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

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

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 125 and 126

RIN 3245-AH68

HUBZone Program Updates and Clarifications, and Clarifications to Other Small Business Programs; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Correcting amendments.

SUMMARY: The U.S. Small Business Administration (SBA) is correcting a final rule that was published in the **Federal Register** on December 17, 2024. The rule clarified and improved policies surrounding a comprehensive revision to the HUBZone Program regulations published in 2019, among other changes. This document is making several technical corrections to the final regulations.

DATES: Effective June 4, 2025.

FOR FURTHER INFORMATION CONTACT: Alison Amann, Office of General Counsel, (202) 205-6841, alison.amann@sba.gov.

SUPPLEMENTARY INFORMATION: On December 17, 2024, SBA published a final rule amending the regulations pertaining to the HUBZone program and SBA's other small business contracting programs to reduce unnecessary or excessive burdens on small businesses, clarify certain policies, and make the regulations governing SBA's contracting programs more consistent. 89 FR 102448. This is the second set of corrections. The first set of corrections was published in the **Federal Register** on February 18, 2025. 90 FR 9673. This document augments those corrections.

The final rule made several amendments to § 121.103. While making those changes, SBA intended to make a corresponding amendment to the citation cross-referenced in SBA's joint venture regulations at § 125.8(a) but that corresponding amendment was

inadvertently omitted from the final rule. Currently, § 125.8(a) references exceptions to affiliation for SBA-approved mentor-protégé agreements at § 121.103(h)(4). This correction fixes that citation so that § 125.8(a) references § 121.103(b).

The final rule created new § 125.12, addressing size recertification and small business program status recertification. This correction fixes the numbering of the subparagraphs in paragraph (g) of § 125.12.

The final rule amended § 126.103 by revising the definition of "Employee." In the proposed rule preceding the final rule, SBA had proposed to require an employee to work at least 80 hours per month. Based on the comments received, SBA did not implement this proposal. Instead, the final rule provided that an employee was an individual who worked at least 10 hours per week during the relevant four-week period. However, in the final rule, two subparagraphs in the definition of "Employee" inadvertently retained the proposed 80-hour standard instead of the 10-hour-per-week standard. This correction fixes that error.

The final rule amended § 126.200 by revising paragraph (d)(3), which addresses "Legacy HUBZone Employees." The final rule inadvertently retained references to annual recertification, which was eliminated in the final rule. This correction removes the references to annual recertification and replaces them with the term "HUBZone certification anniversary date."

The final rule amended the definition of "reside" in § 126.103 to remove voter registration cards from the listing of documents that SBA would accept as proof of HUBZone residency, since voter registration cards generally do not include issue dates. However, SBA inadvertently failed to make the corresponding change to § 126.304, which addresses the documents that a firm must submit to be certified as a HUBZone small business concern. This correction fixes that omission by removing the reference to voter registration cards from § 126.304.

List of Subjects

13 CFR Part 125

Government contracts, Government procurement, Reporting and recordkeeping requirements, Small

businesses, Technical assistance, Veterans.

13 CFR Part 126

Administrative practice and procedure, Government procurement, Penalties, Reporting and recordkeeping requirements, Small businesses.

Accordingly, 13 CFR parts 125 and 126 are corrected by making the following correcting amendments:

PART 125—GOVERNMENT CONTRACTING PROGRAMS

- 1. The authority citation for part 125 continues to read as follows:

Authority: 15 U.S.C. 632(p), (q), 634(b)(6), 637, 644, 657f, 657q, 657r, and 657s; 38 U.S.C. 501 and 8127.

§ 125.8 [Amended]

- 2. Amend § 125.8, in paragraph (a), by removing "§ 121.103(h)(4)" and adding in its place "§ 121.103(b)".

§ 125.12 [Amended]

- 3. Amend § 125.12 by redesignating paragraphs (g)(i) and (ii) as paragraphs (g)(1) and (2).

PART 126—HUBZONE PROGRAM

- 4. The authority citation for part 126 continues to read as follows:

Authority: 15 U.S.C. 632(a), 632(j), 632(p), 644 and 657a.

§ 126.103 [Amended]

- 5. Amend § 126.103, in the definition of "Employee", by:
 - a. In paragraph (2)(ii), removing the text "80 hours or more" and adding in its place the text "at least 10 hours per week"; and
 - b. In paragraph (2)(iii), removing the text "80 hours" and adding in its place the text "10 hours per week".

§ 126.200 [Amended]

- 6. Amend § 126.200 by:
 - a. In paragraph (d)(3)(i)(A), removing the text "(or recertification date)" and adding in its place the text "(or certification anniversary date)";
 - b. In paragraph (d)(3)(iii), removing the text "certification (or recertification)" and adding in its place "the firm's HUBZone certification date (or certification anniversary date)"; and
 - c. In paragraph (d)(3)(iv), removing the text "certification date or recertification date" and adding in its

place the text “HUBZone certification date (or certification anniversary date)”.

§ 126.304 [Amended]

■ 7. Amend § 126.304, in paragraph (b)(2), by removing the text “and voter registration cards” and the text “accompanied by signed statements explaining why the alternative documentation is being provided”.

Larry Stubblefield,

Deputy Associate Administrator, Government Contracting and Business Development.

[FR Doc. 2025–10156 Filed 6–3–25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2025–0968; Special Conditions No. 25–879–SC]

Special Conditions: Delta Flight Products, Non-Rechargeable Lithium Batteries and Battery System Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for a supplemental type certificate (STC) to install non-rechargeable lithium batteries and battery systems on certain transport-category airplanes. These airplanes, as modified by Delta Flight Products, 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 non-rechargeable lithium batteries and battery system installed in emergency locator transmitters (ELTs). 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: This action is effective on Delta Flight Products on June 4, 2025. Send comments on or before July 21, 2025.

ADDRESSES: Send comments identified by Docket No. FAA–2025–0968 using any of the following methods:

- *Federal eRegulations Portal:* Go to 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 (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely, and notice and comment prior to this publication are unnecessary.

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to www.regulations.gov, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these proposed special conditions.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On December 19, 2024, Delta Flight Products applied for a supplemental type certificate ST12026AT to install non-rechargeable lithium batteries and battery systems in ELTs. Delta Flight Products intends to apply this STC to multiple transport-category airplanes, and may periodically amend this STC to expand its applicability to include additional transport-category airplane makes and models.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Delta Flight Products must show that the airplanes, for which they make application to modify by FAA STC ST12026AT, as changed, continue to meet the applicable provisions of the regulations listed in each airplane’s respective type certificate 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

(i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards 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 applicant apply for a supplemental type certificate to modify any other model included on the same type certificate that incorporates 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 airplanes modified by STC ST12026AT 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 airplanes listed in the FAA STC ST12026AT approved model list (AML) will incorporate the following novel or unusual design feature:

Non-rechargeable lithium batteries and battery systems installed in ELTs.

Discussion

The FAA derived the current regulations governing installation of batteries in transport-category airplanes from Civil Air Regulations (CAR) 4b.625(d), as part of the recodification of CAR 4b, which established 14 CFR part 25 in February 1965. This recodification essentially reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries and battery systems are novel and unusual with respect to the state of technology considered when these requirements were codified. Non-rechargeable lithium batteries and battery systems introduce higher energy levels into airplane systems through new chemical compositions in various battery-cell sizes and constructions. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

In January 2013, two independent events involving rechargeable lithium-batteries revealed unanticipated failure modes. A National Transportation Safety Board Safety Recommendation to the FAA, dated

May 22, 2014, which is available at www.nts.gov, filename *A-14-032-036.pdf*, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an ELT installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013¹ describes this event. These events, involving rechargeable and non-rechargeable lithium batteries, prompted the FAA to reevaluate these energy-storage technologies.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573), applicable to Gulfstream Aerospace Corporation, for the Model GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. In that document, the FAA explained its decision to make those special conditions effective on April 22, 2017, one year after publication in the **Federal Register**. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery and battery system special conditions to design changes on other airplane makes and models applied for after this same date.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery and battery system be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery to be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special condition nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable-fluid fire-protection requirements of § 25.863 apply to non-rechargeable lithium battery and battery system installations. Section 25.863 is

applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries and battery systems contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery and battery system installation not damage the surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery and battery system installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery and battery system installations, in lieu of § 25.1353(b)(1) through (4) at amendment 25–123. Sections 25.1353(b)(1) through (4) at amendment 25–123 remain in effect for other battery installations.

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.

Applicability

As discussed above, these special conditions are applicable to the airplane models listed on the AML of STC ST12026AT, available online at drs.faa.gov.

All models listed in the AML must be evaluated and determined to comply with these special conditions. Additionally, each new model added to the AML subsequently must also be evaluated and determined to comply with these special conditions.

Should Delta Flight Products apply for a change at a later date to STC ST12026AT to include any other model on the AML incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Should Delta Flight Products apply at a later date for another STC to modify any other model included on the type

¹ See Aircraft Accident Report 2/2015—Boeing B787–8, ET–AOP, 12 July 2013 Ground fire at London Heathrow Airport on 12 July 2013. www.gov.uk/aair-reports/aircraft-accident-report-2-2015-boeing-b787-8-et-aop-12-july-2013.

certificates of the models on the STC ST12026AT AML, to incorporate the same novel or unusual design feature, these special conditions would also apply to that model as well. These special conditions are not applicable to those models for which applicable special conditions for rechargeable lithium batteries and battery systems have already been issued against the type certificate for that specific model.

Conclusion

This action only affects the installation of ELTs that contain non-rechargeable lithium batteries and battery systems for airplanes listed on the AML of STC ST12026AT. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

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), 40113, 44701, 44702, and 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the airplane models listed on the approved model list of supplemental type certificate no. ST12026AT, as modified by Delta Flight Products.

In lieu of § 25.1353(b)(1) through (4) at amendment 25–123, or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery and battery system installation must:

1. Be designed to maintain safe cell temperatures and pressures, under all foreseeable operating conditions, to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on the airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure-sensing and warning system to alert the flight crew, in the event its failure affects the safe operation of the airplane.

8. Have a means for the flight crew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery, battery charger, and any protective monitoring and alerting circuitry or hardware inside or outside the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a battery and the battery system are referred to as a battery.

Issued in Kansas City, Missouri, on May 30, 2025.

Patrick R. Mullen,

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

[FR Doc. 2025–10180 Filed 6–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2529; Airspace Docket No. 24–ASW–14]

RIN 2120–AA66

Amendment of Class E Airspace; Mineral Wells, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Mineral Wells, TX. This action is the result of an airspace review conducted due to the decommissioning of the Mineral Wells non directional beacon (NDB). This action also updates the geographic coordinates of the airport and the Millsap Very High Frequency Omnidirectional Range (VORTAC). The name of the airport will also be updated to coincide with the FAA's aeronautical database. This action brings the airspace into compliance with FAA orders and supports instrument flight rule (IFR) procedures and operations.

DATES: Effective 0901 UTC, August 7, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51,

subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

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, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

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 amends the Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface at Mineral Wells Regional Airport, Mineral Wells, TX, to support instrument flight rule operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2024–2529 in the **Federal Register** (90 FR 11498; March 7, 2025) proposing to amend the Class E airspace at Mineral Wells, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Differences From the NPRM

In the NPRM for this action, the FAA had proposed to replace the term Notice to Airmen with Notice to Air Missions in the Class E description. However, since that time, Executive Order 14172, Restoring Names that Honor American Greatness, was issued, which mandates a return to the term “Notice to Airmen”. As such, that aspect of the proposal from the NPRM is now rescinded.

Incorporation by Reference

Class E airspace designations are published in paragraphs 6002 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 amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These amendments will 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 Rule

This amendment to 14 CFR part 71 modifies the Class E surface airspace to within a 4.3 mile (increase from a 4.0-mile) radius of Mineral Wells Regional Airport, Mineral Wells, TX; removing the Mineral Wells NDB and associated extensions from the airspace legal description; and updating the name of the airport (previously Mineral Wells Airport) to coincide with the FAA’s aeronautical database; and replacing the outdated terms and “Airport/Facility Directory” with “Chart Supplement”.

This action also modifies the Class E surface airspace at Mineral Wells Regional Airport by updating the name of the airport (previously Mineral Wells Airport) to coincide with the FAA’s aeronautical database.

This action also amends the Class E airspace extending upward from 700 feet above the surface to within a 6.8 mile-radius (increased from 6.5 mile) radius of the airport removes the Mineral Wells NDB and associated extensions from the airspace legal description as it is no longer required; adds an extension 2.5 miles each side of the 138° bearing from the Millsap VORTAC extending from the 6.8-mile radius to 7.0 miles southeast from the Millsap VORTAC and updates the geographic coordinates of the airport and VORTAC to coincide with the FAA’s aeronautical database.

This action is the result of an airspace review conducted as part of the

decommissioning of the Mineral Wells NDB and supports IFR operations at this airport.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

Authority: 49 U.S.C. 106(f), 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 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ASW TX E2 Mineral Wells, TX [Amended]

Mineral Wells Regional Airport, TX
(Lat 32°46′54″ N, long 98°03′37″ W)

Within a 4.3-mile radius of Mineral Wells Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

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

* * * * *

ASW TX E5 Mineral Wells, TX [Amended]

Mineral Wells Regional Airport, TX
(Lat 32°46′54″ N, long 98°03′37″ W)

Millsap VORTAC
(Lat 32°43′34″ N, long 97°59′51″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Mineral Wells Regional Airport; and within 2.5 miles each side of the 316° bearing from the Millsap VORTAC extending from the 6.8-mile radius to 7.0 miles southeast from the Millsap VORTAC.

