detrimental nonair quality environmental impacts associated with any controls considered, and any energy impacts were factored into the cost of controls.¹¹⁸ In considering the remaining useful life of any potentially affected sources, the ODEQ stated that none of the sources considered for additional emission reductions had indicated plans to shut down.¹¹⁹ Based on the above analysis of the four factors, the ODEQ concluded that retrofitting the identified point sources of NO_x and SO₂ would impose unreasonable costs for negligible visibility improvement.¹²⁰ The ODEQ reasoned that most of the largest sources of SO₂ and NO_x were already being controlled through BART, consent decrees or other regulatory mechanisms; already had adequate controls in place; or are located too far from the Wichita Mountains, and

therefore, have too little visibility impact to justify the cost of additional controls.¹²¹

The RPGs established by Oklahoma provided for an improvement in visibility conditions for the most impaired days over the first planning period and ensured no degradation in visibility for the least impaired days over the same period. Thus, the ODEQ's RPGs for Wichita Mountains are consistent with the requirement in the RHR that they provide for an improvement in visibility for the most impaired days over the period of the SIP and ensure no degradation in visibility for the least impaired days over the same period. Additionally, Oklahoma's 2010 Plan included a demonstration showing how these factors were taken into consideration in selecting the goal. As outlined in the Fifth Circuit's 2016 stay opinion, the court stated that the EPA's prior disapproval of Oklahoma's 2010 Plan stemmed in large part from concerns that the EPA had with Texas's analysis in establishing its RPGs—concerns that the Court said were likely arbitrary and capricious. Because we are now proposing to approve Texas's 2009 Plan, we therefore propose to approve the RPGs established by Oklahoma. Specifically, we find that Oklahoma's decision to focus the analysis of the four statutory factors on emissions of NO_x and SO₂ from point sources to be reasonable, as the CENRAP modeling results and the ODEQ's analysis in sections V.F and VIII of the Oklahoma's 2010 Plan indicate that sulfate and nitrate are the predominant pollutants that affects the visibility on the worst 20% days at the Wichita Mountains, and comes primarily from point sources. Oklahoma considered the four statutory factors as required by 40 CFR 51.308(d)(1)(i)(A) in evaluating the major point sources of both SO₂ and NO_x. The ODEQ analyzed the cost of compliance by reviewing the cost information previously developed by CENRAP and made changes to the cost information based on its knowledge of the facilities. Oklahoma focused on moderate cost controls for sources likely to contribute to visibility impairment at the Wichita Mountains. In considering the time necessary for compliance, the ODEQ determined that any such controls would have to be installed and in operation by 2018. It did not identify any detrimental nonair quality environmental impacts associated with any controls considered, and any energy impacts were factored into the cost of controls. In considering the remaining useful life of any potentially affected

sources, the ODEQ stated that none of the sources considered for additional emission reductions had indicated plans to shut down. Furthermore, the ODEQ also considered the CENRAP modeling results, which indicated that Oklahoma point sources contribute only approximately 3.0 Mm^{−1} of the total 86.56 Mm^{−1} of light extinction projected at Wichita Mountains in 2018.¹²² Based on the 2016 Stay Opinion, the fact that Oklahoma considered the four factors, the relative lack of visibility impact from in-State point sources, and the fact that emissions from point sources were also being reduced through satisfying BART requirements, we agree with the ODEQ's conclusion that additional control measures are unnecessary, and therefore, propose that the requirements of 40 CFR 51.308(d)(1)(i)(A) have been met.

2. Uniform Rate of Progress and Analysis of RPGs

In establishing a reasonable progress goal for any mandatory Class I Federal area within the State, Oklahoma must analyze and determine the rate of progress needed to attain natural visibility conditions by the year 2064.¹²³ To calculate this rate of progress (URP), Oklahoma must compare baseline visibility conditions to natural visibility conditions in the mandatory Federal Class I area and determine the uniform rate of visibility improvement (measured in deciviews) that would need to be maintained during each implementation period in order to attain natural visibility conditions by 2064. In our previous final rulemaking in 2011, we found that the ODEQ appropriately calculated the URP for Wichita Mountains.¹²⁴ Therefore, the only portion of 40 CFR 51.308(d)(1)(i)(B) that we address is Oklahoma's requirement to consider the emission reduction measures needed to achieve the URP when establishing the RPG for Wichita Mountains. Section 51.308(d)(1)(ii) provides that for the period of the SIP, if Oklahoma establishes a RPG that provides for a slower rate of improvement in visibility than the rate that would be needed to attain natural conditions by 2064, it must demonstrate based on the factors in section 51.308(d)(1)(i)(A) that the rate of progress for the SIP to attain natural conditions by 2064 is not reasonable; and that the progress goal it adopted is reasonable.

¹¹⁵ 2010 Plan, 94–97; 107–114; appendix 4–2 of 2010 Plan.

¹¹⁶ 2010 Plan, 109–113; appendix 4–2 of 2010 Plan.

¹¹⁷ 2010 Plan, 109–113.

¹¹⁸ 2010 Plan, 109–113.

¹¹⁹ 2010 Plan, 109–113.

¹²⁰ 2010 Plan, 109–113.

¹²¹ 2010 Plan, 109–113.

¹²² 2010 Plan, 96–100.

¹²³ 40 CFR 51.308(d)(1)(i)(B).

¹²⁴ 76 FR 81728 (December 28, 2011).

To calculate the URP, the ODEQ compared baseline visibility conditions to natural visibility conditions at the Wichita Mountains Class I area and determined the linear rate of visibility improvement (in deciviews) that would

have to be maintained during each implementation period in order to attain natural visibility conditions by 2064. Using a baseline of 23.81 dv and a natural visibility value of 7.53 dv for the 20 percent worst days, the ODEQ

calculated the URP to be 16.28 dv, as depicted by Table 7 of this document, which is adapted from Table III–9 of the SIP:

TABLE 7—WICHITA MOUNTAINS VISIBILITY IMPROVEMENT CALCULATIONS

Baseline Conditions	23.81 dv.
Natural Visibility	7.53 dv.
Total Improvement by 2064	16.28 dv.
Improvement by 2018 at Uniform Rate of Progress	3.80 dv.
Uniform Rate of Progress	0.27 dv/year.
2018 RPG	21.47 dv.
Improvement by 2018 under Oklahoma's RPG	2.33 dv.
URP in 2018	20.01 dv.
Improvement Projected by 2018 Using 2018 RPG	2.33 dv.

After considering the URP, the results of the CENRAP modeling and the four reasonable progress factors, the ODEQ determined that meeting the URP goal for 2018 was not reasonable.¹²⁵ In its 2010 Plan, the ODEQ explained that the CENRAP control case sensitivity evaluation projected that visibility at Wichita Mountains would be improved by an additional 0.75 dv on the worst 20% days over what the ODEQ projected as its RPG of 21.47 dv for 2018, if controls were implemented at the sources that met CENRAP's combination of baseline emissions, potential for cost-effective add-on controls, and location ($21.47 - 20.72 = 0.75$).¹²⁶ This projected improvement would not be sufficient to meet the URP. Furthermore, the ODEQ noted that most of the improvement projected by the CENRAP analysis would come from controls on sources outside of Oklahoma. As such, Oklahoma adopted the 2018 projected visibility conditions from the CENRAP photochemical modeling as the RPGs for the 20% best days and 20% worst days for the Wichita Mountains. The ODEQ calculated that under the selected rate of progress, Wichita Mountains would attain natural visibility conditions in 2102.

We propose to approve the ODEQ's demonstration that it is not reasonable to meet the URP for Wichita Mountains for this planning period based on its reliance on the CENRAP analysis and modeling projections. As explained earlier in our discussion of 40 CFR 51.308(d)(1)(i)(A), Oklahoma considered the four statutory factors and established RPGs that provided for

visibility improvement at Wichita Mountains over the course of the first planning period. Neither the CAA nor the RHR rule specify the specific amount of progress that States are required to make as part of establishing their reasonable progress goal. In our prior disapproval of Oklahoma's 2010 Plan, while we agreed that further emissions reductions from Oklahoma sources beyond BART were not necessary to make reasonable progress, we expressed the concern that the consultation process with Texas failed to provide Oklahoma with the information necessary to determine the reasonable reductions from its sources given the anticipated impacts from Texas sources at Wichita Mountains. This resulted in Oklahoma being unable to consider all the emission reductions needed to meet or approach the URP. As mentioned previously, the Fifth Circuit determined that the EPA's disapproval as to this point would likely be found to be arbitrary and capricious. Specifically, the 2016 Stay Opinion highlighted that neither RHR nor the Clean Air Act explicitly require upwind States to provide downwind States with specific types of information. Given the volume of analysis produced by CENRAP, and the fact that the EPA has never before disapproved the consultation between States under the Regional Haze Rule, the court determined that the Petitioners had a likelihood of success on the merits of demonstrating that EPA's disapproval of the RPGs that Oklahoma established was arbitrary and capricious. As previously discussed, Oklahoma considered the four statutory factors in establishing its RPGs for Wichita Mountains, which provided for improvements in visibility over the course of the first planning period based on emission reductions due to BART requirements from Oklahoma sources as

well as emission reductions from Texas sources that were included in the CENRAP modeling as discussed in section V.A of this document. Oklahoma showed that further emission reductions from Oklahoma sources was not projected to achieve the URP, and after extensive consultation with Texas, Oklahoma determined that additional emission reductions from Texas sources were not necessary to meet the RPG it established. For these reasons, we are proposing that the requirements of 40 CFR 51.308(d)(1)(i)(B) and 51.308(d)(1)(ii) have been met.

Additionally, the EPA notes that there has been an overall reduction in emissions from the group of sources that Texas selected for evaluation as part of its 2009 Plan. Overall, Texas emissions were lower than projected for 2018 and consequently, monitored visibility data shows visibility improvement exceeding what had been originally projected for 2018.

3. Reasonable Progress Consultation

In developing the reasonable progress goal for Wichita Mountains, Oklahoma must consult with those States which may reasonably be anticipated to cause or contribute to visibility impairment in the Class I area.¹²⁷ In any situation in which Oklahoma cannot agree with another such State or group of States that a goal provides for reasonable progress, Oklahoma must describe in its submittal the actions taken to resolve the disagreement.¹²⁸ In reviewing Oklahoma's SIP submittal, the Administrator will take this information into account in determining whether its goal for visibility improvement provides for reasonable progress towards natural visibility conditions.¹²⁹

¹²⁵ 2010 Plan, 107–114.

¹²⁶ 2010 Plan, 109. ODEQ mistakenly referred to an estimated visibility of 20.97 dv for the control scenario instead of the correct value of 20.72 dv. See correspondence from ODEQ (Lee Warden) to EPA (Michael Feldman) on 7/14/2014.

¹²⁷ 40 CFR 51.308(d)(1)(iv).

¹²⁸ 40 CFR 51.308(d)(1)(iv).

¹²⁹ 40 CFR 51.308(d)(1)(iv).

In its 2010 Plan, the ODEQ identified several States that were projected through visibility modeling to contribute more than 1 Mm-1 of light extinction at the Wichita Mountains in 2018 and invited these States to consult. It conducted four consultations.¹³⁰ It directed its first consultation to the tribal leaders in Oklahoma and their environmental managers, on August 14, 2007.¹³¹ The ODEQ held the next three consultations as conference calls with representatives from CENRAP, the EPA, the U.S. Fish and Wildlife Service, Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, and Texas.¹³² The ODEQ received written responses from the Arkansas Department of Environmental Quality, the TCEQ, and the Missouri Department of Natural Resources.¹³³

In terms of the consultation process between Texas and Oklahoma specifically, the States exchanged a series of letters in 2007 and 2008.¹³⁴ On August 3, 2007, the ODEQ sent a letter to the TCEQ in which it noted that despite significant planned reductions in SO₂ and NO_x emissions from sources in Oklahoma and Texas, the Wichita Mountains was not projected to meet the URP. The ODEQ requested that the TCEQ require new and modified PSD sources to conduct analyses of their impacts on visibility at the Wichita Mountains and that the ODEQ be given an opportunity to review and comment on BACT determinations for proposed projects likely to have a certain impact on visibility at the Wichita Mountains. On October 15, 2007, the TCEQ sent a response to the ODEQ, agreeing that modeling showed emissions from Texas to be a significant source of visibility impairment at the Wichita Mountains. The TCEQ also noted, however, that significant reductions from Texas will be realized in the next several years. In response to the ODEQ's specific request for the opportunity to comment on BACT for new and modified major sources, the TCEQ stated that it welcomed comment during the public review and comment period and would notify FLMs and the ODEQ if modeling were to indicate that a proposed source might significantly impact the Wichita Mountains.