* * * * *

Issued in Fort Worth, Texas, on May 29, 2025.

Dallas W. Lantz,

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

[FR Doc. 2025–10102 Filed 6–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2025–0485]

RIN 1625–AA08

Special Local Regulation; Wyandotte Regatta; Detroit River, Wyandotte, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation for certain waters of the Detroit River, Wyandotte, MI. This action is necessary to protect safety of life on navigable waters immediately prior to, during, and after the Wyandotte Regatta. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Detroit or a designated representative.

DATES: This rule is effective from 7 a.m. through 4 p.m. on June 28, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2025–0485 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone (313) 568–9564, or email Tracy.M.Girard@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details of this rowing event until there was insufficient time remaining before the event to publish an NPRM, allow for a reasonable comment period, and publish a final rule, given that the rule must be in force by June 28, 2025. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard’s ability to protect participants, mariners, and vessels from the hazards associated with this event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would inhibit the Coast Guard’s ability to protect participants, mariners, and vessels from the hazards associated with this event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041 and 33 CFR 1.05–1. The Captain of the Port (COTP) Detroit has determined that the likely combination of recreation vessels, commercial vessels, and an unknown number of spectators in close proximity to the rowers along the water poses extra and unusual hazards to public safety and property. Therefore, the COTP Detroit is establishing a special local regulation around the event location to help minimize risks to safety of life and property during this event.

IV. Discussion of the Rule

This rule establishes a temporary special local regulation from 7 a.m. until 4 p.m. on June 28, 2025. The special local regulation will cover all navigable waters of the Detroit River, Trenton Channel, from Point Hennepin to the Grosse Ile toll bridge. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Detroit or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This regulatory action determination is based on the size, location, duration, and time of year of the special local regulation. Vessel traffic will be able to safely transit around this special local regulation which will impact a small designated area of the Detroit River from 7 a.m. until 4 p.m. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM Ch 16 about the special local regulation and the rule allows vessels to seek permission to enter the area.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of

power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting almost 9 hours that will prohibit entry into a designated area. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1. Inserting required closing tag for E.

■ 2. Add § 100.T999–0485 to read as follows:

§ 100.T999–0485 Special Local Regulation; Wyandotte Regatta; Detroit River; Wyandotte, MI.

(a) *Regulated Area.* The regulations in this section apply to the following area: All waters of the Detroit River, Trenton channel, from Pt. Hennepin to the Grosse Ile toll bridge encompassed within the following corner points: from 42°10.433' N, 083°9.817' W; a line drawn north to point 42°11.917' N, 083°8.917' W; a line drawn south east to point 42°11.883' N, 083°08.81' W; a line drawn south to point 42°10.383' N, 083°09.633' W; then back west to the beginning point. These coordinates are based on the 1984 World Geodetic System (WGS 84).

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

The “on-scene representative” means any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(c) *Regulations.* (1) Vessels are prohibited from entering, transiting through, anchoring in, or remaining in the regulated area described in paragraph (a) of this section, unless authorized by the Captain of the COTP Detroit or their on-scene representative. Vessel operators desiring to operate in the regulated area must contact the Coast Guard Patrol Commander to obtain permission to do so. The COTP Detroit or his on-scene representative may be contacted via VHF Channel 16 or via telephone at (313) 568–9560. Vessel operators given permission to operate within the regulated area must comply with all directions given to them by the COTP Detroit or his on-scene representative.

(2) Vessels transiting through the regulated area are to maintain the minimum speeds for safe navigation.

(d) *Enforcement period.* This section will be enforced from 7 a.m. through 4 p.m. on June 28, 2025.

Dated: May 29, 2025.

Richard P. Armstrong,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2025–10175 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0476]

Safety Zone; La Pointe Fireworks, La Pointe, WI

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the La Pointe 4th of July Fireworks. This action is intended to protect personnel, vessels, and the marine environment from potential hazards created by a fireworks display. During the enforcement period listed below, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port (COTP) Marine Safety Unit Duluth or a designated representative.

DATES: The regulations in 33 CFR 165.943 will be enforced for the La Pointe 4th of July Fireworks Display safety zone event listed in item 6 in Table 1 to § 165.943, from 9:30 p.m. to 11:00 p.m. on July 4, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Zachary Fedak, Marine Safety Unit Duluth, U.S. Coast Guard; telephone 218–522–0708, email Zachary.A.Fedak@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone regulation in 33 CFR 165.943 for the annual La Pointe 4th of July Fireworks Display listed in item 6 in Table 1 to § 165.943 from 9:30 p.m. to 11:00 p.m., on July 4, 2025. This action is being taken to provide for the safety of life on navigable waterways during this event. The regulation for recurring marine events within the Captain of the Port (COTP) Duluth Zone, Table 1 to § 165.943, item 6, specifies the location of the regulated area for the La Pointe Fireworks event. During the enforcement period, no vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Marine Safety Unit Duluth or his or her on-scene representative.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via Broadcast Notice to Mariners.

Dated: May 28, 2025.

John P. Botti,

Commander, U.S. Coast Guard, Captain of the Port Duluth.

[FR Doc. 2025–10124 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0436]

Safety Zone; Ashland 4th of July Fireworks Display, Ashland, WI

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Ashland 4th of July Firework Display to provide for the safety of life on navigable waterways during this event in Ashland, WI. During the enforcement period, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port (COTP) Marine Safety Unit Duluth or a designated representative.

DATES: The regulations in 33 CFR 165.943 will be enforced for the Ashland 4th of July Fireworks Display regulated area listed in item 2 in Table 1 to § 165.943, from 9:30 p.m. to 11:30 p.m. on July 4, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Zachary Fedak, Marine Safety Unit Duluth, U.S. Coast Guard; telephone (218) 522–0708, email Zachary.A.Fedak@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.943 for the Ashland 4th of July Firework Display listed in item 2 in Table 1 to § 165.943 from 9:30 p.m. to 11:30 p.m. on July 4, 2025. This action is being taken to provide for the safety of life on navigable waterways during this event. The regulation for recurring marine events within the Captain of the Port Duluth Zone, Table 1 to § 165.943, item 2, specifies the location of the regulated area for the Ashland 4th of July Firework Display which encompasses portions of Chequamegon Bay. During the enforcement period, no vessel or person will be permitted to enter the safety zone without obtaining

permission from the COTP Marine Safety Unit Duluth or his or her on-scene representative.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with notifications of this enforcement period via Broadcast Notice to Mariners. The COTP Marine Safety Unit Duluth on-scene representative may be contacted via VHF–FM Channel 16.

Dated: May 28, 2025.

John P. Botti,

Commander, U.S. Coast Guard, Captain of the Port Duluth.

[FR Doc. 2025–10171 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0058; FRL–12609–02–R9]

Determination To Defer Sanctions; California; Eastern Kern Air Pollution Control District; Portland Cement Kilns

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: The Environmental Protection Agency (EPA) is making an interim final determination that the California Air Resources Board (CARB) has submitted a revised rule on behalf of the Eastern Kern Air Pollution Control District (EKAPCD) that addresses deficiencies in its Clean Air Act (CAA or “Act”) State Implementation Plan (SIP) concerning reasonably available control technology (RACT) ozone nonattainment requirements for controlling emissions of oxides of nitrogen (NO_x) from Portland cement kilns. This determination is based on a proposed approval of the submitted revised rule, published elsewhere in this issue of the **Federal Register**. The effect of this interim final determination is that the application of offset sanctions that was triggered by a previous limited disapproval by the EPA in 2023 is now stayed, and the application of highway sanctions is now deferred. If the EPA finalizes its proposed approval of EKAPCD’s submittal, relief from these sanctions will become permanent.

DATES: This interim final determination is effective June 4, 2025. However, comments will be accepted on or before July 7, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2025–0058 at <https://www.regulations.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). 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>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Elijah Gordon, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 972–3158; email address: gordon.elijah@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to the EPA.

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- I. Background
- II. The EPA’s Evaluation and Action
- III. Statutory and Executive Order Reviews

I. Background

On June 5, 2023, the EPA issued a final rule (88 FR 36479) promulgating a limited approval and limited disapproval for the EKAPCD rule listed in table 1, which was submitted by CARB to the EPA for inclusion into the California SIP (“2023 final rule”).

TABLE 1—DISTRICT RULE WITH PREVIOUS EPA ACTION

Local agency	Rule No.	Rule title	Amended	Submitted	EPA action in 2023
EKAPCD	425.3	Portland Cement Kilns (Oxides of Nitrogen).	03/08/2018	08/22/2018	Limited Approval and Limited Disapproval.

Sections 182(b)(2) and 182(f) of the CAA require that SIPs for ozone nonattainment areas classified as “Moderate” or above implement RACT for any source covered by a Control Techniques Guidelines (CTG) document and for any major source of volatile organic compounds (VOCs) or NO_x. The EKAPCD must implement RACT-level controls because it regulates the Kern County (Eastern Kern) ozone nonattainment area that is classified as “Moderate” for the 1997 8-hour National Ambient Air Quality Standards (NAAQS), “Severe-15” for the 2008 8-hour NAAQS, and “Serious” for the 2015 8-hour ozone NAAQS.¹

In the 2023 final rule, we determined that although the EKAPCD rule

strengthened the SIP and was largely consistent with the requirements of the CAA, the submitted rule contained deficiencies that precluded our full approval of the rule into the SIP. More specifically, sections (IV)(A) and (IV)(B) of the EKAPCD’s previously submitted Rule 425.3 contained NO_x emission limitation exemptions for Portland cement kiln sources during periods of startup, shutdown, and breakdown conditions. The EPA determined these provisions created deficiencies in the rule because “[a]n emission limitation or requirement that exempts a period of source operation, such as startup or shutdown, cannot be considered

continuous and is not consistent with CAA requirements.”²

Pursuant to section 179 of the CAA and our regulations at 40 CFR part 52, the limited disapproval action on EKAPCD’s previously submitted Rule 425.3 under title I, part D, of the Act started a sanctions clock for imposition of offset sanctions under the nonattainment new source review program 18 months after the action’s effective date of July 5, 2023, and highway sanctions six months later.

On November 13, 2024, the EKAPCD revised Rule 425.3, and on December 12, 2024, CARB submitted it to the EPA for approval into the California SIP, as shown in table 2 below.

TABLE 2—SUBMITTED RULE

Local agency	Rule No.	Rule title	Amended	Submitted
EKAPCD	425.3	Portland Cement Kilns (Oxides of Nitrogen)	11/13/2024	12/12/2024

The revised EKAPCD Rule 425.3 in table 2 of this document is intended to address deficiencies identified in our June 5, 2023 final limited disapproval. In the Proposed Rules section of this **Federal Register**, we have proposed approval of the revised EKAPCD Rule 425.3. Based on the proposed action approving Rule 425.3 into the California SIP, we believe that it is more likely than not that the State’s submittal now meets the applicable CAA requirements. Therefore, the EPA is making this interim final determination based on our concurrent proposal to approve the State’s December 12, 2024 SIP submission to correct the deficiencies identified in the June 5, 2023 limited approval and limited disapproval of Rule 425.3. This interim final determination, effective on publication, stays the application of offset sanctions and defers the application of highway sanctions that were triggered by our June 5, 2023 final limited approval and limited disapproval of Rule 425.3.

While the EPA is not providing an opportunity for public comment before the deferral of CAA section 179 sanctions is effective, the EPA is providing the public with an opportunity to comment on this stay

and deferral of sanctions after the fact. In the event the EPA reverses its preliminary determination that the State has corrected the deficiencies (as explained in the proposed approval), sanctions would become effective pursuant to 40 CFR 52.31(d)(2)(i). Additionally, the EPA is providing an opportunity to comment on the concurrent proposed approval that is the basis for this interim final determination, so the public has an opportunity to comment on that action before any sanctions clock could be permanently stopped or any already applied sanctions are permanently terminated. If the EPA finalizes the approval as proposed, then all sanctions and any sanction clocks triggered by our June 5, 2023 final limited approval and limited disapproval would be permanently terminated on the effective date of our final approval of Rule 425.3.

II. The EPA’s Evaluation and Action

We are making an interim final determination to stay and defer CAA section 179 sanctions associated with our limited disapproval action on June 5, 2023, of EKAPCD Rule 425.3. This determination is based on our concurrent proposal to fully approve

EKAPCD Rule 425.3, which, if finalized, would resolve the deficiencies identified in our limited disapproval that triggered sanctions under section 179 of the CAA.

The basis for allowing such an interim final action stems from section 553(b)(B) of the Administrative Procedures Act (APA), which provides that the notice and opportunity for comment requirements do not apply when the Agency finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Because the EPA has preliminarily determined that EKAPCD Rule 425.3, amended on November 13, 2024, addresses the deficiencies identified in the limited disapproval under part D of title I of the CAA, and we are proposing to determine that the amended rule is now fully approvable, relief from sanctions should be provided as quickly as possible. In the case of sanctions, the EPA believes it would be both impracticable and contrary to the public interest to have to propose and provide an opportunity to comment before any relief is provided from the effect of sanctions. The EPA believes it would be unfair to the State and its citizens, and thus not in the public interest, for

¹ See 40 CFR 81.305.

² See 88 FR 36479.

sanctions to remain in effect following the proposed approval, since the EPA has completed a thorough evaluation of the State's SIP revision and publicly stated its belief that the submittal is approvable. Therefore, the EPA is invoking the good cause exception under the APA in not providing an opportunity for comment before this action takes effect (5 U.S.C. 553(b)(B)). However, the EPA is still providing the public with a chance to comment on the EPA's determination after the effective date, and the EPA will consider any comments received in determining whether to reverse such action.

Section 553(d)(1) of the APA provides that final rules shall not become effective until 30 days after publication in the **Federal Register** "except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction." The purpose of this provision is to "give affected parties a reasonable time to adjust their behavior before the final rule takes effect."³ However, when the agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Because this rule relieves a restriction, EPA finds good cause under 5 U.S.C. 553(d)(1) for this action to become effective on the *date* of publication of this action.

III. Statutory and Executive Order Reviews

This action defers sanctions and imposes no additional requirements. 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 CAA.

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

This action is subject to the Congressional Review Act (CRA), and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this action as discussed in section II. of this preamble, including the basis for that finding.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 4, 2025. Filing a petition for reconsideration by the EPA Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: May 21, 2025.

Joshua F.W. Cook,

Regional Administrator, Region IX.

[FR Doc. 2025–10037 Filed 6–3–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0527; FRL–12400–01–R9]

Air Plan Approval; California; Revised Format for Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is revising the format for materials submitted by the State of California that are incorporated by reference into the California State Implementation Plan (SIP). The regulations and other materials affected by this format change have all been previously submitted by the State of California and approved by the EPA. This format revision will primarily affect the "Identification of plan—in part" sections, as well as the format of the SIP materials that will be available for public inspection at the EPA Regional Office and the National Archives and Records Administration (NARA). This action, which only relates to local ordinances and certain local and regional California air district rules, is the second of a series of actions intended to change the format for the entire California SIP.

DATES: This rule is effective on June 4, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2024–0527. SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection by appointment at Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. For information on the availability of this material at the EPA Regional Office, please contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document.

FOR FURTHER INFORMATION CONTACT: Mae Wang, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone: (415) 947–4137; email address: wang.mae@epa.gov.

³ *Omnipoint Corp. v. Fed. Comm'n Comm'n*, 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States v. Gavrilovic*, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history).

SUPPLEMENTARY INFORMATION:

Throughout this document, the terms “we”, “us,” and “our” refer to the EPA. This supplementary information section is organized as follows:

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 - C. How the State and the EPA Update the SIP
 - D. How the EPA Compiles the SIPs
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 - I. The Historical Record of SIP Revision Approvals
- II. What the EPA Is Doing in This Action
- III. Incorporation by Reference
- IV. Statutory and Executive Order Reviews

I. Background*A. Description of a SIP*

Each State has a SIP containing, among other things, the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

B. How the EPA Enforces SIPs

Each State must formally adopt the control measures and strategies to attain and maintain the NAAQS after the public has had an opportunity to comment on them. They are then submitted to the EPA as requested SIP revisions upon which the EPA must formally act. Once these control measures and strategies are approved by the EPA, after notice and comment rulemaking, they are incorporated into the federally approved SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), title 40 of the Code of Federal Regulations (40 CFR part 52). The EPA uses the process of incorporation by reference (IBR) to incorporate material into the CFR by referencing the original document(s) without publishing the full text of the material. The actual State regulations approved by the EPA are not reproduced in their entirety in 40 CFR part 52 but are “incorporated by reference,” which means that the EPA has approved a given State regulation with a specific effective date. This format allows both the EPA and the public to know which measures are

contained in a given SIP and to help determine whether the State is enforcing the regulations. This format also assists the EPA and the public in taking enforcement action, should a State not enforce its SIP-approved regulations.

C. How the State and the EPA Update the SIP

The SIP is a dynamic document, which the State can revise as necessary to address the unique air pollution problems in the state. Therefore, the EPA must periodically take action on State SIP revisions containing new and/or revised regulations and other materials in order to make them part of the federally-approved SIP. The EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submissions are available for viewing on www.regulations.gov.

On May 22, 1997 (62 FR 27968), the EPA revised the formatting procedures for incorporating by reference federally-approved SIP revisions, as a result of consultations between the EPA and the Office of the Federal Register. These procedures include: (1) a revised SIP document for each State that would use the IBR process under the provisions of title 1 CFR part 51; (2) a revised mechanism for announcing the EPA’s approval of revisions to an applicable SIP and updating both the document that has gone through the IBR process and the CFR; and (3) a revised format of the “Identification of Plan” sections for each applicable subpart in 40 CFR part 52 to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures, and “Identification of plan” format are discussed in further detail in the May 22, 1997 **Federal Register** document. We have taken action to revise the format for many State SIPs, *see, e.g.*, 40 CFR 52.1470 and 52.1490 (“Identification of plan” and “Original identification of plan” sections for the State of Nevada SIP), and take a second step today toward revising the format of the California SIP.

D. How the EPA Compiles the SIPs

Under the revised SIP format, the federally-approved regulations, source-specific requirements, and nonregulatory provisions (entirely or portions of) submitted by each State agency have been compiled by the EPA into a “SIP compilation.” The SIP compilation contains the regulations, source-specific requirements, and nonregulatory and quasi-regulatory provisions approved by the EPA

through previous rulemaking actions published in the **Federal Register**.

E. How the EPA Organizes the SIP Compilation

Each compilation contains three parts. Part one contains the regulations, part two contains the source-specific requirements, and part three contains the nonregulatory and quasi-regulatory provisions that have been approved by EPA as part of the SIP. Each part consists of a table or tables of identifying information for each SIP-approved regulation, each SIP-approved source-specific requirement, and each nonregulatory or quasi-regulatory SIP provision. The EPA Regional Offices have the primary responsibility for updating the compilations and ensuring their accuracy.

Given the size of the California SIP, the EPA is revising the format of the California SIP in a phased manner. In 2016, the EPA took the first action and published the tables listing the State statutes and regulations, and the California test procedures, test methods and specifications that EPA had previously approved into the applicable California SIP.¹ In this second action, the EPA is publishing the tables listing EPA-approved local ordinances as well as EPA-approved rules adopted by eight local or regional California air districts.

F. Where You Can Find a Copy of the SIP Compilation

EPA Region IX has developed and will maintain the SIP compilation for California. A copy of the full text of California’s regulatory and source-specific SIP compilation will also be maintained at NARA.

G. The Format of the California Identification of Plan Sections

The California SIP is found in 40 CFR part 52 (“Approval and promulgation of implementation plans”), subpart F (“California”), § 52.220 (“Identification of plan—in part”) and § 52.220a (“Identification of plan—in part”). Section 52.220 currently lists air district rules, local ordinances, source-specific requirements, and nonregulatory and quasi-regulatory provisions approved as part of the SIP and also lists State statutes and State regulations approved on or prior to April 1, 2016. Section 52.220a currently lists State statutes and State regulations approved after April 1, 2016, but also lists State statutes and State regulations that remain in the current applicable SIP because they were approved on or before April 1,

¹ 81 FR 33397 (May 26, 2016).

2016, and have not yet been superseded or removed.

As noted above, on May 26, 2016 (81 FR 33397), the EPA began revising the IBR procedures for California by revising the format for approved State statutes and State regulations. In preparation for future actions to revise the format of the remaining portions of the California SIP, the May 26, 2016 action also organized 40 CFR 52.220a into five subsections: (a) Purpose and scope; (b) Incorporation by reference; (c) EPA-approved regulations; (d) EPA-approved source-specific requirements; and (e) EPA-approved nonregulatory provisions and quasi-regulatory measures such as transportation control measures, certain nonregulatory statutory provisions, control strategies, and monitoring networks.

In this action, we are revising the format for portions of the California SIP related to local ordinances and the rules adopted by the following eight California air districts: Amador Air District, Antelope Valley Air Quality Management District (AQMD), Bay Area AQMD, Butte County AQMD, Calaveras County Air Pollution Control District (APCD), Colusa County APCD, Eastern Kern APCD, and El Dorado County AQMD. This format revision involves materials approved on or before April 17, 2025, that are part of the current applicable SIP. All subsequent actions by the EPA to approve California SIP revisions related to local ordinances or these eight air districts will be promulgated in 40 CFR 52.220a, paragraph (c) using the new table format. EPA approvals of source-specific requirements, nonregulatory and quasi-regulatory provisions, and rules from air districts other than these eight air districts will continue to be promulgated in 40 CFR 52.220 using the paragraph format.

Over time, as the EPA completes further rulemaking actions to convert the format of the California SIP, § 52.220a will include a growing number of air district rules, local ordinances, source-specific requirements, and nonregulatory and quasi-regulatory provisions. Once the conversion process is completed, the EPA will redesignate § 52.220a as § 52.220 and rename it simply “Identification of plan.” At that point, all subsequent actions by the EPA to approve California SIP revisions will be promulgated using the new table format.

H. When a SIP Revision Becomes Federally Enforceable

All revisions to the applicable SIP become federally enforceable as of the effective date of the revision to the

applicable “Identification of plan” section found in each subpart of 40 CFR part 52. All future revisions to the relevant portion of the applicable SIP being converted to the new table format in this action become federally enforceable as of the effective date of the revisions to paragraph (c) of § 52.220a, in subpart F of 40 CFR part 52.

I. The Historical Record of SIP Revision Approvals

To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, the EPA will retain the “Identification of plan—in part” section for California appearing in 40 CFR 52.220 until the conversion process is completed. After the conversion of the entire California SIP is completed, the “Identification of plan—in part” section will be moved to 40 CFR 52.250. After an initial two-year period, the EPA will review its experience with the new SIP processing system and decide whether to retain the “Identification of plan—in part” section for some further period.

II. What the EPA Is Doing in This Action

In this action, the EPA is revising the format for portions of the applicable California SIP related to local ordinances and the rules from the following eight air districts: Amador Air District, Antelope Valley AQMD, Bay Area AQMD, Butte County AQMD, Calaveras County APCD, Colusa County APCD, Eastern Kern APCD, and El Dorado County AQMD. This format revision involves materials approved on or before April 17, 2025, that are part of the current applicable SIP. This action constitutes a “housekeeping” exercise to ensure that all EPA-approved revisions to the State programs that have occurred are accurately reflected in 40 CFR part 52. The requirements that apply to states and that relate to SIPs and SIP revisions are set forth in the Clean Air Act and in the EPA’s regulations at 40 CFR part 51. When the EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

The EPA has determined that this rule falls under the “good cause” exemption in section 553(b)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately, thereby avoiding the 30-day delayed effective date otherwise provided for in

the APA. This action simply reformats and recodifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where notice and public procedure are “impractical, unnecessary, or contrary to the public interest.” Public comment is “unnecessary” and “contrary to the public interest” for this action because the EPA is merely reformatting and recodifying existing law. Immediate notice in the CFR benefits the public by removing outdated citations and making the IBR format clearer and more user-friendly.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is reformatting the materials incorporated by reference in previous rulemakings on submittal of the California SIP and SIP revisions, as described in section II. of this preamble. The EPA has made, and will continue to make, these documents generally available through www.regulations.gov and at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

A. General Requirements

This action does not impose additional requirements beyond those previously approved into the SIP and already 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 is an administrative action related to State program approval;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

B. Submission to Congress and the Comptroller General

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This action simply reformats and recodifies provisions that are already in effect as a matter of law in Federal and approved State programs. 5 U.S.C. 802(2). As stated previously, the EPA has made such a good cause finding, including the reasons therefore, and established an effective date of June 4, 2025. The EPA will submit a report containing this rule 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 of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

The EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each

individual component of the California SIP compilation had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, the EPA believes judicial review of this action under section 307(b)(1) is not available.

List of Subjects in 40 CFR Part 52

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

Dated: May 21, 2025.

Joshua F.W. Cook,

Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by revising the introductory text to read as follows:

§ 52.220 Identification of plan—in part.

This section identifies the local and regional air district rules, local ordinances, source-specific requirements, and nonregulatory materials submitted by the State of California and approved as part of the California State implementation plan. This section also identifies California statutes and State regulations submitted by the State of California and approved as part of the California State implementation plan on or prior to April 1, 2016. New or amended California statutes and State regulations approved after April 1, 2016, are identified in § 52.220a. New or amended local ordinances approved after April 17, 2025, are identified in § 52.220a. New or amended air district rules approved after April 17, 2025, are identified in § 52.220a for the following air districts: Amador Air District, Antelope Valley Air Quality Management District, Bay Area Air Quality Management District, Butte County Air Quality Management

District, Calaveras County Air Pollution Control District, Colusa County Air Pollution Control District, Eastern Kern Air Pollution Control District, and El Dorado County Air Quality Management District.

* * * * *

■ 3. Section 52.220a is amended by revising paragraphs (a) and (b) and tables 3 through 11 to paragraph (c) to read as follows:

§ 52.220a Identification of plan—in part.

(a) *Purpose and scope.* This section sets forth a portion of the applicable State implementation plan for the State of California under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date on or prior to the dates listed in this paragraph (b)(1) was approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and notice of any change in the material will be published in the **Federal Register**. Entries in tables 1 through 39 to paragraph (c) of this section with EPA approval dates after the dates listed in this paragraph (b)(1) have been approved by the EPA for inclusion in the State implementation plan and will be incorporated by reference in the next update to the SIP compilation.