Several months after this initial exchange of letters, the two States again exchanged letters. On March 25, 2008, following comments made by us and the

federal land managers on Texas's draft Regional Haze SIP, the TCEQ sent a letter to the ODEQ regarding emissions that affect the Wichita Mountains. The TCEQ provided a copy of the PSAT modeling results developed by CENRAP indicating the contribution for each source area to visibility impairment at the Wichita Mountains. The TCEQ stated in the letter that PSAT modeling indicated that the probable impacts of Texas sources at the Wichita Mountains will be reduced by 2018 due to expected emission reductions from current and planned controls. The TCEQ then requested concurrence from Oklahoma on this assessment and a verification that Oklahoma was not depending on any additional reductions from Texas sources in order to meet the RPG for the Wichita Mountains. On May 12, 2008, the ODEQ sent a response to the TCEQ in which it noted that it concurred with the information the TCEQ had provided. The ODEQ stated that it had developed its RPG for the worst 20% days for the Wichita Mountains through the CENRAP deliberations and that its RPG did not anticipate emission reductions beyond those that Texas already planned to implement and upon which CENRAP modeling studies have relied.

We agree with the ODEQ's approach for identifying those States with sources that may impact visibility at the Wichita Mountains and its decision to invite those States to consult. Through the consultation process, the ODEQ was able to gain additional information regarding the potential impacts from nearby States. We also find that Oklahoma reasonably determined that additional reductions from Arkansas, Louisiana, Missouri, and Iowa were not necessary for reasonable progress based on the projected impacts from those States as demonstrated by the CENRAP modeling results.¹³⁵

In terms of its consultation with Texas, as discussed earlier in this document, the 2016 Stay Opinion explained that the Petitioners had a likelihood of success on the merits in determining that our disapproval of the 2010 Plan based on the consultation with Texas was arbitrary and capricious. We note that the States engaged in extensive discussions regarding impacts from Texas sources at Wichita Mountains.¹³⁶ The RHR does not specify what is required of States during the consultation process or dictate a specific outcome in terms of agreeing upon a reasonable progress goal. Rather, it explains the steps States must take in the event that States disagree over

whether a goal established for a particular Class I area does not provide for reasonable progress. In such situations, a State must describe in its submittal the actions taken to resolve the disagreement. As described above, the ODEQ ultimately established an RPG that did not anticipate additional reductions from Texas sources. As such, there was not a disagreement between the States. While both states agreed that there would be impacts from Texas sources at Wichita Mountains, they also agreed that there would be emission reductions from both Texas and Oklahoma sources and improvement in visibility at Wichita Mountains.¹³⁷ Because Texas and Oklahoma engaged in consultation and agreed on the RPG established by Oklahoma for Wichita Mountains, we find that Oklahoma's consultation process with Texas was adequate. For these reasons, we propose that the requirements of 40 CFR 51.308(d)(1)(iv) have been met.

4. Impact on Areas of Indian Country

Following the U.S. Supreme Court decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), the Governor of the State of Oklahoma requested approval under section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (“SAFETEA”), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State's environmental regulatory programs that were previously approved by the EPA outside of Indian country. The State's request excluded certain areas of Indian country further described below. In addition, the State only sought approval to the extent that such approval was necessary for the State to administer a program in light of *Oklahoma Dept. of Environmental Quality v. EPA*, 740 F.3d 185 (D.C. Cir. 2014).¹³⁸

The EPA has approved Oklahoma's SAFETEA request to administer all of the State's EPA-approved environmental regulatory programs in the requested areas of Indian country. As requested by Oklahoma, the EPA's approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) qualify as Indian allotments, the Indian

¹³⁰ 2010 Plan, 115, appendix 10–1.

¹³¹ 2010 Plan, 115, appendix 10–1.

¹³² 2010 Plan, 115, appendix 10–1.

¹³³ Copies of these letters can be found in appendix 10–1 of the 2010 Plan.

¹³⁴ Appendix 10–1 of the 2010 Plan.

¹³⁵ 2010 Plan, Table VIII–10.

¹³⁶ Appendix 10–1 of the 2010 Plan.

¹³⁷ Appendix 10–1 of the 2010 Plan.

¹³⁸ In *ODEQ v. EPA*, the D.C. Circuit held that under the CAA, States have the authority to implement a SIP in non-reservation areas of Indian country in the State, unless there has been a demonstration of tribal jurisdiction. Under the D.C. Circuit's decision, the CAA does not provide authority to States to implement SIPs in Indian reservations.

titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe (collectively “excluded Indian country lands”).

The EPA’s approval under SAFETEA expressly provided that to the extent the EPA’s prior approvals of Oklahoma’s environmental programs excluded Indian country, any such exclusions are superseded for the geographic areas of Indian country covered by the EPA’s approval of Oklahoma’s SAFETEA request.¹³⁹ The approval also provided that future revisions or amendments to Oklahoma’s approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).

As explained above, the EPA is proposing to approve portions of the Oklahoma 2010 Plan that relate to reasonable progress requirements for the first planning period from 2007 through 2018, which will apply statewide. Consistent with the D.C. Circuit’s decision in *ODEQ v. EPA* and with the EPA’s SAFETEA approval, these SIP revisions will apply to areas of Indian country as follows: (1) pursuant to the SAFETEA approval, the SIP revisions will apply to all Indian country in the State of Oklahoma other than the excluded Indian country lands as described above; and (2) pursuant to the D.C. Circuit’s decision in *ODEQ v. EPA*, the SIP revisions will also apply to any Indian allotments or dependent Indian communities that are located outside of any Indian reservation and over which there has been no demonstration of tribal authority.

5. Proposed Action

For the reasons described in sections V.A and V.B, we are proposing to approve the portion of the Oklahoma regional haze SIP that addressed the requirements of 40 CFR 51.308(d)(1)(i) through (v).

¹³⁹ The EPA’s prior approvals relating to Oklahoma’s SIP frequently noted that the SIP was not approved to apply in areas of Indian country (except as explained in the D.C. Circuit’s decision in *ODEQ v. EPA*) located in the State. Such prior expressed limitations are superseded by the EPA’s approval of Oklahoma’s SAFETEA request.

C. Texas’s 2014 Progress Report SIP Revision (2014 Plan)

Each State is required to submit a progress report that evaluates progress towards the RPGs for each Class I area within the State and for each Class I area outside the State which may be affected by emissions from within the State. 40 CFR 51.308(g). In addition, the provisions of 40 CFR 51.308(h) require States to submit, at the same time as the progress report, a determination of the adequacy of the State’s existing regional haze implementation plan.¹⁴⁰ The progress report for the first planning period is due five years after submittal of the initial regional haze SIP and must take the form of a SIP revision. Texas submitted its first periodic progress report SIP on March 24, 2014 (2014 Plan). The 2014 Plan assessed visibility progress toward the 2018 RPGs for two Class I areas in Texas: Big Bend and Guadalupe Mountains National Parks. The 2014 Plan also assessed visibility progress for 12 other Class I areas in six other States that may be affected by emissions from within Texas through collaboration with the Central Regional Air Planning Association (CENRAP):¹⁴¹ Caney Creek and Upper Buffalo Wilderness Areas in Arkansas; Great Sand Dunes Wilderness Area in Colorado; Breton Wilderness Area in Louisiana; Carlsbad Caverns National Park, Bosque del Apache, Salt Creek, Wheeler Peak, and White Mountain Wilderness Areas in New Mexico; Hercules Glades and Mingo Wilderness Areas in Missouri; and Wichita Mountains Wilderness Area in Oklahoma.

1. Control Measures

Section 51.308(g)(1) requires a description of the status of implementation of control measures

¹⁴⁰ The Regional Haze Rule requires States to provide in the progress report an assessment of whether the current “implementation plan” is sufficient to enable the States to meet all established RPGs under 40 CFR 51.308(g). The term “implementation plan” is defined for purposes of the Regional Haze Rule to mean any SIP, FIP, or Tribal Implementation Plan. As such, the Agency may consider measures in any issued FIP as well as those in a State’s regional haze plan in assessing the adequacy of the “existing implementation plan” under 40 CFR 51.308(g) and (h).

¹⁴¹ The CENRAP is a collaborative effort of tribal governments, State governments and various federal agencies representing the central States (Texas, Oklahoma, Louisiana, Arkansas, Kansas, Missouri, Nebraska, Iowa, Minnesota; and tribal governments included in these States) that provided technical and policy tools for the central States and tribes to comply with the EPA’s Regional Haze regulations. Due to lack of funding, CENRAP subsequently ceased to function, and States now communicate through the Central States Air Resource Agencies (CenSARA) with the other States that were part of CENRAP.

included in the first planning period regional haze SIP for achieving reasonable progress goals for Class I areas both within and outside the State. Section 51.308(g)(2) requires a summary of the emissions reductions achieved from implementing the control measures in the first planning period regional haze SIP. Chapter 2 of Texas’s 2014 Plan provides a summary of control measures and emissions reductions that were achieved from implementing those control measures included in their first planning period SIP.

As discussed previously in this document, Texas relied on participation in CAIR to satisfy the NO_x and SO₂ BART requirements for BART-eligible EGUs.¹⁴² In the 2014 Plan and its associated appendix E,¹⁴³ Texas provides information on emission allowances under CAIR compared to annual EGU emissions. The 2014 Plan also outlined the status of other measures mentioned in its 2009 Plan including the status of EGU controls for Texas ozone nonattainment areas, and the Mass Emissions Cap-and-Trade (MECT) Program in the Houston-Galveston-Brazoria ozone nonattainment area. The EPA proposes that the requirements regarding reporting the status of implementation of measures and estimation of emissions reductions from implementation of those measures for the first implementation period have been met.

2. Visibility Conditions and Changes

Section 51.308(g)(3) requires, for each Class I area within a State, an assessment of the following visibility conditions and changes, with values for most impaired and least impaired days expressed in terms of five-year averages of these annual values: current visibility conditions for the most and least impaired days; difference between current visibility conditions for the most impaired and least impaired days and baseline visibility conditions; and, change in visibility impairment for the most impaired and least impaired days over the past five years. Texas provided this information in Chapter 3 of its 2014 Plan. Texas reported the annual average visibility from the 2011 IMPROVE report for the 20 percent best (least

¹⁴² CAIR was subsequently remanded and replaced by CSAPR, which led to EPA issuing a limited disapproval of Texas’s 2009 Regional Haze SIP due to its reliance on CAIR. However, at the time that Texas submitted the progress report in 2014, all sources that were covered by CAIR continued to comply with the requirements of the program as CSAPR was vacated and subject to pending legal challenges.

¹⁴³ See Table 2–6 in Texas’s 2014 Plan (page 2–7).

impaired) and 20 percent worst (most impaired) days at Big Bend and Guadalupe Mountains National Parks.¹⁴⁴ The State calculated the change in visibility between five-year average baseline visibility conditions from 2000–2004 and the five-year average visibility conditions for 2007–2011 (the most recent period at the time of the progress report). The results were tabulated for the 20 percent best and worst days and then compared to the

2018 RPGs to determine the amount of visibility improvement achieved.¹⁴⁵

The TCEQ reported that Big Bend and Guadalupe Mountains showed improved visibility from the 2000–2004 baseline to the most recent period available (2007–2011) at the time of the 2014 Plan's submittal during the 20 percent worst days.¹⁴⁶ Both Class I areas also showed improvement from the baseline period on the 20 percent best days and satisfied the goal of no

visibility degradation for the first implementation period. The progress report showed that the visibility at Big Bend and Guadalupe Mountains during the 2007–2011 period were 0.6 and 1.9 dv, respectively, below the 2000–2004 baseline for the 20 percent worst days and 0.2 and 1.0 dv, respectively, below the baseline for the 20 percent best days as reflected in Tables 8 and 9.¹⁴⁷

TABLE 8—VISIBILITY AT TEXAS CLASS I AREAS FOR THE 20 PERCENT WORST DAYS
[Five-year avg.]

Class I area	Baseline (2000–2004) (dv)	(2007–2011) (dv)	Most recent minus baseline (dv)
Big Bend National Park	17.3	16.7	–0.6
Guadalupe Mountains National Park	17.2	15.3	–1.9

* A negative sign indicates a reduction from the baseline.

TABLE 9—VISIBILITY AT TEXAS CLASS I AREAS FOR THE 20 PERCENT BEST DAYS
[Five-year avg.]

Class I area	Baseline (2000–2004) (dv)	Most recent (2007–2011) (dv)	Most recent minus baseline (dv)
Big Bend National Park	5.8	5.6	–0.2
Guadalupe Mountains National Park	5.9	4.9	–1.0

* A negative sign indicates a reduction from the baseline

When comparing the 2018 RPGs with the observed 2007–2011 five-year visibility trends for the 20 percent worst days in the progress report, both national parks are achieving the visibility improvement needed to meet the 2018 RPGs established in the Texas 2009 Plan. Big Bend's visibility improved to almost match its 2018 RPG of 16.6 dv and Guadalupe Mountains already realized more visibility improvement than needed to meet its 2018 RPG of 16.3 dv. The EPA thus proposes to conclude that the State has adequately addressed the applicable provisions under 40 CFR 51.308(g)(3) with respect to the visibility conditions at Texas Class I areas.