(i) *EPA-Approved Statutes and State Regulations.* Material listed in table 1 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 1, 2016.

(ii) *EPA-Approved California Test Procedures, Test Methods, and Specifications.* Material listed in table 2 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 1, 2016.

(iii) *EPA-Approved Local Jurisdiction Ordinances and Municipal Code: Coachella Valley Local Jurisdictions, Town of Mammoth Lakes, City of Portola.* Material listed in table 3 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 17, 2025.

(iv) *EPA-Approved Amador Air District Regulations.* Material listed in table 4 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 17, 2025.

(v) *EPA-Approved Antelope Valley Air Quality Management District Regulations; Los Angeles County Air Pollution Control District Regulations;*

Southern California Air Pollution Control District Regulations; South Coast Air Quality Management District Regulations (Applicable in Antelope Valley). Material listed in table 5 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 17, 2025.

(vi) *EPA-Approved Bay Area Air Quality Management District Regulations.* Material listed in table 6 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 17, 2025.

(vii) *EPA-Approved Butte County Air Quality Management District Regulations.* Material listed in table 7 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 17, 2025.

(viii) *EPA-Approved Calaveras County Air Pollution Control District Regulations.* Material listed in table 8 to paragraph (c) of this section was

approved by EPA for inclusion in the SIP on April 17, 2025.

(ix) *EPA-Approved Colusa County Air Pollution Control District Regulations.* Material listed in table 9 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 17, 2025.

(x) *EPA-Approved Eastern Kern Air Pollution Control District Regulations; Kern County Air Pollution Control District Regulations.* Material listed in table 10 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 17, 2025.

(xi) *EPA-Approved El Dorado County Air Quality Management District Regulations.* Material listed in table 11 to paragraph (c) of this section was approved by EPA for inclusion in the SIP on April 17, 2025.

(2) EPA Region IX certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in

paragraph (b)(3) of this section are an exact duplicate of the officially promulgated rules/regulations which have been approved as part of the State implementation plan as of the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region IX office at 75 Hawthorne Street, San Francisco, CA 94105. To obtain the material, please call (415) 947-8000. 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.

(c) * * *

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TABLE 3—EPA-APPROVED LOCAL JURISDICTION ORDINANCES AND MUNICIPAL CODE: COACHELLA VALLEY LOCAL JURISDICTIONS, TOWN OF MAMMOTH LAKES, CITY OF PORTOLA

Ordinance No. or code citation	Title/subject	State effective date	EPA approval date	Additional explanation
Coachella Valley Local Jurisdictions				
City of Cathedral City Ordinance No. 583.	An Ordinance of the City Council of the City of Cathedral City to Establish Minimum Requirements for Construction and Demolition Activities and Other Specific Sources in order to Reduce Man-Made Fugitive Dust and the Corresponding PM ₁₀ Emissions.	February 14, 2004 ..	November 14, 2005, 70 FR 69081.	Adopted on January 14, 2004. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(7).
City of Coachella Ordinance No. 896.	An Ordinance of the City Council of the City of Coachella, California, Repealing Article X of Chapter 10 of the City of Coachella Municipal Code and Adding Article X to Chapter 10 to the Coachella Municipal Code to Adopt, Implement, and Enforce Fugitive Dust Control Measures in the City of Coachella.	November 8, 2003	November 14, 2005, 70 FR 69081.	Adopted on October 8, 2003. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(7).
City of Desert Hot Springs Ordinance No. 2003–16.	An Ordinance of the City Council of the City of Desert Hot Springs Approving Revised Regulations Concerning the Control of Fugitive Dust (PM ₁₀) From Man-Made and Other Specified Sources, Replacing the Existing Regulations Within Title XV of the Desert Hot Springs Municipal Code.	November 7, 2003	November 14, 2005, 70 FR 69081.	Adopted on October 7, 2003. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(7).
City of Indian Wells Ordinance No. 545.	An Ordinance of the City Council of the City of Indian Wells, California, Adding Sections 8.04.025 and 8.04.026 and Amending Chapter 8.20 of the Indian Wells Municipal Code, and Adopting the Coachella Valley Fugitive Dust Control Handbook.	December 6, 2003	November 14, 2005, 70 FR 69081.	Adopted on November 6, 2003. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(7).
City of Indio Ordinance No. 1357.	Ordinance of the City Council of the City of Indio, California, Approving Fugitive Dust Control Ordinance Which Replaces the Existing Fugitive Dust Control of the Indio Municipal Code Section 95.131A through 95.135A.	April 1, 2004	November 14, 2005, 70 FR 69081.	Adopted on December 3, 2003. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(7).

TABLE 3—EPA-APPROVED LOCAL JURISDICTION ORDINANCES AND MUNICIPAL CODE: COACHELLA VALLEY LOCAL JURISDICTIONS, TOWN OF MAMMOTH LAKES, CITY OF PORTOLA—Continued

Ordinance No. or code citation	Title/subject	State effective date	EPA approval date	Additional explanation
City of La Quinta Ordinance No. 391.	An Ordinance of the City Council of the City of La Quinta, California, Repealing and Replacing Chapter 6.16 of the La Quinta Charter and Municipal Code Relating to Fugitive Dust Control.	January 2, 2004	November 14, 2005, 70 FR 69081.	Adopted on December 2, 2003. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(1).
City of Palm Desert Ordinance No. 1056.	An Ordinance of the City Council of the City of Palm Desert, California, Adding Chapter 24.12 to the Palm Desert Municipal Code, Superseding the Current Ordinance.	December 13, 2003	November 14, 2005, 70 FR 69081.	Adopted on November 13, 2003. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(1).
City of Palm Springs Ordinance No. 1639.	An Ordinance of the City of Palm Springs, California, Repealing Existing Chapter 8.50 in its Entirety and Adding Section 8.50 of the Palm Springs Municipal Code Relating to Fugitive Dust Control.	December 5, 2003	November 14, 2005, 70 FR 69081.	Adopted on November 5, 2003. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(1).
City of Rancho Mirage Ordinance No. 855.	An Ordinance of the City Council of the City of Rancho Mirage Replacing Chapter 7.01 of the Rancho Mirage Municipal Code "Control of PM-10, Fugitive Dust and Other Emissions".	January 19, 2004 ...	November 14, 2005, 70 FR 69081.	Fugitive dust control ordinance adopted on December 18, 2003. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(1).
City of Rancho Mirage Ordinance No. 863.	An Ordinance of the City Council of the City of Rancho Mirage Amending Rancho Mirage Municipal Code Chapter 7.01, Control of PM ₁₀ Fugitive Dust and Other Emissions, Section 7.01.042(9), Construction and Demotion Activities.	May 30, 2004	November 14, 2005, 70 FR 69081.	Adopted on April 29, 2004. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(1).
County of Riverside Ordinance No. 742.1.	An Ordinance of the County of Riverside Amending Ordinance No. 742 Relating to the Control of Fugitive Dust and the Corresponding PM ₁₀ Emission in the Coachella Valley, and also Adopting the Coachella Valley Fugitive Dust Control Handbook Produced by the Air Quality Management District (AQMD).	February 11, 2004 ..	November 14, 2005, 70 FR 69081.	Adopted on January 13, 2004. Submitted on November 16, 2004. See 40 CFR 52.220(c)(340)(i)(B)(1).
Town of Mammoth Lakes				
Town of Mammoth Lakes Municipal Code, Chapter 8.30 (except paragraphs 8.30.110 and 8.30.120).	Particulate Emissions Regulations	July 5, 2014	June 30, 2017, 82 FR 29762.	Adopted through Ordinance No. 14–06 on June 4, 2014. Submitted on November 6, 2014. See 40 CFR 52.220(c)(457)(i)(1)(2).
City of Portola				
Ordinance No. 359, Portola Municipal Code, Chapter 15.10, "Wood Stove and Fireplace Ordinance and the Prohibition of the Open Burning of Yard Waste," except paragraph 15.10.060 B., section 15.10.100, and section 15.10.110.	An Ordinance of the City of Portola, County of Plumas Amendment Chapter 15.10 of the City of Portola Municipal Code Providing for Regulation of Wood Stoves and Fireplaces and the Prohibition of the Open Burning of Yard Waste.	October 9, 2020	March 3, 2021, 86 FR 12263.	Adopted by the City of Portola on September 9, 2020. Submitted on December 29, 2020. See 40 CFR 52.220(c)(553)(i)(A)(1)(i).

TABLE 4—EPA-APPROVED AMADOR AIR DISTRICT REGULATIONS

District rule No.	Title/subject	State effective date	EPA approval date	Additional explanation
Original Codification of Rules and Regulations				
Regulation III—Permits				
1	Authority to Construct	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
5	Exemptions	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
6	Transfer	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
7	Applications	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).

TABLE 4—EPA-APPROVED AMADOR AIR DISTRICT REGULATIONS—Continued

District rule No.	Title/subject	State effective date	EPA approval date	Additional explanation
8	Cancellation	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
9	Action on Application	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
10	Provisions of Sampling and Testing Facilities.	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
11	Standards for Granting Applications.	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
12	Conditional Approval	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
13	Denial of Application	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
14	Further Information	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
15	Applications Deemed Denied.	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
16	Appeals	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
Regulation V—Prohibitions				
1	Prohibitions under State Law.	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
11, paragraph (B)	Specific Contaminants	September 14, 1971	September 22, 1972, 37 FR 19812.	Paragraph (B) establishes emission limit for combustion contaminants. Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
12	Prohibitions Regarding Orchard Heaters.	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
13	Process Weight Rate	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
14	Process Weight Table	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
16	Gasoline Storage	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
17	Organic Liquid Loading ...	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
19	Fuel Burning Equipment	September 14, 1971	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
Post-1975 Codification				
Regulation I—General Provisions				
101	Title	July 18, 1972	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
102	Definitions	October 15, 1979	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
104	Penalty	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
106	Validity	July 18, 1972	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
107	Effective Date	October 15, 1979	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
Regulation II—Prohibitions				
201	District-Wide Coverage ...	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
202	Visible Emissions	July 18, 1972	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
203 (excluding section G)	Exceptions	October 15, 1979	May 18, 1981, 46 FR 27115.	Exceptions to Rule 202. Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
204	Wet Plumes	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
206	Incinerator Burning	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
206 (paragraph (B) only) ..	Pathological Incineration	April 21, 1976	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
207	Particulate Matter	October 15, 1979	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
207.1	Asphalt Concrete Plants	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
210 (excluding (B)(1))	Specific Contaminants	October 15, 1979	May 18, 1981, 46 FR 27115.	Excludes emission limit for wood-fired boilers and incinerators. Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
213	Storage of Petroleum Products.	October 15, 1979	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
214	Reduction of Animal Matter.	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
215	Abrasive Blasting	October 15, 1979	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).

TABLE 4—EPA-APPROVED AMADOR AIR DISTRICT REGULATIONS—Continued

District rule No.	Title/subject	State effective date	EPA approval date	Additional explanation
216	Compliance Tests	October 15, 1979	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
Regulation III—Open Burning				
301	Prohibition from Burning	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
302	Exceptions to Rule 301 ...	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
303	Agricultural Burning	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
304	Range Improvement Burning.	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
305	Forest Management Burning.	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
306	Land Development Clearing.	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
307	Ditch and Road Maintenance.	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
308	Hazard Reduction	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
309	Fire Suppression and Training.	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
310	Residential Maintenance	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
311	Recreational Activity	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
312	Required Permit	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
313	No Burn Day	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
314	Burning Permits	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
315	Minimum Drying Times ...	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
316	Burning Management	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
317	Mechanized Burners	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
Regulation IV—Permit System Conditions				
400	NSR Requirements for New and Modified Major Sources in Non-attainment Areas.	January 17, 2023	February 6, 2024, 89 FR 8078.	Submitted electronically on March 3, 2023 as an attachment to a letter dated March 2, 2023. See 40 CFR 52.220(c)(609)(i)(A)(1).
401	Responsibility	October 15, 1979	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
403	Responsibility of Permittee.	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
404	Upset Condition, Breakdown and Scheduled Maintenance.	October 15, 1979	May 18, 1981, 46 FR 27115.	Submitted on October 15, 1979. See 40 CFR 52.220(c)(52)(xi)(A).
405	Separation of Emissions	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
406	Combination of Emissions.	April 21, 1976	June 14, 1978, 43 FR 25682.	Submitted on April 21, 1976. See 40 CFR 52.220(c)(31)(xviii)(B).
428	Emissions Statements ...	March 16, 2021	July 29, 2022, 87 FR 45657.	Submitted on June 10, 2021 as an attachment to a letter dated June 10, 2021. See 40 CFR 52.220(c)(577)(i)(A)(1).
Regulation V—Permit System Requirements				
501	Permit Required	June 16, 1981	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
502	Exemptions to Rule 501	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
503	Applications	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
505	Conditional Approval	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
507 (paragraphs (C) and (D)).	Provisions of Sampling and Testing Facilities.	October 13, 1977	November 7, 1978, 43 FR 51775.	Only paragraphs (C) and (D) were submitted. Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(viii)(A).
507	Responsibility	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
508	Posting of Permit to Operate.	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
510	Separation of Emissions	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
511	Combination of Emissions.	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).