3. Emissions Tracking

Section 51.308(g)(4) requires an analysis tracking the change for the previous five years in emissions of pollutants, identified by type of source

or activity, contributing to visibility impairment from all sources and activities within the State. In Chapter 4 of its 2014 Plan, Texas provides statewide emissions summaries for several source categories for inventory years 2005 (updated), 2008, and 2011.¹⁴⁸ Texas evaluated statewide trends in total emissions for NO_x, SO₂, and PM_{2.5} as compared to the modeled projections for 2018. Figure 4–1 of the 2014 Plan shows a graphic comparison of these inventory years against the modeled projections. For all pollutants, actual emissions remained below the model projections (determined by a straight line between 2002 and 2018). The EPA proposes to conclude that the State has adequately addressed the applicable provisions under 40 CFR 51.308(g)(4) regarding emissions tracking because the State compared the most recent updated emission inventory data for key visibility impairing

pollutants across Texas available at the time of progress report development with the baseline emissions used in the modeling for the regional haze plan.

4. Assessment of Anthropogenic Changes Impeding Visibility Progress

Section 51.308(g)(5) requires an assessment of any significant changes in anthropogenic emissions that have occurred over the past five years that have limited or impeded progress in reducing pollutant emissions and improving visibility. The State indicated in its 2014 Plan¹⁴⁹ that there were no significant changes in anthropogenic emissions within or outside the state that limited or impeded progress in reducing pollutant emissions and improving visibility at Big Bend or Guadalupe Mountains National Parks. Both national parks showed overall downward trends in visibility impairment on the worst days. The

¹⁴⁴ The *most and least impaired days* in the RHR for the first planning period refers to the average visibility impairment (measured in dv) for the 20 percent of monitored days in a calendar year with the highest and lowest amount of visibility impairment, respectively, averaged over a five-year period (see 40 CFR 51.301). In this notice, when we refer to “best days” we mean “least impaired” and when we refer to “worst days” we mean “most impaired.”

¹⁴⁵ See Figures 5–1 and 5–2 of the 2014 Plan (pages 5–2 and 5–3).

¹⁴⁶ Progress reports for the first implementation period used specific terms to describe time-periods. “Baseline visibility conditions” refers to conditions during the 2000 to 2004 time-period. “Current visibility conditions” refers to the most recent five-year average data available at the time the State submitted its progress report for public review.

“Past five years” refers to the five-year average previous to the five years used for “current visibility conditions.”

¹⁴⁷ See Figures 3–1 and 3–2 of the 2014 Plan (pages 3–3 to 3–4).

¹⁴⁸ 2014 Progress Report SIP Tables 4–1 through 4–3.

¹⁴⁹ See Page 5–9 of the 2014 Plan.

State's analysis of categorized emission inventories from 2005 to 2011 presented in the progress report show that no significant increases in emissions within the state are occurring to impede visibility improvement or adversely affect the two Class I areas in Texas. In the 2014 Plan, Texas identifies that visibility at both Texas Class I areas is impacted by emissions from Mexico and that no recent information is available to assess changes in international emissions. Texas also requested that the EPA initiate efforts to secure international emission reductions to further improve visibility at the Texas Class I areas. The State also reported that no significant anthropogenic emission changes occurred in other States over the past five years to limit or impede visibility in Texas. As evidence to support this, the TCEQ reported that the IMPROVE sites at Class I areas in the States of New Mexico, Colorado, and Wyoming, east to the Atlantic Ocean (except for sites near the Canadian border) show reductions in visibility impairment on the 20 percent most impaired days. The TCEQ reported these downward trends in visibility impairment as proof that sources which contribute to visibility impairment in Texas were absent of major changes in emissions that would otherwise limit or impede visibility in Texas Class I areas. The EPA agrees with Texas's conclusion that there have been no significant changes in emissions of visibility impairing pollutants which have limited or impeded progress in reducing emissions and improving visibility in Class I areas during the first planning period pursuant to 40 CFR 51.308(g)(5).

5. Assessment of Current Strategy To Meet RPGs

Section 51.308(g)(6) requires an assessment of whether the implementation plan elements and strategies are sufficient to enable Texas, or other states with Class I areas affected by emissions from Texas, to meet all their established RPGs for the first planning period. The EPA views this requirement as a qualitative assessment, in light of emissions and visibility trends and other readily available information, as to whether Class I areas affected by the state were on track to meet their 2018 RPGs. In its 2014 Plan, the TCEQ determined that the strategies outlined in the 2009 Plan were sufficient to enable Texas and other states with Class I areas affected by emissions from Texas to meet all established RPGs. The evaluation set forth in the 2014 Plan for the Class I areas in Texas was based on the controls

and RPGs established in the 2009 Plan. The TCEQ assessed the strategies in the 2009 Plan based upon projected emissions and modeling results. The 2014 Plan showed that the 2005–2011 emission trends for SO₂, NO_x, and PM, which are the main contributing pollutants to regional haze in Texas, decreased by 261,003 tpy SO₂, 212,107 tpy NO_x, and 29,335 tpy PM_{2.5}, and 215,716 tpy PM₁₀. Based on available monitored data at the time, comparing the Texas 2018 RPGs with the observed five-year 2007–2011 visibility trends for the 20 percent worst days indicated that both Texas Class I areas had, or nearly had, achieved the visibility improvement needed to meet the 2018 RPGs established in the 2009 SIP.¹⁵⁰ In the 2014 Plan, the TCEQ identified that sources in Texas also impact 12 other Class I areas in six other states.¹⁵¹ The TCEQ compared the 2018 RPGs to the monitored visibility at these areas on the 20 percent worst days for the five-year average trends from the 2000–2004 baseline, 2002–2006, and 2007–2011 periods.¹⁵² The EPA proposes to find that the State adequately addressed the applicable provisions under 40 CFR 51.308(g)(6) regarding the strategy assessment. In its 2014 Plan, Texas describes the improving visibility trends and provides an overview of emission reductions to support the determination that the regional haze plan is sufficient to meet the 2018 RPGs for Class I areas in the State and Class I areas in other States impacted by Texas emissions.

6. Review of Visibility Monitoring Strategy

Section 51.308(g)(7) requires that States conduct a review of the current visibility monitoring strategy and make any modifications to the strategy as necessary. The monitoring strategy for regional haze in Texas relies upon participation in the IMPROVE¹⁵³ network, which is the primary monitoring network for regional haze nationwide. The IMPROVE network provides a long-term record for tracking

visibility improvement or degradation. As discussed in the 2014 Plan, Texas currently relies on data collected through the IMPROVE network to satisfy the regional haze monitoring requirements. The TCEQ reported observed visibility data annually for Big Bend and Guadalupe Mountains National Parks to the EPA from the IMPROVE dataset and tracked the annual visibility index at both Class I areas for comparison of baseline, current, and natural conditions. The TCEQ continues to track these visibility trends at these sites and identified no future changes in this network. The EPA proposes to conclude that the State has adequately addressed the applicable provision under 40 CFR 51.308(g)(7) for a visibility monitoring strategy.

7. Determination of Adequacy of Existing Implementation Plan

At the same time a State is required to submit a progress report to the EPA under 40 CFR 51.308(g), States must also make a declaration of adequacy regarding the existing implementation plan under 40 CFR 51.308(h). Pursuant to 40 CFR 51.308(h), Texas provided a negative declaration under 40 CFR 51.308(h)(1) stating that no additional controls were necessary during the first implementation period and that the existing 2009 Plan is adequate for continued progress toward the established RPGs for the Class I areas in Texas and for Class I areas in other States impacted by Texas emissions. Texas made this determination based on the analysis conducted showing the emission reductions and visibility improvement trends as detailed in the preceding sections. For the reasons discussed in section V.A of this document, we are proposing to approve Texas's 2009 Plan. In section V.A of this document, we explain why Texas's conclusion that additional measures are not necessary to meet the 2018 goals. Therefore, we are proposing to approve Texas's negative declaration that no further revisions to the 2009 Plan are necessary under 40 CFR 51.308(h)(1).

8. Consultation With Federal Land Managers

Section 40 CFR 51.308(i) requires the State to provide the designated FLMs with an opportunity for in-person consultation at least sixty days prior to holding any public hearings on a SIP revision for the first implementation period. Texas consulted with FLMs on June 19, 2013. The FLM comment period was from June 19, 2013, to August 20, 2013, and comments were posted to the TCEQ website in August 2013. Texas held a public hearing on

¹⁵⁰ 2014 Progress Report, Chapter 5.

¹⁵¹ Data was marked as unavailable for Breton Wilderness in Louisiana by TCEQ.

¹⁵² 2014 Progress Report (pages 5–5 to 5–8).

¹⁵³ See 64 FR 35714, 35715 (July 1, 1999). Data from IMPROVE show that visibility impairment caused by air pollution occurs virtually all the time at most national parks and wilderness areas. The average visual range in many Class I areas (*i.e.*, national parks and memorial parks, wilderness areas, and international parks meeting certain size criteria) in the western United States is 100–150 km, or about one-half to two-thirds of the visual range that would exist without anthropogenic air pollution. In most of the eastern Class I areas of the United States, the average visual range is less than 30 km, or about one-fifth of the visual range that would exist under natural conditions.

September 24, 2013. Texas considered and responded to all comments from FLMs, the EPA, and the public. The EPA proposes to conclude that Texas has adequately satisfied the applicable FLM consultation provisions under 40 CFR 51.308(i).

9. Proposed Action

For the reasons set forth in section V.C of this document, the EPA is proposing to approve Texas's 2014 Plan as satisfying the progress report SIP requirements for the first planning period contained in 40 CFR 51.308(g), (h), and (i).

VI. Withdrawal of 2024 Proposed Partial Approval and Partial Disapproval

On July 20, 2021, the TCEQ submitted the 2021 Plan to address the State's regional haze obligations for the second planning period, which runs through 2028, in accordance with CAA sections 169A and the RHR at 40 CFR 51.308(f). On October 15, 2024, the EPA proposed to partially approve and partially disapprove the 2021 Plan under the CAA and the RHR for the program's second implementation period. In that action, the EPA proposed to find that Texas's 2021 Plan did not meet all the Regional Haze requirements for the second planning period. Specifically, the EPA proposed to disapprove the elements of the 2021 Plan related to requirements contained in 40 CFR 51.308(f)(2), (f)(3), and (i). The EPA proposed to approve the elements of the 2021 Plan related to requirements contained in 40 CFR 51.308(f)(1), (f)(4), (f)(5)¹⁵⁴ and (f)(6). The action received several adverse comments. In this notice of proposed rulemaking, the EPA is withdrawing our October 16, 2024, proposed partial approval and partial disapproval of Texas's 2021 Plan.¹⁵⁵ We are now proposing to fully approve Texas's 2021 Plan, based on a change in policy as first articulated in the recent second planning period action for West Virginia¹⁵⁶ as discussed in section VII.A of this document. Commenters who would like the EPA to consider any comments submitted on the October 16, 2024, proposed rule must resubmit such comments during the comment period for this proposed action.¹⁵⁷

¹⁵⁴ 40 CFR 51.308(f)(5) requires that the second planning period SIP revision address the requirements listed in paragraphs (g)(1) through (5).

¹⁵⁵ 89 FR 83338 (October 15, 2024).

¹⁵⁶ 90 FR 16478 (April 18, 2025).

¹⁵⁷ The rulemaking docket for the now withdrawn action is available under Docket ID EPA–R06–OAR–2021–0539 at www.regulations.gov.

VII. The EPA's Evaluation and Proposed Action on Texas's 2021 Plan

A. The EPA's Rationale for Proposing Approval

The EPA is proposing to approve Texas's submission because we have determined that Texas's 2021 Plan for the second planning period meets the applicable statutory and regulatory requirements. In this proposed action, the EPA notes that it is the Agency's policy, as announced in the EPA's recent proposed approval of the West Virginia Regional Haze SIP,¹⁵⁸ that where visibility conditions for a Class I area impacted by a State are projected to be below the URP in 2028, and the State has considered the four statutory factors, the State has presumptively demonstrated reasonable progress for the second implementation period for that area. The EPA acknowledges that this reflects a change in policy as to how the URP should be used in the evaluation of regional haze second planning period SIPs. However, the EPA finds that this policy better aligns with the purpose of the statute and RHR, which is achieving "reasonable" progress, not maximal progress, toward Congress's natural visibility goal.

In developing the regulations required by CAA section 169A(b), the EPA established the concept of the uniform rate of progress, or URP, for each Class I area. The URP is determined by drawing a straight line from the measured 2000–2004 baseline conditions (in deciviews) for the 20% most impaired days at each Class I area to the estimated 20% most impaired days natural conditions (in deciviews) in 2064. From this calculation, a URP value can be calculated for each year between 2004 and 2064. For each Class I area, there is a regulatory requirement to compare the projected visibility impairment (represented by the reasonable progress goal, or "RPG") at the end of each planning period to the URP (*e.g.*, in 2028 for the second planning period).¹⁵⁹ 40 CFR 51.308(f)(1)(vi). If the projected RPG is above the URP, then an additional "robust demonstration" requirement is

¹⁵⁸ 90 FR 16478 (April 18, 2025).

¹⁵⁹ We note that RPGs are a regulatory construct that we developed to address statutory mandate in section 169B(e)(1), which required our regulations to include "criteria for measuring 'reasonable progress' toward the national goal." Under 40 CFR 51.308(f)(3)(ii), RPGs measure the progress that is projected to be achieved by the control measures a State has determined are necessary to make reasonable progress. Consistent with the 1999 RHR, the RPGs are unenforceable, though they create a benchmark that allows for analytical comparisons to the URP and mid-implementation-period course corrections if necessary. 82 FR 3091–3092 (January 10, 2017).

triggered for each state that contributes to that Class I area.¹⁶⁰

In this proposed action, the EPA is proposing to approve Texas's 2021 Plan because the State evaluated potential additional measures, considered the four statutory factors, and the visibility conditions for affected Class I areas are anticipated to be below the 2028 URP, thus supporting the State's decision regarding reasonable progress for the second planning period.

The EPA has the discretion and authority to change policy. In *FCC v. Fox Television Stations, Inc.*, the U.S. Supreme Court plainly stated that an agency is free to change a prior policy and "need not demonstrate . . . that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better." 566 U.S. 502, 515 (2009) (referencing *Motor Vehicle Mfrs. Ass'n of United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983)). See also *Perez v. Mortgage Bankers Assn.*, 135 S. Ct. 1199 (2015). As stated above, the EPA believes that its new policy here better aligns with the purpose of the statute and RHR, which is achieving "reasonable" progress, not maximal progress, toward Congress's natural visibility goal.

In the 2017 RHR Revisions, the EPA addressed the role of the URP as it relates to a State's development of its second planning period SIP.¹⁶¹ Specifically, in response to comments suggesting that the URP should be considered a "safe harbor" and relieve States of any obligation to consider the four statutory factors, the EPA explained that the URP was not intended to be such a safe harbor.¹⁶² The EPA summarized such comments as follows:

Some commenters stated a desire for corresponding rule text dealing with situations where RPGs are equal to ("on") or better than ("below") the URP or glidepath. Several commenters stated that the URP or glidepath should be a "safe harbor," opining that states should be permitted to analyze whether projected visibility conditions for the end of the implementation period will be on or below the glidepath based on on-the-books or on-the-way control measures, and that in such cases a four-factor analysis should not be required." *Id.*

Other comments indicated a similar approach, such as "a somewhat

¹⁶⁰ 40 CFR 51.308(f)(3)(ii).

¹⁶¹ 82 FR 3078 (January 10, 2017).

¹⁶² 82 FR 3078, 3099 (January 10, 2017).

narrower entrance to a ‘safe harbor,’ by suggesting that if current visibility conditions are already below the end-of-planning-period point on the URP line, a four-factor analysis should not be required.” *Id.* The EPA was clear in its response: “We do not agree with either of these recommendations.” The EPA explained its position as follows: “The CAA requires that each SIP revision contain long-term strategies for making reasonable progress, and that in determining reasonable progress states must consider the four statutory factors. Treating the URP as a safe harbor would be inconsistent with the statutory requirement that states assess the potential to make further reasonable progress towards natural visibility goal in every implementation period.” *Id.* (footnote omitted).

However, so long as a State considers the four factors, neither the CAA nor the RHR prohibit the presumption that a Class I area below the URP is achieving reasonable progress. Indeed, we think such a policy better aligns with the statutory goal while recognizing the considerable improvements in visibility impairment that have been made by a wide variety of State and federal programs in recent decades.

The EPA’s determinations are described in more detail in following portions of section VII of this document.

B. Identification of Class I Areas

Section 169A(b)(2) of the CAA 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 RHR 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 paragraph (f)(2), which requires each state’s plan to include a long-term strategy that addresses regional haze in such Class I areas.

The EPA concluded in the 1999 RHR that “all [s]tates contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area,”¹⁶³ and this determination was not changed in the 2017 RHR. Critically, the statute and regulation both require that the cause-or-contribute assessment consider all emissions of visibility

impairing pollutants from a state, as opposed to emissions of a particular pollutant or emissions from a certain set of sources.

To address 40 CFR 51.308(f), Texas identified the two mandatory Class I areas within its borders, Big Bend National Park (Big Bend) and Guadalupe Mountains National Park (Guadalupe Mountains). Both parks are located in west Texas. Big Bend National Park (Big Bend) is in Brewster County and borders the Rio Grande and Mexico. Guadalupe Mountains National Park (Guadalupe Mountains) is in Culberson County and borders New Mexico. Both are managed by the National Park Service.

In addition to the two Class I areas in Texas, the TCEQ conducted area of influence analyses (AOIs) paired with emissions-over-distance (Q/d) analyses for 11 Class I areas in other states including Louisiana, Arkansas, Colorado, Missouri, Oklahoma, and New Mexico. The AOIs were generated using ammonium sulfate and ammonium nitrate extinction-weighted residence times (EWRT).¹⁶⁴ The Class I areas included in the analysis from Texas and neighboring states are presented in Table 10, which is taken from Table 7–3: *Class I Areas included in AOI Analyses* of the 2021 Texas Regional Haze Plan.¹⁶⁵

TABLE 10—CLASS I AREAS INCLUDED IN AOI ANALYSES OF THE 2021 TEXAS REGIONAL HAZE PLAN

Site	Code	State	County	Latitude	Longitude
Big Bend National Park	BIBE1	TX	48043	29.3027	– 103.178
Breton Island	BRIS1	LA	22075	30.10863	– 89.76168
Caney Creek	CACR1	AR	05113	34.4544	– 94.1429
Great Sand Dunes	GRSA1	CO	08003	37.7249	– 105.5185
Guadalupe Mountains National Park	GUMO	TX	48109	31.833	– 104.8094
Hercules-Glades	HEG1	MO	29213	36.6138	– 92.9221
Mingo	MING1	MO	29207	36.9717	– 90.1432
Rocky Mountain National Park	ROMO1	CO	08069	40.2783	– 105.5457
Salt Creek	SACR1	NM	35005	33.4598	– 104.4042
Upper Buffalo Wilderness	UPBO1	AR	05101	35.8258	– 93.203
Wheeler Peak	WHPE1	NM	35055	36.5854	– 105.42
White Mountain	WHIT1	NM	35027	33.4687	– 105.5349
Wichita Mountains	WIMO1	OK	40031	34.7323	– 98.713

The EPA finds that Texas’s identification of out of state Class I areas Texas sources potentially affect was reasonable. While we previously raised some concerns in our now-withdrawn 2024 proposal about Texas not specifically identifying the Bosque del Apache (BOAP) Class I area in New Mexico, Texas’s 2021 Plan did identify multiple Class I areas in New Mexico,

including the Salt Creek Wilderness Area and the White Mountain Wilderness Area. BOAP is further west than the Class I areas Texas considered, and further from Texas, resulting in larger distance (d) from Texas sources and lower Q/d values that would not have resulted in any additional sources being selected for further evaluation using the four statutory factors. Upon

further review of Texas’s 2021 Plan, the EPA is proposing that Texas adequately addressed the elements of 40 CFR 51.308(f) and (f)(2) regarding identification of Class I areas within the State and outside the State that may be affected by emission from within Texas.

¹⁶³ 64 FR 35714, 35721 (July 1, 1999).
¹⁶⁴ 2021 Plan at 7–6. Extinction-weighted residence time is calculated from the time that a particular back-trajectory from a Class I area spent

in the grid square containing the individual emission source of interest (residence time) weighted by the extinction coefficient for the visibility precursor (sulfate and nitrate).

¹⁶⁵ For the purposes of the AOI analysis, Carlsbad Caverns was represented by data from the Guadalupe Mountains National Park monitor. See 2021 Texas Regional Haze Plan at 1–5.

C. 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 URP. This section also provides the option for states to propose adjustments to the URP line for a Class I area to account for visibility impacts from anthropogenic sources outside the United States and/or the

impacts from wildland prescribed fires that were conducted for certain, specified objectives.¹⁶⁶

In Chapter 4 of the 2021 Texas Regional Haze Plan, Texas determines and presents the baseline, natural, and current visibility conditions for both the 20 percent most anthropogenically impaired days and the 20 percent clearest days for the State’s two Class I Areas consistent with the EPA’s RHR and guidance. In the 2021 Texas Regional Haze Plan, Texas used visibility data from IMPROVE monitoring sites to calculate baseline visibility conditions. Consistent with the RHR, Texas calculated baseline visibility based on data from 2000–2004. For Big Bend specifically, baseline visibility conditions are based on valid data for 2001 through 2004 because 2000 did not meet completeness

criteria.¹⁶⁷ Baseline visibility indices for Big Bend and Guadalupe Mountains are presented in the 2021 Texas Regional Haze Plan in Table 4–4. In our review, we identified that the information provided by Texas in Chapter 4 of its 2021 Regional Haze Plan as to the baseline and current conditions on the 20 percent clearest days is inconsistent with the IMPROVE monitoring data and information presented in Chapter 8. Based on the information in Table 8–42 of the 2021 Regional Haze Plan, Texas identifies the correct data set for where this information is located but presents the incorrect data in Chapter 4. Based on the data source that Texas identified in Chapter 8, we present information in Tables 11–13 consistent with information in Chapter 8 of its Plan and the IMPROVE monitoring data.¹⁶⁸

TABLE 11—ESTIMATE OF BASELINE VISIBILITY CONDITIONS (2000–2004) FOR CLASS I AREAS IN TEXAS

Class I area	Most impaired haze index (dv)	Clearest haze index (dv)
Big Bend	15.57	5.78
Guadalupe Mountains	14.60	5.92

Using the revised IMPROVE algorithm¹⁶⁹ and the methodology described in the 2018 Visibility

Tracking Guidance, Texas determined natural visibility conditions for Big Bend and Guadalupe Mountains,

presented in Table 4–3 of the 2021 Plan, and included in the following Table 12.

TABLE 12—ESTIMATE OF NATURAL VISIBILITY CONDITIONS FOR CLASS I AREAS IN TEXAS

Class I area	Most impaired haze index (dv)	Clearest haze index (dv)
Big Bend	5.33	1.62
Guadalupe Mountains	4.83	0.99

The current visibility conditions, which are based on 2014–2018

monitoring data, are presented in the 2021 Plan in Table 4–5 with corrected

values included in the following Table 13.

TABLE 13—ESTIMATE OF CURRENT VISIBILITY CONDITIONS (2014–2018) FOR CLASS I AREAS IN TEXAS

Class I area	Most impaired haze index (dv)	Clearest haze index (dv)
Big Bend	14.06	5.17
Guadalupe Mountains	12.64	4.73

While the 2021 Plan does not specifically present the differences between current visibility conditions

and natural visibility conditions as well as the progress to date, we include these calculations using the corrected

information in the following Tables 14 and 15.

¹⁶⁶ 40 CFR 51.308(f)(1)(vi)(B).

¹⁶⁷ See 2021 Texas Regional Haze Plan at 4–4.

¹⁶⁸ <https://views.cira.colostate.edu/fed/>. See also 2020 Data Completeness Memo, Table 1.

¹⁶⁹ Marc Pitchford et al., *Revised Algorithm for Estimating Light Extinction from IMPROVE Particle*

Speciation Data, J. Air & Waste Mgmt. Ass’n 1326, 1326–1336 (2007), <https://doi.org/10.3155/1047-3289.57.11.1326>.

TABLE 14—PROGRESS TO DATE (DIFFERENCES BETWEEN BASELINE AND 2014–2018 CURRENT CONDITIONS) FOR CLASS I AREAS IN TEXAS

Class I area	Most impaired (dv)	Clearest haze (dv)
Big Bend	1.51	0.61
Guadalupe Mountains	1.96	1.19

TABLE 15—DIFFERENCES BETWEEN 2014–2018 CURRENT AND NATURAL CONDITIONS FOR CLASS I AREAS IN TEXAS

Class I area	Most impaired (dv)	Clearest haze (dv)
Big Bend	8.73	3.55
Guadalupe Mountains	7.81	3.74

The RHR allows states the option to adjust the 2064 glidepath endpoint to account for both international anthropogenic and certain prescribed fire impacts at Class I areas. EPA's 2018 Visibility Tracking Guidance¹⁷⁰ provides recommendations to assist states in satisfying their obligations under 40 CFR 51.308(f)(1); specifically, in developing information on baseline, current, and natural visibility conditions, and in making optional adjustments to the URP to account for the impacts of international anthropogenic emissions and prescribed fires.¹⁷¹

Texas used its own CAMx modeling to adjust the URP to account for international anthropogenic emissions consistent with one of the approaches identified in EPA's 2018 Visibility Tracking Guidance.¹⁷² Specifically, Texas performed a brute force "zero-out" model run in combination with other model runs. As explained in greater detail in the 2020 Ramboll modeling report, this approach generally involves at least two or three model runs: one "base case" run (2016 in this case) with all emissions, one future base case run (2028 in this case) with all the future case emissions, and one with anthropogenic emissions from outside of the U.S. removed from the future base case simulation "zero-out".¹⁷³ The difference between these simulations provides an estimate of the air quality impact due to the international anthropogenic

emissions.¹⁷⁴ Texas's adjusted URP for Big Bend and Guadalupe Mountains are presented in Figures 8–28 and 8–29 of its 2021 Texas Regional Haze Plan. Texas's adjusted URP in 2028 on the 20% most impaired visibility days is 14.38 deciviews for Big Bend and 12.81 for Guadalupe Mountains.¹⁷⁵ In the EPA's September 2019 Availability of Modeling Data and Associated Technical Support Document for the EPA's Updated 2028 Visibility Air Quality Modeling memorandum¹⁷⁶ (EPA 2019 Modeling TSD), the EPA used 2028 modeling results to quantify the international impacts at Class I areas on the 20% most anthropogenically impaired days. The results for Big Bend and Guadalupe Mountains provided for in Texas's modeling are within the range of 2028 adjusted glidepath values provided for in the EPA 2019 Modeling TSD.¹⁷⁷

The EPA finds that the visibility condition calculations for the two Texas Class I Areas meet the requirements of 40 CFR 51.308(f)(1). Therefore, the EPA proposes to approve the portions of the 2021 Texas Regional Haze Plan relating to 40 CFR 51.308(f)(1).