TABLE 4—EPA-APPROVED AMADOR AIR DISTRICT REGULATIONS—Continued

District rule No.	Title/subject	State effective date	EPA approval date	Additional explanation
512	Circumvention	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
513	Source Recordkeeping ...	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
514	Public Records and Trade Secrets.	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
517	Transfer	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
518	Revocation of a Permit to Operate.	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
521	Annual Renewal	January 8, 1980	April 17, 1987, 52 FR 12522.	Submitted on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(A)(1).
Emergency Episode Plans				
Amador County Air Pollution Control District, Resolution No. 19–06.	Ozone Emergency Episode Plan, dated August 26, 2019.	October 15, 2019	March 30, 2021, 86 FR 16533.	Submitted on June 25, 2020 as an attachment to a letter dated June 16, 2020. See 40 CFR 52.220(c)(552)(i)(A)(1).

TABLE 5—EPA-APPROVED ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS; LOS ANGELES COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTHERN CALIFORNIA AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT REGULATIONS
[Applicable in Antelope Valley]

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Original Codification of Rules and Regulations				
53	Sulfur Compounds—Concentration.	June 30, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
58	Disposal of Solid and Liquid Wastes.	January 1, 1973	September 22, 1972, 37 FR 19812.	Adopted by Los Angeles County APCD. Submitted by CARB on June 30, 1972. See 40 CFR 52.220(c)(6).
67	Fuel Burning Equipment	January 7, 1971	September 22, 1972, 37 FR 19812.	Adopted by Los Angeles County APCD. Submitted by CARB on June 30, 1972. See 40 CFR 52.220(c)(6). The rescission of Rule 67 was approved at 46 FR 27116 (May 18, 1981) as to sources granted permits after June 17, 1981, but the emission limits of Rule 67 were retained for existing sources granted permits prior to that date—see 40 CFR 52.280(c).
Recodification of Rules and Regulations Regulation I—General Provisions				
101	Title	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(2).
102	Definition of Terms	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(2).
103	Definition of Geographical Areas.	September 16, 1997	December 31, 1998, 63 FR 72197.	Submitted by CARB on March 10, 1998. See 40 CFR 52.220(c)(254)(i)(E)(2).
104	Reporting of Source Test Data and Analysis.	January 9, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on April 21, 1976. See 40 CFR 52.220(c)(31)(vi)(B).
106	Increments of Progress ...	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(3).
107	Certification of Submissions and Emission Statements.	May 15, 2012	April 11, 2013, 78 FR 21545.	Submitted by CARB on September 21, 2012. See 40 CFR 52.220(c)(423)(i)(D)(1).
107	Determination of Volatile Organic Compounds in Coating Material.	January 8, 1982	October 11, 1983, 48 FR 46046.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on March 1, 1982. See 40 CFR 52.220(c)(121)(i)(B).
108	Alternative Emission Control Plans.	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(4).
109	Recordkeeping for Volatile Organic Compound Emissions.	April 20, 2010	March 1, 2012, 77 FR 12495.	Submitted by CARB on July 20, 2010. See 40 CFR 52.220(c)(381)(i)(G)(2).
Regulation II—Permits				
201	Permit to Construct	August 19, 1997	February 22, 2005, 70 FR 8518.	Submitted by CARB on March 10, 1998. See 40 CFR 52.220(c)(254)(i)(E)(3).
202(a) and (b)	Temporary Permit to Operate.	January 9, 1976	November 9, 1978, 43 FR 52237.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on April 21, 1976. See 40 CFR 52.220(c)(31)(vi)(C).

TABLE 5—EPA-APPROVED ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS; LOS ANGELES COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTHERN CALIFORNIA AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

[Applicable in Antelope Valley]

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
202(c)	Temporary Permit to Operate.	May 7, 1976	November 9, 1978, 43 FR 52237.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on August 2, 1976. See 40 CFR 52.220(c)(32)(iv)(C).
203	Permit to Operate	August 19, 1997	February 22, 2005, 70 FR 8518.	Submitted by CARB on March 10, 1998. See 40 CFR 52.220(c)(254)(i)(E)(3).
204	Permit Conditions	August 19, 1997	February 22, 2005, 70 FR 8518.	Submitted by CARB on March 10, 1998. See 40 CFR 52.220(c)(254)(i)(E)(3).
205	Expiration of Permits to Construct.	August 19, 1997	February 22, 2005, 70 FR 8518.	Submitted by CARB on March 10, 1998. See 40 CFR 52.220(c)(254)(i)(E)(3).
207	Altering or Falsifying of Permit.	January 9, 1976	November 9, 1978, 43 FR 52237.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on April 21, 1976. See 40 CFR 52.220(c)(31)(vi)(C).
208	Permit for Open Burning	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(4).
209	Transfer and Voiding of Permits.	January 9, 1976	November 9, 1978, 43 FR 52237.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on April 21, 1976. See 40 CFR 52.220(c)(31)(vi)(C).
210	Applications	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(3).
212	Standards for Approving Permits.	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(3).
213	Standards for Permits to Construct: Air Quality Impact.	October 8, 1976	November 9, 1978, 43 FR 52237.	Adopted by CARB through Resolution 76–39 (October 8, 1976) for the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on November 19, 1976. See 40 CFR 52.220(c)(36)(i)(A).
213.1	Standards for Permits to Operate: Air Quality Impact.	October 8, 1976	November 9, 1978, 43 FR 52237.	Adopted by CARB through Resolution 76–39 (October 8, 1976) for the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on November 19, 1976. See 40 CFR 52.220(c)(36)(i)(A).
213.2	Definitions for Rules 213 and 213.1.	October 8, 1976	November 9, 1978, 43 FR 52237.	Adopted by CARB through Resolution 76–39 (October 8, 1976) for the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on November 19, 1976. See 40 CFR 52.220(c)(36)(i)(A).
217	Provision for Sampling and Testing Facilities.	August 19, 1997	February 22, 2005, 70 FR 8518.	Submitted by CARB on March 10, 1998. See 40 CFR 52.220(c)(254)(i)(E)(3).
218	Continuous Emission Monitoring.	July 17, 2012	September 30, 2013, 78 FR 59840.	Submitted by CARB on February 6, 2013. See 40 CFR 52.220(c)(428)(i)(B)(1).
218.1	Continuous Emission Monitoring Performance Specifications.	July 17, 2012	September 30, 2013, 78 FR 59840.	Submitted by CARB on February 6, 2013. See 40 CFR 52.220(c)(428)(i)(B)(2).
219	Equipment Not Requiring a Permit.	June 15, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(1).
220	Exemption—Net Increase in Emissions.	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(4).
221	Plans	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(4).
226	Limitations on Potential to Emit.	May 17, 2005	September 2, 2008, 73 FR 51226.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(4).

Regulation IV—Prohibitions

401	Visible Emissions	March 2, 1984	January 29, 1985, 50 FR 3906.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on July 10, 1984. See 40 CFR 52.220(c)(155)(iv)(B).
403	Fugitive Dust	April 20, 2010	December 10, 2014, 79 FR 73203.	Submitted by CARB on July 20, 2010. See 40 CFR 52.220(c)(381)(i)(G)(3).
404	Particulate Matter—Concentrations.	October 5, 1979	September 28, 1981, 46 FR 47451.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on December 17, 1979. See 40 CFR 52.220(c)(58)(ii)(B).
405	Solid Particulate Matter—Weight.	May 7, 1976	September 28, 1981, 46 FR 47451.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on April 23, 1980. See 40 CFR 52.220(c)(69)(ii).
407	Liquid and Gaseous Contaminants.	April 2, 1982	November 10, 1982, 47 FR 50864.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on August 6, 1982. See 40 CFR 52.220(c)(124)(iv)(A).

TABLE 5—EPA-APPROVED ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS; LOS ANGELES COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTHERN CALIFORNIA AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

[Applicable in Antelope Valley]

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
408	Circumvention	May 7, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on August 2, 1976. See 40 CFR 52.220(c)(32)(iv)(A).
409	Combustion Contaminants.	August 7, 1981	July 6, 1982, 47 FR 29231.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on October 23, 1981. See 40 CFR 52.220(c)(103)(xviii)(A).
431.1	Sulfur Content of Gaseous Fuels.	August 21, 2012	September 30, 2013, 78 FR 59840.	Submitted by CARB on April 22, 2013. See 40 CFR 52.220(c)(429)(i)(B)(1).
431.2	Sulfur Content of Liquid Fuels.	October 20, 1978	September 28, 1981, 46 FR 47451.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of the SIP. Submitted by CARB on July 25, 1979. See 40 CFR 52.220(c)(65)(ii).
431.2(c)(5)	Sulfur Content of Liquid Fuels.	February 2, 1979	September 28, 1981, 46 FR 47451.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on April 23, 1980. See 40 CFR 52.220(c)(69)(ii).
431.3	Sulfur Content of Fossil Fuels.	December 2, 1977	September 28, 1981, 46 FR 47451.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of the SIP. Submitted by CARB on July 25, 1979. See 40 CFR 52.220(c)(65)(ii).
432	Gasoline Specifications ...	May 7, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on August 2, 1976. See 40 CFR 52.220(c)(32)(iv)(A).
442	Usage of Solvents	November 15, 2005	October 31, 2006, 71 FR 63696.	Submitted by CARB on March 10, 2006. See 40 CFR 52.220(c)(344)(i)(A)(1).
443	Labeling of Solvents	January 1, 1977	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on August 2, 1976. See 40 CFR 52.220(c)(32)(iv)(A).
444	Open Outdoor Fires	February 19, 2008	June 11, 2009, 74 FR 27716.	Submitted by CARB on July 18, 2008. See 40 CFR 52.220(c)(359)(i)(D)(1).
461	Gasoline Transfer and Dispensing.	October 21, 2008	January 31, 2011, 76 FR 5277.	Submitted by CARB on April 6, 2009. See 40 CFR 52.220(c)(366)(i)(C)(1).
462	Organic Liquid Loading ...	September 19, 2017	May 3, 2019, 84 FR 19681.	Submitted by CARB on November 13, 2017. See 40 CFR 52.220(c)(516)(i)(A)(1).
463	Organic Liquid Storage ...	March 11, 1994	October 23, 1996, 61 FR 54941.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(A)(2).
464	Wastewater Separators ..	December 7, 1990	February 24, 1997, 62 FR 8171.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on May 13, 1991. See 40 CFR 52.220(c)(184)(i)(B)(6).
468	Sulfur Recovery Units	October 8, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on February 10, 1977. See 40 CFR 52.220(c)(37)(i)(A).
469	Sulfuric Acid Units	October 8, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on February 10, 1977. See 40 CFR 52.220(c)(37)(i)(A).
470	Asphalt Air Blowing	May 7, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on August 2, 1976. See 40 CFR 52.220(c)(32)(iv)(A).
472	Reduction in Animal Matter.	May 7, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on August 2, 1976. See 40 CFR 52.220(c)(32)(iv)(A).
474	Fuel Burning Equipment—Oxides of Nitrogen.	December 4, 1981	July 6, 1982, 47 FR 29231.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on March 1, 1982. See 40 CFR 52.220(c)(121)(i)(A).
475	Electric Power Generating Equipment.	October 8, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on February 10, 1977. See 40 CFR 52.220(c)(37)(i)(A).
476	Steam Generating Equipment.	October 8, 1976	June 14, 1978, 43 FR 25684.	Adopted by the Southern California APCD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on February 10, 1977. See 40 CFR 52.220(c)(37)(i)(A).

TABLE 5—EPA-APPROVED ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS; LOS ANGELES COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTHERN CALIFORNIA AIR POLLUTION CONTROL DISTRICT REGULATIONS; SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

[Applicable in Antelope Valley]

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
481	Spray Coating Operations	May 5, 1978	January 21, 1981, 46 FR 5965.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on January 2, 1979. See 40 CFR 52.220(c)(47)(i)(B).
Regulation VII—Emergencies				
701	Air Pollution Emergency Contingency Actions.	April 15, 2014	October 5, 2015, 80 FR 60040.	Submitted by CARB on November 6, 2014. See 40 CFR 52.220(c)(457)(i)(F)(1).
Regulation XI—Source-Specific Standards				
1102	Petroleum Solvent Dry Cleaners.	December 7, 1990	March 24, 1992, 57 FR 10136.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on May 13, 1991. See 40 CFR 52.220(c)(184)(i)(B)(1).
1102.1	Perchloroethylene Dry Cleaning Systems.	December 7, 1990	March 24, 1992, 57 FR 10136.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on May 13, 1991. See 40 CFR 52.220(c)(184)(i)(B)(1).
1104	Wood Flat Stock Coating Operations.	March 1, 1991	June 23, 1994, 59 FR 32354.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on October 25, 1991. See 40 CFR 52.220(c)(186)(i)(C)(1).
1106.1	Pleasure Craft Coating Operations.	May 1, 1992	April 13, 1995, 60 FR 18750.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on September 14, 1992. See 40 CFR 52.220(c)(189)(i)(A)(6).
1107	Coating of Metal Parts and Products.	May 12, 1995	July 14, 1995, 60 FR 36227.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on June 16, 1995. See 40 CFR 52.220(c)(222)(i)(A)(1).
1108	Cutback Asphalt	February 1, 1985	July 12, 1990, 55 FR 28624.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on April 12, 1985. See 40 CFR 52.220(c)(160)(i)(E)(1).
1108.1	Emulsified Asphalt	November 4, 1983	January 24, 1985, 50 FR 3338.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on March 14, 1984. See 40 CFR 52.220(c)(153)(vii)(A).
1110.2	Emissions from Stationary, Non-Road and Portable Internal Combustion Engines.	September 18, 2018	September 10, 2021, 86 FR 50645.	Submitted by CARB on October 30, 2018. See 40 CFR 52.220(c)(521)(i)(A)(2).
1111	NO _x Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces.	July 8, 1983	May 3, 1984, 49 FR 18830.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on October 27, 1983. See 40 CFR 52.220(c)(148)(vi)(A).
1113	Architectural Coatings	June 18, 2013	December 8, 2015, 80 FR 76222.	Submitted by CARB on May 13, 2014. See 40 CFR 52.220(c)(441)(i)(E)(3).
1120	Asphalt Pavement Heaters.	August 4, 1978	September 28, 1981, 46 FR 47451.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of the SIP. Submitted by CARB on July 25, 1979. See 40 CFR 52.220(c)(65)(ii).
1121	Control of Nitrogen Oxides from Residential Type Natural Gas-Fired Water Heaters.	March 10, 1995	November 1, 1996, 61 FR 56470.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of the SIP. Submitted by CARB on May 24, 1995. See 40 CFR 52.220(c)(220)(i)(C)(1).
1122	Solvent Degreasers	April 5, 1991	November 4, 1996, 61 FR 56627.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of the SIP. Submitted by CARB on May 13, 1993. See 40 CFR 52.220(c)(193)(i)(A)(3).
1124	Aerospace Assembly and Component Manufacturing Operations.	August 20, 2013	October 5, 2015, 80 FR 60040.	Submitted by CARB on May 13, 2014. See 40 CFR 52.220(c)(441)(i)(E)(1).
1130	Graphic Arts	November 19, 2013	October 5, 2015, 80 FR 60040.	Submitted by CARB on May 13, 2014. See 40 CFR 52.220(c)(441)(i)(E)(2).
1134	Stationary Gas Turbines	January 19, 2010	January 18, 2012, 77 FR 2469.	Submitted by CARB on July 20, 2010. See 40 CFR 52.220(c)(381)(i)(G)(1).
1136	Wood Products Coatings	September 8, 1995	October 31, 1995, 60 FR 55312.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on October 13, 1995. See 40 CFR 52.220(c)(225)(i)(A)(1).
1140	Abrasive Blasting	February 1, 1980	September 28, 1981, 46 FR 47451.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on April 2, 1980. See 40 CFR 52.220(c)(67)(i)(B).

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[Applicable in Antelope Valley]

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
1141.1	Coatings and Ink Manufacturing.	November 4, 1983	January 24, 1985, 50 FR 3338.	Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on March 14, 1984. See 40 CFR 52.220(c)(153)(vii)(A).
1145	Plastic, Rubber, and Glass Coating Operations.	January 10, 1992	December 20, 1993, 58 FR 66286.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on January 11, 1993. See 40 CFR 52.220(c)(191)(i)(A)(1).
1146	Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.	May 13, 1994	September 6, 1995, 60 FR 46220.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on July 13, 1994. See 40 CFR 52.220(c)(198)(i)(H)(1).
1146.1	Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.	May 13, 1994	September 6, 1995, 60 FR 46220.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on July 13, 1994. See 40 CFR 52.220(c)(198)(i)(H)(1).
1150.1	Control of Gaseous Emissions from Active Landfills.	April 5, 1985	May 6, 1997, 62 FR 24574.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on October 16, 1985. See 40 CFR 52.220(c)(164)(i)(E)(1).
1150.2	Control of Gaseous Emissions from Inactive Landfills.	October 18, 1985	May 6, 1997, 62 FR 24574.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(H)(2).
1151	Motor Vehicle and Mobile Equipment Coating Operations.	June 19, 2012	September 24, 2013, 78 FR 58459.	Submitted by CARB on September 21, 2012. See 40 CFR 52.220(c)(423)(i)(D)(2).
1151.1	Motor Vehicle Assembly Coating Operations.	June 20, 2017	May 24, 2018, 83 FR 24033.	Submitted by CARB on August 9, 2017. See 40 CFR 52.220(c)(503)(i)(A)(1).
1153	Commercial Bakery Ovens.	January 13, 1995	August 8, 1995, 60 FR 40285.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on February 24, 1995. See 40 CFR 52.220(c)(215)(i)(A)(2).
1162	Polyester Resin Operations.	May 13, 1994	August 25, 1994, 59 FR 43751.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(A)(1).
1164	Semiconductor Manufacturing.	January 13, 1995	February 1, 1996, 61 FR 3579.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on February 24, 1995. See 40 CFR 52.220(c)(215)(i)(A)(4).
1168	Adhesive and Sealant Applications.	September 20, 2011	September 20, 2012, 77 FR 58313.	Submitted by CARB on February 23, 2012. See 40 CFR 52.220(c)(411)(i)(D)(1).
1171	Solvent Cleaning Operations.	August 21, 2018	July 2, 2019, 84 FR 31684.	Submitted by CARB on October 30, 2018. See 40 CFR 52.220(c)(521)(i)(A)(1).
1173	Fugitive Emissions of Volatile Organic Compounds.	June 17, 2008	August 28, 2009, 74 FR 44294.	Submitted by CARB on October 20, 2008. See 40 CFR 52.220(c)(361)(i)(B)(1).
1175	Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products.	May 13, 1994	August 25, 1994, 59 FR 43751.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(A)(1).
1176	Sumps and Wastewater Separators.	May 13, 1994	August 25, 1994, 59 FR 43751.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(A)(1).
1179	Publicly Owned Treatment Works Operations.	March 6, 1992	October 4, 1994, 59 FR 50498.	Adopted by the SCAQMD. Remains applicable in Antelope Valley portion of California SIP. Submitted by CARB on September 14, 1992. See 40 CFR 52.220(c)(189)(i)(A)(5).

Regulation XIII—New Source Review

1300	New Source Review General.	July 20, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(2).
1301	New Source Review Definitions.	July 20, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(3).
1302 (except 1302(C)(5) and 1302(C)(7)(c)).	New Source Review Procedure.	July 20, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(4).
1303	New Source Review Requirements.	July 20, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(5).
1304	New Source Review Emissions Calculations.	July 20, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(6).

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[Applicable in Antelope Valley]

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
1305	New Source Review Emissions Offsets.	July 20, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(7).
1306	New Source Review for Electric Energy Generating Facilities.	July 20, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(8).
1309	Emission Reduction Credit Banking.	July 20, 2021	July 3, 2023, 88 FR 42621.	Submitted by CARB on August 3, 2021. See 40 CFR 52.220(c)(602)(i)(A)(9).
Regulation XXII—Transportation Outreach				
2200	Transportation Outreach Program.	January 19, 1999	July 7, 2017, 82 FR 31457.	Submitted by CARB on October 29, 1999. See 40 CFR 52.220(c)(270)(i)(E)(2).

TABLE 6—EPA-APPROVED BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATIONS

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Original Codification of Rules and Regulations				
Regulation 2, Division 14 ..	Nitrogen Oxides	April 19, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6). The portion of section 141112 related to modified heat transfer operations has been superseded by approval of Rule 9–3–202 (“Modified Heat Transfer Operation”) at 47 FR 29231 (July 6, 1982).
Regulation 4	[no title]	June 1, 1971	May 11, 1977, 42 FR 23802, corrected at 42 FR 42219 (August 22, 1977).	Submitted on July 25, 1973. Requires installation of crankcase devices on 1955 through 1962 model year motor vehicles within the district. See 40 CFR 52.220(c)(21)(iv)(B).
Regulation 6	[no title]	December 17, 1975	May 11, 1977, 42 FR 23802.	Provides authority to the APCO and designees to enforce the vehicle code. Submitted on February 10, 1976. See 40 CFR 52.220(c)(30)(i)(B).
Post-1979 Codification of Rules and Regulations				
Regulation 1, excluding section 1–402.	General Provisions and Definitions.	October 7, 1998	June 28, 1999, 64 FR 34558.	Submitted on February 16, 1999. The submitted rule did not include sections 1–300 and 1–600. See 40 CFR 52.220(c)(262)(i)(A)(1). Section 1–402 (“Status of Violation Notices During Variance Proceedings”) was deleted without replacement at 69 FR 67062 (November 16, 2004). Also see 69 FR 3045 (January 22, 2004).
Regulation 1, sections 1–541.	General Provisions and Definitions.	May 21, 1980	July 6, 1982, 47 FR 29231.	Section 1–541 is titled “Emission excesses.” Submitted on July 10, 1980. See 40 CFR 52.220(c)(86)(i)(D).
Regulation 1, sections 1–600, 1–601, 1–603, 1–604.	General Provisions and Definitions.	January 1, 1980	July 6, 1982, 47 FR 29231.	Sections 1–600, 1–601, 1–603, and 1–604 are titled “Manual of Procedures,” Approval of Sampling Facilities,” “Visible Emissions,” and “Opacity Measurements,” respectively. Submitted on June 2, 1980. See 40 CFR 52.220(c)(79)(ii)(B).
Regulation 1, section 1–602.	General Provisions and Definitions.	March 17, 1982	November 10, 1982, 47 FR 50864.	Section 1–602 is titled “Area and Continuous Emission Monitoring Requirements.” Submitted on August 6, 1982. See 40 CFR 52.220(c)(124)(i)(A).
Regulation 2 (“Permits”), Rule 1.	General Requirements	December 6, 2017	May 21, 2018, 83 FR 23372.	Submitted on December 14, 2017. See 40 CFR 52.220(c)(502)(i)(A)(1).
Regulation 2 (“Permits”), Rule 2.	New Source Review	December 6, 2017	May 21, 2018, 83 FR 23372.	Submitted on December 14, 2017. See 40 CFR 52.220(c)(502)(i)(A)(1).
Regulation 2 (“Permits”), Rule 3.	Power Plants	January 1, 1980	March 19, 1982, 47 FR 11866.	Submitted on January 14, 1980. See 40 CFR 52.220(c)(73)(i)(A).
Regulation 2 (“Permits”), Rule 4.	Emissions Banking	December 6, 2017	May 21, 2018, 83 FR 23372.	Submitted on December 14, 2017. See 40 CFR 52.220(c)(502)(i)(A)(1).
Regulation 2 (“Permits”), Rule 6, Sections 232, 234, 310, 311, 403, 404, 420, 421, 422, 423.	Major Facility Review	February 1, 1995	June 23, 1995, 60 FR 32603.	Submitted on March 31, 1995. See 40 CFR 52.220(c)(216)(i)(B)(1).
Regulation 2 (“Permits”), Rule 6, Sections 206, 207, 210, 212, 213, 214, 218, 222, 230, 231, 301, 401, 402, 602.	Major Facility Review	November 3, 1993	June 23, 1995, 60 FR 32606.	Submitted on February 28, 1994. See 40 CFR 52.220(c)(217)(i)(A)(1).