D. Long-Term Strategy for Regional Haze

1. Four Factor Analysis

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.¹⁷⁸ 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)." ¹⁷⁹ The amount of progress that is "reasonable progress" is based on consideration of the four statutory factors in CAA 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. 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.

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. The RHR provides states flexibility in selecting sources, and to that end, 40 CFR 51.308(f)(2)(i) requires States to provide a description of the criteria it used to determine which sources or groups of sources it will consider for potential four-factor control analysis. A threshold question at this step is which visibility impairing pollutants will be analyzed. Texas focused on NO_x and SO₂ emissions from point sources in its control strategy analysis for the second planning period. Texas explained these are the main anthropogenic pollutants that affect visibility at Class I areas in Texas and Class I areas in neighboring states. Texas further stated that, "on an individual basis, point sources are the largest contributors to SO₂ and NO_x," and thus

¹⁷⁰ 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://www3.epa.gov/ttnamti1/files/ambient/visible/tracking.pdf>.

¹⁷¹ See 82 FR 3078, 3103–05 (January 10, 2017).

¹⁷² 2018 Visibility Tracking Guidance at pg. 20.

¹⁷³ Ramboll Final Report: Regional Haze Modeling to Evaluate Progress in Improving Visibility (June 25, 2020).

¹⁷⁴ 2018 Visibility Tracking Guidance at pg. 20; Ramboll Final Report: Regional Haze Modeling to Evaluate Progress in Improving Visibility (June 25, 2020), pg. 27.

¹⁷⁵ 2021 Texas Regional Haze Plan, Table 8–43 at 8–59 and Table 8–46 at 8–67.

¹⁷⁶ Availability of Modeling Data and Associated Technical Support Document for the EPA's Updated 2028 Visibility Air Quality Modeling. <https://www.epa.gov/visibility/technical-support-document-epas-updated-2028-regional-haze-modeling>. The EPA Office of Air Quality Planning and Standards, Research Triangle Park (September 19, 2019).

¹⁷⁷ EPA 2019 Modeling TSD at 54, 56, and Table 5–2 at 59.

¹⁷⁸ CAA section 169A(b)(2)(B).

¹⁷⁹ 40 CFR 51.308(f)(2).

Texas elected to focus on point sources in this planning period.¹⁸⁰

To determine the necessary emission reductions measures, a state must first select the sources to evaluate. Texas's source selection methodology relied on a two-step approach. As the first step for source selection, Texas developed NO_x and SO₂ areas of influence (AOIs) for thirteen ¹⁸¹ Class I areas (in Texas and nearby states) to identify areas that may contain sources of NO_x and SO₂ that were expected to contribute to visibility impairment at these areas. The AOIs are graphical representations of the extinction weighted residence time (EWRT), which combines air flow patterns with ammonium sulfate and ammonium nitrate extinction measured at IMPROVE monitors at the Class I areas on the 20% most impaired days. At the second step, Texas then applied a Q/d threshold for NO_x and for SO₂ of greater than or equal to five to point sources located within the geographical area of the selected AOI threshold.¹⁸² Following this methodology, Texas selected 18 sources for further analysis of controls for either NO_x emissions, SO₂ emissions, or both depending on whether the source had a Q/d over 5 for either NO_x or SO₂ and was within the relevant AOI.¹⁸³ Put another way, if a source was within the AOI and above the Q/d threshold for NO_x, this triggered analysis for potential control retrofit or production changes for that pollutant. If an emissions unit triggered analysis for both NO_x and SO₂, control strategies for both pollutants were analyzed separately and concurrently.

Texas conducted analyses that evaluated potential emission reduction measures using the four statutory factors for 15 out of the 18 selected sources.¹⁸⁴

For EGUs, Texas considered and evaluated dry sorbent injection (DSI) at a 90% control efficiency, spray dryer absorber (SDA) at a 95% control efficiency, and wet limestone scrubbing systems (wet FGD) at a 98% control efficiency as potential SO₂ control options, and selective catalytic reduction (SCR) at a 98% control efficiency and selective non-catalytic reduction (SNCR) at a 50% control efficiency as potential NO_x controls.¹⁸⁵ For EGUs with existing SO₂ controls, Texas considered and evaluated upgrading the control efficiency of the existing controls to achieve a control efficiency of 95%.¹⁸⁶ For non-EGUs, Texas considered various NO_x and SO₂ control options depending on the type of source and whether it had existing controls.¹⁸⁷ For three of the sources, the Orange Carbon Black Plant, the Oxbow Coke Calcining Plant, and the Streetman Lightweight Aggregate Plant, Texas determined that there were no technically feasible controls.¹⁸⁸

In terms of the cost of compliance factor, Texas performed a cost analysis for each control option determined to be technically feasible for all selected EGUs and non-EGUs to arrive at a cost per ton of emissions reduced for controls.¹⁸⁹ The TCEQ estimated the capital cost of air pollution control equipment or methods using the most recent data available from Sargent and Lundy for EGUs without existing controls, data and information from previous analyses for EGUs with existing SO₂ controls, and cost data and information from the EPA, literature, and a vendor for non-EGUs.¹⁹⁰ Annual operating and maintenance costs associated with the potential control measure were estimated from the same data and information used for estimating capital costs for each source.¹⁹¹ The annualized capital cost was then summed with the annual operating cost for a control measure to arrive at a final total annualized cost, for each potential control option.¹⁹² After estimating total potential emission reductions of each NO_x and SO₂ control option using baseline emissions for EGUs and non-EGUs, the total

annualized cost was divided by the tons of pollutant emissions reduced to estimate the cost per ton of emissions reduced.

In terms of the time necessary for compliance factor, Texas generally found that the time necessary for a single source to design, build, and install SO₂ scrubbing technology is anticipated to be about three years.¹⁹³ Texas also found that the time needed to build and commence operation of dry sorbent injection (DSI) technology could be less given that scrubbing vessels would not need to be constructed. Texas found that the time to design, build, and install the various NO_x control technologies would also be about three years.¹⁹⁴

In terms of the energy and nonair quality environmental impacts of compliance factor, Texas included such impacts for a particular control measure, to the extent quantifiable, in the cost estimates.¹⁹⁵ In terms of the remaining useful life factor, Texas also considered this factor in as part of its cost estimates for potential control measures. Specifically, the TCEQ considered the remaining useful life in evaluating and selecting an appropriate capital recovery factor.¹⁹⁶ The TCEQ evaluated annualized capital costs of control, and subsequently total annualized costs and costs per ton, based on capital recovery factors of five, 15, and 30 years.¹⁹⁷ Texas ultimately determined that a capital life of 15 years was a reasonable 'mid-point' given that some of the selected Texas EGUs could not reasonably be expected to operate an additional 30 years and the difficulty in estimating remaining source life for non-EGUs.¹⁹⁸ Texas also recognized that a capital life of five years may be too short since most of the units selected for cost control analysis for this planning period could reasonably be expected to continue to operate longer than five years.¹⁹⁹ Additional information and detail about Texas's control strategy analysis and consideration of the four statutory factors can be found in Chapter 7 and appendix B of Texas's 2021 Plan.

After characterizing the four statutory factors, Texas weighed the costs of compliance factor and projected visibility benefits of potential controls. Although visibility impact is not one of the factors required for consideration

¹⁸⁰ 2021 Texas Regional Haze Plan at 7–3.

¹⁸¹ As discussed previously in section IV.C. of this document, the monitor for Guadalupe Mountains also serves as the monitor for Carlsbad Caverns in New Mexico.

¹⁸² To calculate the Q/d for point sources, the TCEQ used 2028 projected emissions (Q in tons per year) and distance from the Class I area monitor to the source (d in kilometers). For non-EGUs, Texas estimated 2028 future year emissions from 2016 reported emissions from the State of Texas Air Reporting System (STARS) coupled with growth factors developed by the consulting firm, Eastern Research Group, Inc. (ERG) See 2021 Texas Regional Haze Plan at 7–9. For EGUs, the TCEQ used data from the Eastern Regional Technical Advisory Committee (ERTAC) to estimate EGU projections for 2028. See 2021 Texas Regional Haze Plan at 7–9. Additional information that Texas used in developing its 2021 Plan is available in the docket for this action.

¹⁸³ 2021 Plan, at 7–2—7–9.

¹⁸⁴ For one EGU, Oak Grove Steam Electric Station, Texas determined that both units at the source already operated wet limestone scrubbers that are achieving over 98 percent control efficiency. Further information on the controls

considered, and the control analysis conducted can be found in appendix B of Texas's 2021 Plan.

¹⁸⁵ 2021 Plan, appendix B at B–1.

¹⁸⁶ 2021 Plan, appendix B at B–1 and B–5 to B–6.

¹⁸⁷ 2021 Plan, appendix B at B–1.

¹⁸⁸ 2021 Plan, appendix B at B–9 to B–11.

¹⁸⁹ 2021 Plan, 7–11 to 7–12, appendix B. Additional information that Texas used in developing its 2021 Plan is available in the docket for this action.

¹⁹⁰ 2021 Plan, 7–11 to 7–12, appendix B.

¹⁹¹ 2021 Plan, 7–11 to 7–12.

¹⁹² 2021 Plan, 7–11 to 7–12.

¹⁹³ 2021 Plan at 7–13.

¹⁹⁴ 2021 Plan at 7–13.

¹⁹⁵ 2021 Plan at 7–12, 7–14.

¹⁹⁶ 2021 Plan at 7–12.

¹⁹⁷ 2021 Plan at 7–12.

¹⁹⁸ 2021 Plan at 7–12.

¹⁹⁹ 2021 Plan at 7–12.

under the CAA and the RHR, Texas opted to evaluate and consider the visibility benefits from selected control measures evaluated in the four-factor analysis by conducting photochemical sensitivity modeling.²⁰⁰ Texas relied on both the total annualized costs of controls in considering the costs of compliance, which it calculated was over \$200 million, and the lack of a perceptible improvement in visibility at

any Class I area, in determining that it was not reasonable to include any additional control measures in its long-term strategy to make reasonable progress.²⁰¹

In accordance with EPA's new policy discussed in section VII.A of this document, if a State has considered the four statutory factors and visibility conditions at the Class I areas to which the State contributes are below the 2028

URP, then the State has demonstrated that it has made reasonable progress for the second planning period. Further, as illustrated in Table 16 of this document, Texas's modeling projects that visibility conditions at all Class I areas except potentially one (discussed further in subsequent paragraphs) to which Texas potentially contributes will be below the URP in 2028.²⁰²

TABLE 16—TEXAS MODELING VISIBILITY PROJECTIONS FOR CLASS I AREAS

Class I area (IMPROVE, ID, State)	2028 Adjusted glidepath (dv)	Future year (2028) 20% most impaired days (dv)	Future year (2028) 20% clearest days (dv)
Big Bend National Park (BIBE, TX)	14.4	14.2	4.9
Guadalupe Mountains N.P. (GUMO, TX)	12.8	12.2	4.5
Breton Island W.A. (BRIS, LA)	19.8	18.3	11.3
Caney Creek W.A. (CACR, AR)	18.8	17.1	7.8
Great Sand Dunes W.A. (GRSA, CO)	8.2	7.3	2.6
Wichita Mountains W.A. (WIMO, OK)	17.4	16.7	7.7
White Mountain W.A. (WHIT, NM)	10	9.5	2.2
Salt Creek W.A. (SACR, NM)	13.5	13.9	6.2
Wheeler Peak W.A. (WHPE, NM)	6.5	5.3	0.1
Upper Buffalo W.A. (UPBU, AR)	19.2	16.7	7.9
Hercules-Glades W.A. (HEGL, MO)	19.6	17.4	9.1
Rocky Mountain N.P. (ROMO, CO)	9.2	7.3	1.1
Mingo W.A. (MING, MO)	20.2	18.6	10.6

The purpose of the long-term strategy is to make reasonable progress toward Congress's national goal. Therefore, if the state has considered the four statutory factors and a Class I area is below the URP, it has presumptively made reasonable progress for the planning period. In this instance, because Texas presumptively made and

will continue to make reasonable progress for this planning period, it thus follows that it is reasonable for Texas to conclude that additional emission measures are not necessary to make reasonable progress, and therefore, additional emission measures are not necessary for inclusion in Texas's long-term strategy for the second planning

period. Overall point source inventory trends based on Texas's annual inventory also supports the idea that visibility conditions are likely to continue to improve. Table 17 of this document shows the point source emission data of NO_x and SO₂ from 2018 to 2023.