TABLE 6—EPA-APPROVED BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Regulation 4, excluding Table 1, Episode Stage Criteria.	Air Pollution Episode Plan.	January 1, 1980	May 28, 1980, 45 FR 35084.	Submitted on February 14, 1980. Includes sections 4–100, 4–101, 4–300, 4–301, 4–302, 4–303, 4–304, 4–305, 4–400, 4–401, 4–402, 4–403, and 4–404. Table 1 was superseded by approval of amended table 1 at 54 FR 31833 (August 6, 1990). See 40 CFR 52.220(c)(53)(i).
Regulation 4—Table 1, Episode Stage Criteria.	Air Pollution Episode Plan.	September 7, 1988	August 6, 1990, 54 FR 31833.	Submitted on February 7, 1989. See 40 CFR 52.220(c)(177)(i)(B)(1).
Regulation 5	Open Burning	November 2, 1994	September 4, 1998, 63 FR 47179.	Submitted on March 10, 1998. See 40 CFR 52.220(c)(254)(i)(F)(1).
Regulation 6	Particulate Matter and Visible Emissions.	December 19, 1990	September 4, 1998, 63 FR 47179.	Submitted on May 13, 1991. See 40 CFR 52.220(c)(184)(i)(C)(2).
Regulation 8 (“Organic Compounds”), Rule 1.	General Provisions	June 15, 1994	March 22, 1995, 60 FR 15062.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(6).
Regulation 8 (“Organic Compounds”), Rule 2.	Miscellaneous Operations	June 15, 1994	March 22, 1995, 60 FR 15062.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(6).
Regulation 8 (“Organic Compounds”), Rule 3.	Architectural Coatings	November 21, 2001	January 2, 2004, 69 FR 34.	Submitted on June 18, 2002. See 40 CFR 52.220(c)(300)(i)(B)(1).
Regulation 8 (“Organic Compounds”), Rule 4.	General Solvent and Surface Coating Operations.	October 16, 2002	August 26, 2003, 68 FR 51187.	Submitted on April 1, 2003. See 40 CFR 52.220(c)(315)(i)(A)(1).
Regulation 8 (“Organic Compounds”), Rule 5.	Storage of Organic Liquids.	November 27, 2002	June 5, 2003, 68 FR 33635.	Submitted on January 21, 2003. See 40 CFR 52.220(c)(312)(i)(A)(1).
Regulation 8 (“Organic Compounds”), Rule 6.	Organic Liquid Bulk Terminals and Bulk Plants.	February 2, 1994	April 3, 1995, 60 FR 16799.	Submitted on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(B)(1).
Regulation 8 (“Organic Compounds”), Rule 7.	Gasoline Dispensing Facilities.	November 6, 2002	March 24, 2003, 68 FR 14156.	Submitted on December 12, 2002. See 40 CFR 52.220(c)(308)(i)(A)(1).
Regulation 8 (“Organic Compounds”), Rule 8.	Wastewater (Oil-Water) Separators.	June 15, 1994	August 29, 1994, 59 FR 44328.	Submitted on July 13, 1994. See 40 CFR 52.220(c)(198)(i)(A)(1).
Regulation 8 (“Organic Compounds”), Rule 9.	Vacuum Processing Systems.	July 20, 1983	October 3, 1984, 49 FR 39057.	Submitted on October 27, 1983. See 40 CFR 52.220(c)(148)(i)(B).
Regulation 8 (“Organic Compounds”), Rule 10.	Process Vessel Depressurization.	July 20, 1983	October 3, 1984, 49 FR 39057.	Submitted on October 27, 1983. See 40 CFR 52.220(c)(148)(i)(B).
Regulation 8 (“Organic Compounds”), Rule 11.	Metal Container, Metal Closure, and Metal Coil Coating.	November 19, 1997	September 18, 2000, 65 FR 56251.	Submitted on March 28, 2000. See 40 CFR 52.220(c)(277)(i)(C)(1).
Regulation 8 (“Organic Compounds”), Rule 12.	Paper, Fabric, and Film Coating.	December 20, 1995	December 23, 1997, 62 FR 66998.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(2).
Regulation 8 (“Organic Compounds”), Rule 13.	Light and Medium Duty Motor Vehicle Assembly Plants.	December 20, 1995	December 23, 1997, 62 FR 66998.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(2).
Regulation 8 (“Organic Compounds”), Rule 14.	Surface Preparation and Coating of Large Appliances and Metal Furniture.	October 16, 2002	October 27, 2004, 69 FR 62588.	Submitted on April 1, 2003. See 40 CFR 52.220(c)(315)(i)(A)(3).
Regulation 8 (“Organic Compounds”), Rule 15.	Emulsified and Liquid Asphalts.	June 1, 1994	March 22, 1995, 60 FR 15062.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(6).
Regulation 8 (“Organic Compounds”), Rule 16.	Solvent Cleaning Operations.	October 16, 2002	August 26, 2003, 68 FR 51187.	Submitted on April 1, 2003. See 40 CFR 52.220(c)(315)(i)(A)(1).
Regulation 8 (“Organic Compounds”), Rule 17.	Petroleum Dry Cleaning Operations.	September 5, 1990	June 23, 1994, 59 FR 32354.	Submitted on April 5, 1991. See 40 CFR 52.220(c)(183)(i)(F)(2).
Regulation 8 (“Organic Compounds”), Rule 18.	Equipment Leaks	November 27, 2002	June 5, 2003, 68 FR 33635.	Submitted on January 21, 2003. See 40 CFR 52.220(c)(312)(i)(A)(1).
Regulation 8 (“Organic Compounds”), Rule 19.	Surface Preparation and Coating of Miscellaneous Metal Parts and Products.	October 16, 2002	October 27, 2004, 69 FR 62588.	Submitted on April 1, 2003. See 40 CFR 52.220(c)(315)(i)(A)(3).
Regulation 8 (“Organic Compounds”), Rule 20.	Graphic Arts Printing and Coating Operations.	March 3, 1999	September 13, 2000, 65 FR 55201.	Submitted on March 28, 2000. See 40 CFR 52.220(c)(277)(i)(C)(2).
Regulation 8 (“Organic Compounds”), Rule 21.	Rubber Tire Manufacturing Operations.	March 17, 1980	July 6, 1982, 47 FR 29231.	Submitted on May 13, 1980. See 40 CFR 52.220(c)(83)(i)(C).
Regulation 8 (“Organic Compounds”), Rule 22.	Valves and Flanges at Chemical Plants.	June 1, 1994	February 16, 1995, 60 FR 8949.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(4).
Regulation 8 (“Organic Compounds”), Rule 23.	Coating of Flat Wood Paneling and Wood Flat Stock.	December 20, 1995	December 23, 1997, 62 FR 66998.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(2).
Regulation 8 (“Organic Compounds”), Rule 24.	Pharmaceutical and Cosmetic Manufacturing Operations.	June 15, 1994	March 22, 1995, 60 FR 15062.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(6).
Regulation 8 (“Organic Compounds”), Rule 26.	Magnet Wire Coating Operations.	December 20, 1995	August 19, 1999, 64 FR 45178.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(5).
Regulation 8 (“Organic Compounds”), Rule 27.	Perchloroethylene Dry Cleaning.	March 5, 1980	July 8, 1982, 47 FR 29668.	Submitted on May 13, 1980. See 40 CFR 52.220(c)(83)(i)(B).
Regulation 8 (“Organic Compounds”), Rule 28.	Episodic Releases from Pressure Relief Devices at Petroleum Refineries and Chemical Plants.	March 18, 1998	May 24, 2004, 69 FR 29451.	Submitted on March 28, 2000. See 40 CFR 52.220(c)(277)(i)(C)(8).
Regulation 8 (“Organic Compounds”), Rule 29.	Aerospace Assembly and Component Coating Operations.	December 20, 1995	December 23, 1997, 62 FR 66998.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(2).

TABLE 6—EPA-APPROVED BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Regulation 8 ("Organic Compounds"), Rule 30.	Semiconductor Manufacturing Operations.	June 15, 1994	March 22, 1995, 60 FR 15062.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(6).
Regulation 8 ("Organic Compounds"), Rule 31.	Surface Preparation and Coating of Plastic Parts and Products.	October 16, 2002	October 30, 2003, 68 FR 61753.	Submitted on April 1, 2003. See 40 CFR 52.220(c)(315)(i)(A)(2).
Regulation 8 ("Organic Compounds"), Rule 32.	Wood Products	December 20, 1995	December 23, 1997, 62 FR 66998.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(2).
Regulation 8 ("Organic Compounds"), Rule 33.	Gasoline Bulk Terminals and Gasoline Delivery Vehicles.	June 1, 1994	April 3, 1995, 60 FR 16799.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(5).
Regulation 8 ("Organic Compounds"), Rule 34.	Solid Waste Disposal Sites.	October 6, 1999	July 1, 2002, 67 FR 44062.	Submitted on December 11, 2000. See 40 CFR 52.220(c)(285)(i)(C)(2).
Regulation 8 ("Organic Compounds"), Rule 35.	Ink, Coating, and Adhesive Manufacturing.	June 15, 1994	March 22, 1995, 60 FR 15062.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(6).
Regulation 8 ("Organic Compounds"), Rule 36.	Resin Manufacturing	June 16, 1984	January 29, 1985, 50 FR 3906.	Submitted on October 19, 1984. See 40 CFR 52.220(c)(156)(i)(A).
Regulation 8 ("Organic Compounds"), Rule 37.	Natural Gas and Crude Oil Production Facilities.	October 17, 1990	August 11, 1992, 57 FR 35758.	Submitted on May 13, 1991. See 40 CFR 52.220(c)(184)(i)(C)(1).
Regulation 8 ("Organic Compounds"), Rule 38.	Flexible and Rigid Disc Manufacturing.	December 20, 1995	December 23, 1997, 62 FR 66998.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(2).
Regulation 8 ("Organic Compounds"), Rule 39.	Gasoline Bulk Plants and Gasoline Delivery Vehicles.	June 1, 1994	April 3, 1995, 60 FR 16799.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(5).
Regulation 8 ("Organic Compounds"), Rule 40.	Aeration of Contaminated Soil and Removal of Underground Storage Tanks.	December 15, 1999	April 19, 2001, 66 FR 20084.	Submitted on March 28, 2000. See 40 CFR 52.220(c)(277)(i)(C)(4).
Regulation 8 ("Organic Compounds"), Rule 41.	Vegetable Oil Manufacturing Operations.	June 1, 1994	March 22, 1995, 60 FR 15062.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(6).
Regulation 8 ("Organic Compounds"), Rule 42.	Large Commercial Bakeries.	June 1, 1994	March 7, 1995, 60 FR 12451.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(3).
Regulation 8 ("Organic Compounds"), Rule 43.	Surface Preparation and Coating of Marine Vessels.	October 16, 2002	October 30, 2003, 68 FR 61753.	Submitted on April 1, 2003. See 40 CFR 52.220(c)(315)(i)(A)(2).
Regulation 8 ("Organic Compounds"), Rule 44.	Marine Vessel Loading Terminals.	January 4, 1989	August 30, 1993, 58 FR 45442.	Submitted on March 26, 1990. See 40 CFR 52.220(c)(179)(i)(C)(1).
Regulation 8 ("Organic Compounds"), Rule 45.	Motor Vehicle and Mobile Equipment Coating Operations.	November 6, 1996	May 26, 2000, 65 FR 34101.	Submitted on August 1, 1997. See 40 CFR 52.220(c)(248)(i)(F)(1).
Regulation 8 ("Organic Compounds"), Rule 46.	Marine Tank Vessel to Marine Tank Vessel Loading.	July 12, 1989	August 30, 1993, 58 FR 45442.	Submitted on December 31, 1990. See 40 CFR 52.220(c)(182)(i)(B)(3).
Regulation 8 ("Organic Compounds"), Rule 47.	Air Stripping and Soil Vapor Extraction Operations.	June 15, 1994	April 26, 1995, 60 FR 20431.	Submitted on September 28, 1994. See 40 CFR 52.220(c)(199)(i)(A)(2).
Regulation 8 ("Organic Compounds"), Rule 49.	Aerosol Paint Products ...	August 21, 1991	March 22, 1995, 60 FR 15062.	Submitted on September 14, 1992. See 40 CFR 52.220(c)(189)(i)(C)(1).
Regulation 8 ("Organic Compounds"), Rule 50.	Polyester Resin Operations.	December 20, 1995	December 23, 1997, 62 FR 66998.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(2).
Regulation 8 ("Organic Compounds"), Rule 51.	Adhesive and Sealant Products.	May 2, 2001	February 26, 2002, 67 FR 8721.	Submitted on May 31, 2001. See 40 CFR 52.220(c)(282)(i)(B)(1).
Regulation 8 ("Organic Compounds"), Rule 52.	Polystyrene, Polypropylene, and Polyethylene Foam Product Manufacturing Operations.	July 7, 1999	July 17, 2001, 66 FR 37154.	Submitted on March 28, 2000. See 40 CFR 52.220(c)(277)(i)(C)(5).
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 1.	Sulfur Dioxide	May 20, 1992	June 8, 1999, 64 FR 30396.	Submitted on September 14, 1992. See 40 CFR 52.220(c)(189)(i)(C)(2).
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 3, Section 9–3–202.	Nitrogen Oxides from Heat Transfer Operations.	December 17, 1980	July 6, 1982, 47 FR 29231.	Section 9–3–202 is titled "Modified Heat Transfer Operation." Submitted on January 28, 1981. See 40 CFR 52.220(c)(98)(ix)(A).
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 4.	Nitrogen Oxides from Fan Type Residential Central Furnaces.	December 7, 1983	January 7, 1986, 51 FR 600.	Submitted on April 19, 1984. See 40 CFR 52.220(c)(154)(vi)(B).
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 7.	Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.	September 15, 1993	April 17, 1997, 62 FR 18710.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(1).
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 8.	Nitrogen Oxides and Carbon Monoxide Emissions from Stationary Internal Combustion Engines.	January 20, 1993	April 17, 1997, 62 FR 18710.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(1).
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 9.	Nitrogen Oxides from Stationary Gas Turbines.	September 21, 1994	April 17, 1997, 62 FR 18710.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(1).

TABLE 6—EPA-APPROVED BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 10.	Nitrogen Oxides and Carbon Monoxide from Boilers, Steam Generators and Process Heaters in Petroleum Refineries.	July 17, 2002	April 2, 2008, 73 FR 17896.	Submitted on August 12, 2002. See 40 CFR 52.220(c)(353)(i)(A)(1).
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 11.	Nitrogen Oxides and Carbon Monoxide from Electric Power Generating Steam Boilers.	May 17, 2000	May 20, 2002, 67 FR 35434.	Submitted on December 11, 2000. See 40 CFR 52.220(c)(285)(i)(C)(1).
Regulation 9 ("Inorganic Gaseous Pollutants"), Rule 12.	Nitrogen Oxides from Glass Melting Furnaces.	January 19, 1994	April 17, 1997, 62 FR 18710.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(1).
Regulation 11 ("Hazardous Pollutants"), Rule 1, sections 11-1-100 to 11-1-102, and 11-1-300 to 11-1-303.	Lead	January 1, 1980	September 2, 1981, 46 FR 43968.	Submitted on June 2, 1980. Approved sections relate to general provisions and standards. See 40 CFR 52.220(c)(79)(ii)(A).
Regulation 11 ("Hazardous Pollutants"), Rule 1, sections 11-1-500, 11-1-501, and 11-1-600 to 11-1-603.	Lead	January 1, 1980	July 6, 1982, 47 FR 29231.	Submitted on June 2, 1980. Approved sections relate to monitoring and records and the manual of procedures. See 40 CFR 52.220(c)(79)(ii)(B).
Regulation 12 ("Miscellaneous Standards of Performance"), Rule 2.	Rendering Plants	January 1, 1980	September 2, 1981, 46 FR 43968.	Submitted on June 2, 1980. See 40 CFR 52.220(c)(79)(ii)(A).
Regulation 12 ("Miscellaneous Standards of Performance"), Rule 3.	Asphalt Air Blowing	January 1, 1980	September 2, 1981, 46 FR 43968.	Submitted on June 2, 1980. See 40 CFR 52.220(c)(79)(ii)(A).
Regulation 12 ("Miscellaneous Standards of Performance"), Rule 4.	Sandblasting	January 1, 1980	September 2, 1981, 46 FR 43968.	Submitted on June 2, 1980. See 40 CFR 52.220(c)(79)(ii)(A).