TABLE 17—TEXAS POINT SOURCE EMISSIONS DATA (NO_x AND SO₂)
[2018 to 2023]

Pollutant (tpy)	2018	2019	2020	2021	2022	2023
SO ₂	282,000	215,000	192,000	212,000	188,000	159,000
NO _x	248,000	240,000	217,000	218,000	222,000	213,000

As illustrated in Table 17 of this document, SO₂ emissions from point sources decreased 123,000 tons over the five-year period between 2018 and 2023. Similarly, NO_x emissions decreased over 30,000 tons over the same five-year period. Given that SO₂ and NO_x are the main anthropogenic pollutants that affect visibility at Class I areas in Texas and Class I areas in neighboring states, these trends in emissions from point sources support the decision that additional emission measures are not necessary for inclusion in Texas's long-

term strategy for the second planning period.

In light of these facts and EPA's new policy approach, the EPA agrees with Texas's conclusion that no additional control measures are necessary for inclusion in its long-term strategy and that emission reductions from state and federal programs already in place are sufficient to make reasonable progress during the second planning period.

2. Salt Creek Wilderness Area

In developing their second planning period SIP revisions, States relied on

photochemical modeling to project future visibility conditions and evaluate the impact of identified emissions reductions on visibility in Class I areas. The TCEQ performed its own photochemical modeling with the assistance of a contractor (Ramboll). Because of the time intensive nature of photochemical modeling, the TCEQ began the modeling process well in advance of the July 31, 2021, deadline set forth in the Regional Haze Rule for states to submit SIP revisions for the

²⁰⁰ 2021 Plan at 7–14 to 7–17.

²⁰¹ 2021 Plan, 7–14 to 7–17.

²⁰² 2021 Plan, Table 8–43.

second planning period.²⁰³ Texas's 2021 Plan identified that the projected 2028 visibility conditions for Class I areas influenced by emissions from Texas sources are all below the adjusted uniform rate of progress (URP) except for the Salt Creek Wilderness Area in New Mexico (Salt Creek).

In addition to the modeling the TCEQ performed, there was other photochemical modeling conducted for use by States as part of their second planning period SIP revisions. For example, the Western Regional Air Partnership (WRAP) conducted modeling that was used by several member states in developing their second planning period plans, including New Mexico.²⁰⁴ The EPA also conducted photochemical modeling in 2019, for states to use if they wished, that provided visibility projections for all Class I areas, including Salt Creek.²⁰⁵ Similar to Texas, both WRAP and EPA began the modeling process well in advance of the July 31, 2021, deadline set forth in the Regional Haze Rule for states to submit SIP revisions for the second planning period with Texas developing and finalizing their modeling earlier than the WRAP modeling that New Mexico is utilizing. Likewise, the EPA's modeling was completed and shared in 2019 prior to the TCEQ or WRAP modeling being completed.²⁰⁶ As such, the emissions inventory and anticipated reductions included in the modeling were based on information known at the time, and therefore, the modeled values for 2028 at Salt Creek are different for the Texas and WRAP/New Mexico, and EPA

modeling. Thus, it is reasonable to expect that all three of these modeling analyses would have differences in visibility projections for Salt Creek in 2028 as well differences in how they adjusted the URP glidepath.

New Mexico has not finalized its second planning period SIP revision, and thus, the State has not finalized its long-term strategy, established a final visibility projection (the reasonable progress goal) for Salt Creek, or calculated the adjusted URP for 2028 for Salt Creek. To date, New Mexico has gone out for public comment on its draft regional haze plan for the second planning period and is working towards a final plan to submit to EPA.²⁰⁷ Thus, at the time Texas submitted its 2021 Plan, Texas could not know for certain whether New Mexico would project that visibility conditions at Salt Creek would be above the adjusted URP glidepath in 2028 in its second planning period SIP.

While the TCEQ's modeling, the WRAP modeling that New Mexico is using, and the EPA modeling project that the visibility conditions in 2028 at Salt Creek will be above their respective adjusted glidepaths, the three models have different projected visibility conditions in 2028 as well as different adjusted URPs. As a result, the EPA has performed some additional analysis that considers the different modeling conducted by the TCEQ, WRAP, and the EPA of Salt Creek visibility conditions. In addition, EPA analyzed more recent monitoring data and trends at Salt Creek. The EPA's full analysis is presented in a technical memorandum, "EPA's Salt Creek Supplemental

Analysis Memorandum", included in the docket for this action (EPA Salt Creek Memo).²⁰⁸ We summarize our analysis in the following paragraphs. We conclude that based on consideration of recent visibility trends at Salt Creek, conservatism in the TCEQ's modeling, and additional emission reductions not captured by any of the models used to project visibility conditions in 2028, the 2028 visibility projection for Salt Creek is likely to be on or below the adjusted 2028 URP glidepath.

Because of the time intensive nature of photochemical modeling, the TCEQ began the modeling process well in advance of the July 31, 2021, deadline set forth in the RHR for States to submit SIP revisions for the second planning period. Because several years have passed since the modeling was performed, with the TCEQ's modeling using 2014–2018 monitoring data for projection to the 2028 future case (just five years from the most recent monitoring data), it is useful to consider and compare more recent monitoring data and trends with the visibility projections provided by the modeling. More recent monitoring data from the IMPROVE monitoring network indicates that visibility conditions at Salt Creek are improving at a faster rate than the modeling projected for Salt Creek. The recent IMPROVE data from Salt Creek for the latest 5-year average (2019–2023) is 14.3 dv.²⁰⁹ In Table 18, we include a summary of the recent monitoring data compared to the projected visibility conditions in 2028 from the three different models mentioned above.

TABLE 18—MODELING AND MONITORING ANALYSIS OF MOST IMPAIRED DAYS AT SALT CREEK

Analysis	2028 Adjusted glidepath point (dv)	2028 Projected value (dv)	2019–2023 Avg. monitored value (dv)	2023 Adjusted glidepath point (dv)
TCEQ SIP (2021)	13.5	13.9	14.3	14.10
WRAP Modeling	14.0	14.6	14.3	14.54
EPA Modeling	²¹⁰ 13.8	14.49	14.3	14.34

²⁰³ Information on Texas's modeling can be found in Chapter 8 of its 2021 Plan, appendices D–G of its 2021 Plan, and the Ramboll Final Report: Regional Haze Modeling to Evaluate Progress in Improving Visibility (June 25, 2020). The Ramboll Final Report is included in the docket for this action.

²⁰⁴ Multiple sources available on WRAP Technical Support System <https://views.cira.colostate.edu/tssv2/>. EPA downloaded IMPROVE monitoring data, modeling reports, emissions data and data sources, and source apportionment results and modeling results. See also WRAP Technical Support System for Regional Haze Planning: Modeling Methods, Results, and

References, September 30, 2021, available in the docket for this action and at https://views.cira.colostate.edu/tssv2/Docs/WRAP_TSS_modeling_reference_final_20210930.pdf.

²⁰⁵ "Technical Support Document for EPA's Updated 2028 Regional Haze Modeling", Office of Air Quality Planning and Standards United States Environmental Protection Agency, September 2019.

²⁰⁶ *Id.*

²⁰⁷ Information on the status of New Mexico's Second Planning Period SIP Revision can be found at <https://www.env.nm.gov/air-quality/reg-haze/>.

²⁰⁸ EPA analysis of Salt Creek National Wildlife Refuge Modeling and Monitoring Data related to 2028 Uniform Rate of Progress in Review of Texas

Second Regional Haze SIP, available in the docket for this action.

²⁰⁹ "SaltCreek_Monitored Visibility Data.xlsx" is available in the docket for this action.

²¹⁰ EPA's guidance indicated a preferred approach that yields 13.8 dv in this case. Alternate methods indicated in EPA guidance result in a range of 12.68 dv to 13.98 dv. Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program (December 20, 2018), and EPA, 2019. Technical Support Document for EPA's Updated 2028 Regional Haze Modeling, Office of Air Quality Planning and Standards United States Environmental Protection Agency. September.

As illustrated in Table 18 of this document, the 2019–2023 monitoring data is already 0.3 dv and 0.19 dv below the projected 2028 values of WRAP and EPA modeling respectively and on pace to be lower than expected based on Texas’s modeling. In fact, the 2019–2023 monitoring value is currently below the adjusted 2023 glidepath based on two of the three modeling analyses.²¹¹ Extrapolating the annual average most impaired days to the future, the 2028 visibility conditions are extrapolated to be 13.4 dv.²¹² Based on these trends, natural conditions (as adjusted by Texas) would be reached earlier than 2064. See EPA’s Salt Creek Memo for a figure illustrating this extrapolation. Using this extrapolation approach also shows that visibility conditions in 2028 would be below Texas’s adjusted glidepath in 2028 as well as New Mexico’s and EPA’s 2028 adjusted glidepath. Thus, the recent monitoring data trends show that visibility conditions at Salt Creek will likely not only be better than what any of the three models projected but will also be below each of the adjusted glidepaths calculated using the TCEQ, WRAP, or EPA modeling.

While the recent monitoring data indicates Salt Creek is trending to be below the glidepath (if the monitoring trends continue), in the Salt Creek memo we also evaluated the model setup and inputs of the Texas modeling compared to the modeling conducted by WRAP and the EPA. In this document, we highlight a few important points. First, we note that while the TCEQ’s modeling projected Salt Creek to be above the 2028 glidepath point, its adjustment to the 2064 endpoint was less than both the WRAP/New Mexico and the EPA’s adjustments. In other words, the TCEQ’s analysis includes the

smallest adjustment of the three 2064 endpoints and is thus more conservative than the WRAP and EPA adjustment. As explained in the EPA’s 2018 technical guidance for tracking visibility progress,²¹³ there are several potential ways to quantify international anthropogenic impacts in Class I areas. The simplest approach is to perform brute force “zero-out” model runs, which involves at least two model runs: one “base case” run with all emissions, and one with anthropogenic emissions from outside of the U.S. removed from the original base case simulation. The difference between these simulations provides an estimate of the air quality impact due to the international anthropogenic emissions. An alternative approach to isolating international anthropogenic impacts in photochemical grid models is “photochemical source apportionment.” Source apportionment can be used to directly track PM formed from international anthropogenic emissions sources in a single model run.

The EPA and WRAP used source apportionment tools to assess international emissions in the CAMx modeling domain. The TCEQ, on the other hand, did a base run and a zero-out run that set all international anthropogenic emissions within the CAMx modeling domain to zero.²¹⁴ Texas then calculated the difference between the two model runs to quantify the international anthropogenic emissions impact in the CAMx modeling domain. While both approaches are technically appropriate, the TCEQ’s zero-out modeling approach of removing emissions from international sources has an impact on the amount of ammonia available to react with U.S. emissions to form visibility impairing particulate. The

removal of these emissions increases the amount of ammonia available to react with the U.S. anthropogenic emissions. Because of this, it is likely that the TCEQ’s zero-out approach results in more light extinction attributed to the U.S. modeled emission sources and underestimates the total contribution from international anthropogenic emissions. This would result in the 2064 adjusted endpoint being lower and a steeper adjusted glide path (and lower 2028 URP value). In other words, if Texas’s modeling used source apportionment instead of zero-out, the 2028 adjusted glidepath would be higher than 13.5 dv, thus making it more likely that the TCEQ’s modeling results (considering other issues mentioned elsewhere in this document) and the extrapolated monitor data would be further below the glidepath in 2028.

Second, Texas also included several conservative assumptions in the 2028 future year inventory it created that led to a conservatively (high) projection of 2028 visibility conditions at Salt Creek. Specifically, in creating its 2028 future year emissions inventory, Texas did not rely on a projection of 2028 emissions for point sources in Texas. Rather, Texas used emissions of NO_x and SO₂ consistent with 2018 levels for EGU point sources and mostly 2016 levels for non-EGU point sources. This is different from the photochemical modeling that WRAP and the EPA conducted, which included projections of emissions for Texas point sources in 2028. Table 19 includes emission totals for Texas EGUs NO_x and SO₂ emissions in both the base case²¹⁵ (TCEQ and EPA) and baseline (WRAP/New Mexico), and 2028 future year inventories.

TABLE 19—NO_x AND SO₂ TEXAS EGU SECTOR ANNUAL EMISSIONS MODELED

	Baseline (WRAP)/basecase (TCEQ) Texas EGUs		2028 Future year Texas EGUs	
	NO _x (tpy)	SO ₂ (tpy)	NO _x (tpy)	SO ₂ (tpy)
WRAP/NM	103,221	232,284	73,361	120,502
TCEQ	100,469	245,469	99,601	210,686

²¹¹ The 2023 adjusted glidepath point in this table is actually based on 2019–2023 data and since the modeling projections use the range of data two year prior to two years after, this monitoring data could be potentially considered to be representative of the 2021 results and glidepath point that would be higher and thus indicating that the monitoring data is even further below the glidepath.

²¹² “SaltCreek_Monitored_Visibility_Data.xlsx” is available in the docket for this action. See also EPA’s Salt Creek Memo.

²¹³ Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of

the Regional Haze Program (December 20, 2018), https://www.epa.gov/sites/default/files/2018-12/documents/technical_guidance_tracking_visibility_progress.pdf.

²¹⁴ Ramboll Final Report: Regional Haze Modeling to Evaluate Progress in Improving Visibility (June 25, 2020), pg. 27.

²¹⁵ The TCEQ and the EPA both modeled a 2016 base case period for which they developed a base case emission inventory. The WRAP modeled 2014 as their base case period and developed a 2014 emission inventory for that modeling. The WRAP wanted to use emissions from a more recent period

to use as the base period for doing projections to the future with the modeling. As a result, they modified the 2014 base case inventory to be representative of 2016 thus creating a baseline emission inventory. Using a baseline emission inventory allowed the use of monitoring data from a more recent period of 2014–2018, instead of 2012–2016, which is expected to help reduce potential errors in forecasting future year projections of emissions and visibility impairment.

TABLE 19—NO_x AND SO₂ TEXAS EGU SECTOR ANNUAL EMISSIONS MODELED—Continued

	Baseline (WRAP)/basecase (TCEQ) Texas EGUs		2028 Future year Texas EGUs	
	NO _x (tpy)	SO ₂ (tpy)	NO _x (tpy)	SO ₂ (tpy)
EPA (2019)	111,612	248,158	86,701	133,234

As indicated in Table 19 of this document, the base case/base line emissions of NO_x and SO₂ annual emissions for Texas EGUs was relatively similar, but there is a large difference in the future year modeled values with the TCEQ's modeling on the order of 87,000–90,000 more tons of SO₂ per year than the other two. This would result in larger impacts from Texas sources in the future year modeling. If emission levels similar to the WRAP/New Mexico or EPA modeled rates were used in the TCEQ's 2028 modeled projections, the TCEQ's modeling projections for 2028 would be expected to be lower.

The EPA has also looked at recent annual EGU emissions to compare with the 2028 Texas EGU modeled emissions. The EPA Clean Air Markets Division Data for 2022 through 2024 indicates Texas EGUs actual NO_x emissions have ranged from 82,876 to 87,176 tpy, which is similar to 2028 modeled emission levels. However, Texas EGU SO₂ emissions for the same recent period have ranged from 128,344 tpy in 2022 to 88,164 tpy in 2024, which is much lower than the 2028 modeled emission totals from the WRAP/New Mexico and the EPA's modeling, and less than half of what the TCEQ modeled. Thus, the TCEQ modeled visibility projections for 2028 are conservatively high.

Finally, the modeling conducted did not factor in more recent emission reductions that have occurred in New Mexico. Specifically, operational changes at Eunice Gas Plant, Denton Gas Plant, and Saunders Gas Plant have resulted in emission reductions of over 2,300 tpy of SO₂ and over 900 tpy of NO_x.²¹⁶ These sources are located near Salt Creek in southeast New Mexico, and therefore, will have an impact on visibility conditions in Salt Creek.

In conclusion, visibility conditions in 2028 will be below the adjusted glidepaths for Salt Creek based on an extrapolation of recent monitoring data. Additionally, conservative assumptions

and approaches utilized in Texas's modeling resulted in both a smaller adjustment to its URP as well as less modeled visibility improvement projected in 2028. Had Texas used similar modeling assumptions and approaches to WRAP and the EPA, the modeled result would have likely shown greater visibility improvement and a higher adjustment to the URP glidepath during the course of the planning period. Based on this information, visibility conditions in 2028 at Salt Creek are anticipated to be below the adjusted glidepath.

3. Additional Long-Term Strategy Requirements

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. Section 51.308(f)(2)(ii)(C) requires a State to document in its SIP submission all substantive consultations with other contributing States and also speaks to what happens if States cannot agree on what measures are necessary to make reasonable progress. Texas's 2021 Plan included documentation of its consultation calls, written communications, and presentations with the other states, including Oklahoma, Arkansas, and New Mexico, which occurred from the spring of 2020 through the spring of 2021.²¹⁷ During this consultation period, no agreements with other states were made as to any control measures. To the extent that states or RPOs submitted comments or made requests to the State, Texas responded to those concerns, as evidenced in the 2021 Plan and appendix A to the 2021 Plan. Therefore, the EPA proposes to approve the

portions of the 2021 Plan relating to 40 CFR 51.308(f)(2)(ii).

Section 51.308(f)(2)(iii) requires that States document the technical basis, on which they are relying on. As part of this, 40 CFR 51.038 308(f)(2)(iii) requires 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 twelve-month exemption period for newly submitted data. As discussed earlier in this section, Texas performed cost analysis as detailed in appendix B and Chapter 7 of its 2021 Plan. Additionally, Texas performed photochemical modeling as detailed in Chapter 8 and appendices E–G of its 2021 Plan. Texas's SIP submission included 2011, 2014, and 2017 statewide NEI emission data for NO_x, SO₂, PM, VOCs and NH₃.²¹⁸ For the base case PSAT modeling, Texas also relied on a combination of 2016 and 2018 emissions data depending on the type of source. Additionally, the TCEQ requested regulated entities submit revisions to the 2016- or 2018-point source emission inventory by January 2019 to incorporate updates into their modeling. The TCEQ received no revisions to the EGU inventory, and the non-EGU revisions totaled less than one ton per day each of VOC and NO_x emissions. Therefore, the EPA proposes to approve the portions of the 2021 Plan relating to 40 CFR 51.308(f)(2)(iii).

Section 51.308(f)(2)(iv) requires states to consider the following additional factors in developing its long-term strategy: (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) 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

²¹⁶ See appendix C of New Mexico's draft SIP revision dated August 26, 2024. This appendix is included in the docket for this action. We are including this appendix as it shows emissions data for the relevant sources. In this action we are not evaluating or assessing the approvability of NMED's draft SIP.

²¹⁷ 2021 Plan, Chapter 3, at 3–1 and appendix A, p. A–2 through A–3.

²¹⁸ 2021 Plan, Chapter 6.

projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy. Texas reasonably considered these factors in its SIP submittal.²¹⁹ Thus, the EPA proposes to approve the portions of the 2021 Plan relating to 40 CFR 51.308(f)(2)(iv).

Based on the reasoning described in section VII.A and D in this document, EPA is proposing that Texas has met the requirements of 40 CFR 51.308(f)(2).

E. Reasonable Progress Goals

Section 51.308(f)(3) contains the requirements pertaining to RPGs for

each Class I area. 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 CAA 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.

Texas identified 2028 RPGs for its two Class I areas in deciviews for the 20 percent most impaired days and the 20 percent clearest days in Chapter 8 of its 2021 Plan, respectively, which are below the 2028 URP value for each Class I area. The RPGs reflect emissions reductions from state and federal programs already in place. Table 20, in this document, summarizes the 2028 RPGs and 2028 URP for Texas's Class I areas.

TABLE 20—TEXAS CLASS I AREAS RPGs

Class I area	2028 RPG for 20% clearest days (dv)	2028 RPG for 20% most impaired days (dv)	2028 Uniform rate of progress (URP) (dv)
Big Bend National Park	4.92	14.16	14.4
Guadalupe Mountains National Park	4.05	12.23	12.8

Figures 8–28 and 8–29 of Texas's 2021 Plan show the URP for the 20 percent most impaired days for Big Bend and Guadalupe Mountains. The State established 2028 RPGs (expressed in deciviews) that reflect the visibility conditions projected to be achieved by the end of the second planning period. Texas's RPGs illustrate improvement in visibility for the 20 percent most impaired days since the baseline period (2000–2004) and demonstrate that there is no degradation in visibility for the 20 percent clearest days since the baseline period. Therefore, the EPA is proposing to approve Texas's 2028 RPGs for the 20 percent most impaired days and the 20 percent clearest days as required by 40 CFR 51.308(f)(3)(i).

Section 51.308(f)(3)(ii) requires that when a State establishes an RPG for a Class I area that provides for a slower rate of improvement than the URP, each State contributing to visibility impairment in that Class I area provide “a robust demonstration” that additional emission reduction measures are not reasonable to include in its SIP. While Texas's modeling indicated that the Salt Creek wilderness area may be above the URP in 2028, at the time Texas submitted the SIP in 2021, New Mexico had not established an RPG for the Salt Creek Class I area. Thus, Texas had no way of knowing whether a robust demonstration would be required

at the time it submitted its SIP. Texas highlighted as much in its 2021 Plan and during its consultation with New Mexico.²²⁰

The RHR does not specify what is required as part of a robust demonstration other than a reference that the State document how the four statutory factors were taken into consideration. In our 2019 guidance document, we explained that we did not interpret the robust demonstration requirement to mean that “a State must weigh the four factors differently” and the SIP submission could provide an explanation that the “State has already conducted the source selection and control measures analysis in such a manner that addresses the requirements of 40 CFR 51.308(f)(ii).”²²¹ In its SIP, Texas provided such an explanation and reiterated that its source selection methodology resulted in the selection of 18 sources and for which the State considered various different potential controls, and the associated costs and visibility improvement, before concluding that it did not consider it reasonable to require additional control measures in its long-term strategy.²²² Furthermore, as explained in more detail in the discussion of Salt Creek in our discussion of 40 CFR 51.308(f)(2) in this document, recent visibility trends from the monitor at Salt Creek, conservatism in Texas's modeling

projections, plus more recent emission reductions that have occurred in New Mexico that the modeling conducted did not include, demonstrate that visibility condition in 2028 are likely to be below the URP. For these reasons, we are proposing that Texas met the applicable requirements of 40 CFR 51.308(f)(3)(ii).

F. Reasonably Attributable Visibility Impairment (RAVI)

The RHR contains a requirement at 40 CFR 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,”²²³ also known as RAVI. Under this provision, if the EPA or the FLM of an affected Class I area has advised a state that additional monitoring is needed to assess RAVI, the state must include in its SIP revision for the second implementation period an appropriate strategy for evaluating such impairment. The EPA has not advised Texas to that effect, and the FLMs for the Class I areas that Texas contributes to have not identified any RAVI from Texas sources.²²⁴ For this reason, the EPA proposes to approve the portions of Texas's 2021 Plan relating to 40 CFR 51.308(f)(4).

²¹⁹ See Texas's 2021 Plan, Chapter 7, Section 7.6. Also, Texas discusses the anticipated effect of emissions reductions due to the long-term strategy on visibility, as required by 40 CFR 51.308(f)(2)(iv)(E), in Chapter 8.

²²⁰ 2021 Plan, at 8–59 to 8–60.

²²¹ EPA Guidance on Regional Haze State Implementation Plans for the Second Implementation Period, August 20, 2019, pg. 50.

²²² 2021 Plan, at 7–14, 8–59 to 8–60.

²²³ 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.

²²⁴ 2021 Plan at 7–17.

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.

Texas discusses its monitoring strategy in Chapter 5 of its 2021

Regional Haze Plan. Haze species in Texas are measured and analyzed via the Interagency Monitoring of Protected Visual Environments (IMPROVE) network.²²⁵ Table 21 of this preamble lists the IMPROVE stations representing visibility at Texas Class I areas. Due to the close proximity of the Class I areas, Carlsbad Caverns (New Mexico) and Guadalupe Mountains (Texas) share the same IMPROVE monitor.

TABLE 21—IMPROVE STATIONS AT FEDERAL CLASS I AREAS IN TEXAS

Monitor ID	Class I area	Sponsor	Years operated
BIBE1	Big Bend National Park	National Parks Service	1988–Present.
GUMO1	Guadalupe Mountains National Park	National Parks Service	1988–Present.

Section 51.308(f)(6)(i) requires SIPs to provide for the establishment of any additional monitoring sites or equipment needed to assess whether reasonable progress goals to address regional haze for all mandatory Class I Federal areas within the state are being achieved.

The IMPROVE program reviewed its aerosol monitoring sites in 2006 to set priorities for maintaining the sites in the event of federal budget cuts affecting the IMPROVE program.²²⁶ This review determined that the IMPROVE aerosol samplers at Texas's two Class I areas represent conditions different from the conditions at the nearest Class I area IMPROVE monitors. Texas's two Class I IMPROVE monitors are not candidates for discontinuation since other IMPROVE monitors cannot represent conditions at Big Bend or Guadalupe Mountains.

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 mandatory Class I Federal areas both within and outside the state. In its 2021 Plan, Texas stated that future assessments of visibility impairment and progress in reducing visibility impairment at Texas's two Class I areas, and at Class I areas in other states that Texas's emissions may potentially affect, will use the revised IMPROVE algorithm and will use data as prescribed in the EPA's Regional Haze Rule (40 CFR part 51, subpart P—Visibility Protection). The assessment will follow, as appropriate, the EPA's guidance including the 2019 Guidance

and the 2018 Visibility Tracking Guidance.

Section 51.308(f)(6)(iii) does not apply to Texas, as it has a Class I area.

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. As noted above, the monitoring strategy for Texas relies upon the continued availability of the IMPROVE network. The TCEQ does not directly collect or handle IMPROVE data. The TCEQ will continue to participate in the IMPROVE Visibility Information Exchange Web System (VIEWS). The TCEQ considers VIEWS to be a core part of the overall IMPROVE program. The TCEQ will report IMPROVE data from the two Class I areas in Texas to the EPA using the VIEWS web system.

If Texas collects any visibility monitoring data through the state's air quality monitoring networks, the TCEQ will report those data to the EPA as specified under the Performance Partnership Grant agreement negotiated with the EPA Region 6. All validated data and data analysis results from any TCEQ visibility-related special studies are public information. The TCEQ will continue its practice of sharing the data and information with the EPA. Texas supports the continued operation of the IMPROVE network through both state and Federal funding mechanisms.

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. Texas provides for emissions inventories and estimates for future projected emissions by participating in the CenSARA RPO and complying with the EPA's Air Emissions Reporting Rule (AERR). In 40 CFR part 51, subpart A, the AERR requires states to submit updated emissions inventories for criteria pollutants to the EPA's Emissions Inventory System (EIS) every three years. The emission inventory data is used to develop the NEI, which provides for, among other things, a triennial state-wide inventory of pollutants that are reasonably anticipated to cause or contribute to visibility impairment.

Chapter 6 of the 2021 Plan includes a discussion of the NEI data, and Section 8.3 details specific emission inventories and emissions inputs developed for the regional haze photochemical modeling conducted by the TCEQ. The source categories of the emissions inventories included are: (1) point sources, (2) area sources, (3) non-road mobile sources, (4) drilling rigs, (5) commercial marine vessels and locomotives, (6) airports and (7) on-road mobile sources. Statewide pollutant summaries by source category for the years 2011, 2014, and 2017 are provided in Tables 6–1, 6–2, and 6–3 of Texas's 2021 Plan. Summaries are for the following pollutants: SO₂, NO_x, PM₁₀, PM_{2.5}, VOCs, CO, and NH₃. Texas also provided a summary of anthropogenic SO₂ and NO_x emissions for each source type for 2011, 2014, and 2017 and are presented in Tables 6–4 and 6–5 of the 2021 Plan.

²²⁵ See 2021 Texas Regional Haze Plan, Chapter 5 for more information about Texas's monitoring strategy.

²²⁶ Spatial and Seasonal Patterns and Temporal Variability of Haze and its Constituents in the United States Report IV: November 2006 available at [https://vista.cira.colostate.edu/Improve/spatial-](https://vista.cira.colostate.edu/Improve/spatial-and-seasonal-patterns-and-temporal-variability-of-haze-and-its-constituents-in-the-united-states-report-iv-november-2006/)

[and-seasonal-patterns-and-temporal-variability-of-haze-and-its-constituents-in-the-united-states-report-iv-november-2006/](https://vista.cira.colostate.edu/Improve/spatial-and-seasonal-patterns-and-temporal-variability-of-haze-and-its-constituents-in-the-united-states-report-iv-november-2006/).

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. Texas estimated 2028 future year emissions by applying growth projections and accounting for known existing federal, state, and local controls. The development of Texas's 2028 modeling emissions for the 2021 Plan includes some methods used in previous SIP modeling for ozone, such as the Federal Tier 3 Vehicle Emission and Fuel Standards program, the MEET Program in the Houston-Galveston-Brazoria area, the Highly Reactive VOC Emission Cap-and-Trade (HECT) Program in Harris County, the Midlothian Cement Kiln caps and related agreed orders in the Dallas-Fort Worth area, and the EPA's final Cross-State Air Pollution Rule (CSAPR) update. Summaries of the primary data sources for the development of the future case modeling emissions are provided in the 2021 Plan, appendix E, Table 1–4: Summary of Future Case Point Source Emission Data Sources, Table 1–5: Summary of Future Case On-Road Mobile Source Emission Data Sources, and Table 1–6: Summary of Future Case Non-Road Mobile, Off-Road, Area, Oil-and-Gas, and Biogenic Source Emission Data Sources. The gridded photochemical modeling input files for the 2016 and 2028 emissions were provided along with the full emission processing message log files during Texas's public comment period. For point sources, Texas evaluated large stationary sources of emissions, such as electric generating units (EGUs), smelters, industrial boilers, petroleum refineries, and manufacturing facilities. Point source emissions were developed for the January 1 through December 31, 2016, annual episode with a 2028 future year projection. The data sources for development of the point source modeling emissions are summarized in the 2021 Plan, appendix E, Table 2–1: Sources of Point Source Emissions Data.

The EPA proposes to find that Texas has met the requirements of 40 CFR 51.308(f)(6) as described above, including its continued participation in the IMPROVE network and the CenSARA RPO and its on-going compliance with the AERR, and that no further elements are necessary at this time for Texas to assess and report on visibility pursuant to 40 CFR 51.308(f)(6)(vi).

In sum, for all the reasons discussed in this section, the EPA is proposing to approve Texas's 2021 Plan as meeting the requirements of 40 CFR 51.308(f)(6).

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. 40 CFR 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, 40 CFR 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.

The 2021 Plan describes the status of measures of the long-term strategy from the first implementation period to address the requirements found in 40 CFR 51.308(g)(1) and (2). Control measures to reduce emission within and outside the State are found in the 2021 Plan, Chapter 7: Long-Term Strategy to Establish Reasonable Progress Goals, section 7.4: Federal Programs that Reduce Stationary Source Emissions, section 7.5: Federal Programs that Reduce Mobile Source Emissions, and

section 7.6: State Air Pollution Control Programs. Control measures in the state are included in section 7.6: State Air Pollution Control Programs, which discusses both State stationary and mobile source emissions control measures; section 7.6.2: Best Available Control Technology (BACT) Requirements, which discusses air permitting requirements for new and modified sources of air pollution; and finally section 7.6.3: Additional Measures, which discusses other measures addressing air pollution from mobile sources, construction activities, and fires, and measures addressing energy efficiency. Emissions reductions are found in the 2021 Plan, Chapter 6: Emissions Inventory, section 6.8: NO_x and SO₂ Emissions Trends, Table 6–4: Anthropogenic NO_x Emissions by Source Type, and Table 6–5: Anthropogenic SO₂ Emissions by Source Type.

The EPA proposes to find that Texas has addressed the requirements of 40 CFR 51.308(g)(1) and (2) because the 2021 Plan describes the measures included in the long-term strategy from the first implementation period, as well as the status of their implementation and the emission reductions achieved through such implementation.

Section 51.308(g)(3) requires that for each Class I area within the State, the State must assess the following visibility conditions and changes, with values for most impaired, least impaired and/or clearest days as applicable expressed in terms of five-year averages of these annual values. The 2021 Plan includes summaries of visibility conditions in Chapter 4: Assessment of Baseline and Current Conditions and Estimate of Natural Conditions in Class I Areas, section 4.2: Baseline Visibility Conditions, section 4.3: Natural Visibility Conditions. Changes in visibility conditions are displayed in Chapter 8: Reasonable Progress Goals, section 8.4: Reasonable Progress Goal Status. The EPA therefore proposes to find that Texas has addressed the requirements of 40 CFR 51.308(g)(3).

Pursuant to 40 CFR 51.308(g)(4), Texas evaluated emission trends for reasonable progress for the 2021 Plan and presented those data in Chapter 6: Emissions Inventory, section 6.7: Emissions Summaries, Table 6–1: 2011 Statewide Pollutant Summary by Source Category, Table 6–2: 2014 Statewide Pollutant Summary by Source Category, Table 6–3: 2017 Statewide Pollutant Summary by Source Category, Table 6–4: Anthropogenic NO_x Emissions by Source Type, Table 6–5: Anthropogenic SO₂ Emissions by Source Type. The EPA is proposing to find that Texas has

addressed the requirements of 40 CFR 51.308(g)(4) by providing emissions information for NO_x, SO₂, PM₁₀, PM_{2.5}, VOCs, and NH₃ broken down by type of source.

Texas identified reductions in anthropogenic emissions within and outside the State have occurred since the 2009 and 2014 Plans. This discussion can be found in Chapter 7 of its 2021 Plan. Texas uses the emissions trend data in the 2021 Plan²²⁷ to support the assessment that anthropogenic haze-causing pollutant emissions in Texas have decreased during the reporting period and that changes in emissions have not limited or impeded progress in reducing pollutant emissions and improving visibility. Texas's 2017 emission inventories for NO_x, SO₂, PM₁₀, PM_{2.5}, VOCs, and NH₃ were lower than their 2014 emission inventories for those same pollutants emissions.²²⁸ The EPA is proposing to find that Texas has addressed the requirements of 40 CFR 51.308(g)(5).

In sum, because Texas's 2021 Plan addresses the requirements of 40 CFR 51.308(g)(1) through (5) as required by 40 CFR 51.308(f)(5), the EPA is proposing to approve Texas's 2021 Plan as meeting the requirements of 40 CFR 51.308(f)(5) for periodic progress reports.

I. Requirements for State and Federal Land Manager Coordination

Section 169A(d) of the Clean Air Act requires States to consult with FLMs before holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. In addition, 40 CFR 51.308(i)(2)'s FLM consultation provision requires a State to provide FLMs 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 FLMs' 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 FLMs 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 FLMs' comments. Section 51.308(i)(4) requires States to provide procedures for continuing consultation between the State and the relevant FLM(s).

The EPA proposes to find, as required by CAA section 169A(d), that the State consulted with the FLMs prior to holding a public hearing on its proposed haze plan, and that the State also provided the FLMs' conclusions and recommendations to the public during the comment period. The TCEQ consulted with the FLMs about the impact of Texas's emissions on regional haze at the regional Class I areas through conference calls. The TCEQ gave a presentation in March 2020 and discussed impacts to Class I areas in the region. An additional meeting was held October 8, 2020. The TCEQ included information from the consultation with the FLMs in appendix A of the 2021 Plan. Notices of the proposed SIP, availability and the public hearing were published on the TCEQ's website and in the Texas Register, the Fort Worth Star Telegram, the Houston Chronicle, the Austin American-Statesman, and the El Paso Times. A virtual public hearing on the proposed SIP revision was held on December 8, 2020, and was available for participation via internet or phone. Written comments relevant to the proposal were accepted until the close of business January 8, 2021.

The State also satisfied the requirements of 40 CFR 51.308(i). As required by 40 CFR 51.308(i)(2), the TCEQ provided the FLMs with the opportunity to consult. In accordance with 40 CFR 51.308(i)(3), the TCEQ also responded to the FLMs' comments in appendix A of the 2021 Plan as well as its Response to Comments document. Finally, Section 3.4.6 of the 2021 Plan describes how the TCEQ will meet the requirements of 40 CFR 51.308(i)(4) regarding procedures for continuing consultation. Therefore, the EPA proposes to approve the FLM consultation component of the 2021 Plan.

J. Proposed Action

For the reasons set forth in section VII of this rulemaking, the EPA is proposing to approve Texas's 2021 Plan as satisfying the regional haze

requirements for the second planning period contained in 40 CFR 51.308(f), (i).

VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve 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);
- Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it 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.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed approval of the portion of the Oklahoma regional haze SIP that addressed the requirements of 40 CFR 51.308(d)(1)(i) through (v) will apply, if finalized as proposed, to certain areas of Indian country throughout Oklahoma as discussed in the preamble, and therefore has tribal implications as specified in E.O. 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized tribal

²²⁷ See 2021 Texas Regional Haze Plan, Section 6.8.

²²⁸ Trends in anthropogenic NO_x and SO₂ emissions are presented in Figures 6–1 and 6–2 of the 2021 Plan, respectively.

governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Oklahoma tribe implements a regulatory program under the CAA, and thus does not have applicable or related tribal laws. Consistent with the EPA Policy on Consultation with Indian Tribes (December 7, 2023), the EPA will offer consultation to tribal governments that

may be affected by this action and provided information about this action.

In addition, the Texas 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 in Texas, the proposed 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: May 14, 2025.

Walter Mason,

Regional Administrator Region 6.

[FR Doc. 2025–09293 Filed 5–22–25; 8:45 am]

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