General Conformity Regulation

Not applicable	Federal General Conformity Regulation.	September 7, 1994	April 23, 1999, 64 FR 19916.	Submitted on December 28, 1994. See 40 CFR 52.220(c)(205)(i)(B)(2).
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Manual of Procedures

Manual of Procedures, Volume I, excluding sections 3 and 4.	Enforcement Procedures	January 20, 1982	May 3, 1984, 49 FR 18822.	Submitted on May 20, 1982. See 40 CFR 52.220(c)(125)(viii)(A). Sections 3 and 4 were not included in the action—see the proposed rule at 48 FR 12108 (March 23, 1983).
Manual of Procedures, Volume I, section 5.	Enforcement Procedures	September 16, 1993	August 6, 2001, 66 FR 40898.	Section 5 is titled "Boiler, Steam Generator, and Process Heater Tuning Procedure." Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(E)(7).
Manual of Procedures, Volume II.	Engineering Permitting Procedures.	January 1, 1980	July 6, 1982, 47 FR 29231.	Submitted on July 30, 1981. See 40 CFR 52.220(c)(101)(i)(B).
Manual of Procedures, Volume III.	Laboratory Policy and Procedures.	January 1, 1980	July 6, 1982, 47 FR 29231.	Submitted on July 30, 1981. See 40 CFR 52.220(c)(101)(i)(B).
Manual of Procedures, Volume IV.	Source Test Policy and Procedures.	January 1, 1980	July 6, 1982, 47 FR 29231.	Submitted on July 30, 1981. See 40 CFR 52.220(c)(101)(i)(B).
Manual of Procedures, Volume V.	Continuous Emission Monitoring and Procedures.	January 20, 1982	May 3, 1984, 49 FR 18822.	Submitted on May 20, 1982. See 40 CFR 52.220(c)(125)(viii)(A).
Manual of Procedures, Volume VI, excluding sections 3 and 4.	Air Monitoring Procedures.	January 20, 1982	May 3, 1984, 49 FR 18822.	Submitted on May 20, 1982. See 40 CFR 52.220(c)(125)(viii)(A). Sections 3 and 4 were not included in the action—see the proposed rule at 48 FR 12108 (March 23, 1983).

TABLE 7—EPA-APPROVED BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Pre-1985 Rule Codification				
2-12f	Architectural Coatings	July 26, 1979	May 3, 1982, 47 FR 18852.	Submitted on November 13, 1979. See 40 CFR 52.220(c)(91)(ii)(A).
2-13	Reduced Sulfur Emission Standards.	January 4, 1972	May 31, 1972, 37 FR 10842.	Submitted on February 21, 1972. See 40 CFR 52.220(b).
Post-1985 Rule Codification Regulation I—Definitions				
101	Definitions	December 14, 2017	November 12, 2020, 85 FR 71846.	Submitted on May 23, 2018. See 40 CFR 52.220(c)(518)(i)(B)(1).

TABLE 7—EPA-APPROVED BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Regulation II—Prohibitions				
202	Visible Emissions	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
203	Particulate Matter Concentration.	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
204	Exemptions to Rules 201, 202 and 203.	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
205	Process Weight Limitation.	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
207	Wood Burning Devices ...	December 11, 2008	April 11, 2013, 78 FR 21540.	Submitted on April 25, 2012. See 40 CFR 52.220(c)(419)(i)(C)(1).
210	Gasoline Transfer into Stationary Storage Containers.	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
211	Exemptions to Rule 210	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
212	Gasoline Storage	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
213	Bulk Facilities, Petition for Annual Exemption.	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
214	Vapor Collection and Disposal System at Loading Facilities.	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
215	Storage of Gasoline Products at Bulk Facilities.	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
220	Drycleaning	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
225	Solvent Storage	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
231	Sulfur Oxides Emission Standards.	August 6, 1985	July 12, 1990, 55 FR 28622.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(2).
241	Cutback and Emulsified Asphalt.	January 12, 1993	February 5, 1996, 61 FR 4215.	Submitted on May 13, 1993. See 40 CFR 52.220(c)(193)(i)(C)(1).
250	Circumvention	August 6, 1985	February 3, 1987, 52 FR 3226.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(1).
260	Separation of Emissions	August 6, 1985	February 3, 1987, 52 FR 3226.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(1).
261	Combination of Emissions.	August 6, 1985	February 3, 1987, 52 FR 3226.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(1).
270	Orchard Heaters	August 6, 1985	February 3, 1987, 52 FR 3226.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(1).
Regulation III—Open Burning				
300	Open Burning Requirements, Prohibitions, and Exemptions.	August 27, 2015	October 11, 2016, 81 FR 70018.	Submitted on March 11, 2016. See 40 CFR 52.220(c)(474)(i)(C)(1).
Regulation IV—Permits				
400	Permit Requirements	April 24, 2014	December 22, 2016, 81 FR 93820.	Submitted on November 6, 2014. See 40 CFR 52.220(c)(457)(i)(C)(2).
401	Permit Exemptions	April 24, 2014	December 22, 2016, 81 FR 93820.	Submitted on November 6, 2014. See 40 CFR 52.220(c)(457)(i)(C)(3).
432	Federal New Source Review (FNSR).	April 22, 2021	February 5, 2024, 89 FR 7622.	Submitted on August 3, 2021 as an attachment to a letter of the same date. See 40 CFR 52.220(c)(591)(i)(B)(1).
433	Rice Straw Emission Reduction Credits.	April 24, 2014	April 11, 2017, 82 FR 17380.	Submitted on November 6, 2014. See 40 CFR 52.220(c)(457)(i)(C)(5).
434	Emissions Statements	June 25, 2020	July 29, 2022, 87 FR 45657.	Submitted on July 27, 2020 as an attachment to a letter dated July 23, 2020. See 40 CFR 52.220(c)(573)(i)(A)(1).
Regulation VII—Violations				
704	Violations of Authority to Construct and Permit Conditions.	August 6, 1985	February 3, 1987, 52 FR 3226.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(1).
Regulation IX—Miscellaneous				
901	Severability Clause	August 6, 1985	February 3, 1987, 52 FR 3226.	Submitted on February 10, 1986. See 40 CFR 52.220(c)(168)(i)(A)(1).
Regulation XI—Federal Clean Air Act Requirements				
1103	Conformity of General Federal Actions to State Implementation Plans.	February 16, 1995	April 23, 1999, 64 FR 19916.	Submitted on May 25, 1995. See 40 CFR 52.220(c)(221)(i)(B)(1).

TABLE 7—EPA-APPROVED BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
1105	Request for Designated Non-Major Source Status.	February 15, 1996	May 2, 2001, 66 FR 21875.	Submitted on May 10, 1996. See 40 CFR 52.220(c)(231)(i)(D)(1).
1107, except for the incorporation by reference of 40 CFR 52.21(b)(49)(v) into sections 3 and 4.1.	Prevention of Significant Deterioration (PSD) Permits.	June 18, 2012	November 12, 2015, 80 FR 69880.	Submitted on February 6, 2013. See 40 CFR 52.220(c)(428)(i)(F)(1). Approved along with two letters from BCAQMD dated November 13, 2014 and April 8, 2015 clarifying the rule. These letters are listed in the paragraph setting forth the EPA-approved non-regulatory and quasi-regulatory measures in the California SIP.

TABLE 8—EPA-APPROVED CALAVERAS COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS

District rule No.	Title/subject	State effective date	EPA approval date	Additional explanation
Original Codification of Rules and Regulations Regulation I—General Provisions				
1.5	Validity	April 5, 1971	May 31, 1972, 37 FR 10842.	Submitted on February 21, 1972. See 40 CFR 52.220(b).
Regulation IV—Prohibitions				
4.1	Prohibitions under State Law.	April 5, 1971	May 31, 1972, 37 FR 10842.	Submitted on February 21, 1972. See 40 CFR 52.220(b).
April 1972 Codification of Rules and Regulations Regulation I—General Provisions				
101	Title	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
Regulation II—Permits				
201	Permits Required	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
202	Exemptions	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
203	Transfer	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
205	Cancellation of Construction Permit.	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
208	Standards for Granting Application.	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
209	Conditional Approval	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
Regulation III—Fees				
301	Permit Fee	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
Regulation IV—Prohibitions				
407	Specific Contaminants	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
408	Fuel Burning Equipment	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
412	Organic Liquid Loading ...	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
413	Effluent Oil Water Separators.	April 24, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
December 1974 Codification of Rules and Regulations Regulation I—Definitions				
102	Definitions	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
Regulation II—Prohibitions				
201	District-Wide Coverage ...	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
202	Visible Emissions	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).

TABLE 8—EPA-APPROVED CALAVERAS COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS—Continued

District rule No.	Title/subject	State effective date	EPA approval date	Additional explanation
203 (paragraphs (D) and (G)).	Exceptions	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	All of Rule 203, except for paragraphs (D) and (G), were superseded by approval of Rule 203 (excluding (D) and (G) on November 7, 1978 (43 FR 51772). Paragraph (J) was deleted without replacement on November 7, 1978 (43 FR 51772). Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
203 (excluding paragraphs (D) and (G)).	Exceptions	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
204	Wet Plumes	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
206	Incinerator Burning	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
206(B)	Pathological Incineration	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
207	Particulate Matter	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
208	Orchard and Citrus Heaters	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
210	Sulfur Emissions	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
211	Process Weight Per Hour	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
212	Process Weight Table	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
213	Storage of Petroleum Products	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
214	Reduction of Animal Matter	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
215	Abrasive Blasting	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
217	Existing Sources	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
Regulation III—Open Burning				
301	Open Outdoor Burning	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
302	Exceptions to Rule 301	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
303	Burning Permits	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
304	Exception to Rule 303	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
305	Permit Validity	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
306	No-Burn Days	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
307	Exceptions to Rule 306	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
308	Burning Reports	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
309	Amount Burned Daily	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).

TABLE 8—EPA-APPROVED CALAVERAS COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS—Continued

District rule No.	Title/subject	State effective date	EPA approval date	Additional explanation
310	Approved Ignition Devices.	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
311	Restricted Burning Days	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
312	Wind Direction	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
313	Minimum Drying Times ...	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
314	Exceptions to Rule 313 ...	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
315	Preparation of Materials to be Burned.	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
316	Burning of Agricultural Waste.	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
317	Range Management Burning.	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
318	Forest Management Burning.	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
319	Open Burning of Wood Waste on Property Where Grown.	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
320	Right-of-Way Clearing and Levee, Ditch and Reservoir Maintenance Burning.	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
321	Hazard Reduction Burning.	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
323	Enforcement Responsibility.	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
Regulation IV—Permit System Conditions				
401	Responsibility	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
403	Responsibility of Permittee.	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
405	Separation of Emissions	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
406	Combination of Emissions.	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
407	Circumvention	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).
409	Public Records	December 16, 1974	May 11, 1977, 42 FR 23803; corrected on August 22, 1977, 42 FR 42219.	Submitted on July 22, 1975. See 40 CFR 52.220(c)(28)(iv)(A).
428	NSR Requirements for New and Modified Major Sources in Non-attainment Areas.	March 12, 2019	November 19, 2020, 85 FR 73634.	Submitted on April 5, 2019. See 40 CFR 52.220(c)(544)(i)(A)(1).
Regulation V—Permit System Requirements				
507	Provision of Sampling and Testing Facilities.	December 20, 1976	November 7, 1978, 43 FR 51772.	Submitted on October 13, 1977. See 40 CFR 52.220(c)(41)(ix)(A).

TABLE 8—EPA-APPROVED CALAVERAS COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS—Continued

District rule No.	Title/subject	State effective date	EPA approval date	Additional explanation
513	Source Recordkeeping and Emission Statement.	June 26, 2018	October 29, 2019, 84 FR 57822.	Submitted on November 21, 2018. See 40 CFR 52.220(c)(527)(i)(A)(1).
Emergency Episode Plans				
Calaveras County Air Pollution Control District, Resolution No. 20200526r056, May 26, 2020.	Ozone Emergency Episode Plan, December 2019.	May 26, 2020	March 30, 2021, 86 FR 16533.	Submitted on June 25, 2020 as an attachment to a letter dated June 16, 2020. See 40 CFR 52.220(c)(552)(i)(F)(1).

TABLE 9—EPA-APPROVED COLUSA COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Regulation I—General Provisions				
1.1	Title	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
1.2	Definitions	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
1.2(c) and (cg)—see explanatory note.	Definitions	December 11, 1972	August 22, 1977, 42 FR 42219.	Defines the terms, “agricultural burning” and “open burning in agricultural operations in the growing of crops or raising of fowls or animals.” Submitted on July 25, 1973, and later approved, in uncodified form, as part of “Amendment Number 3.” The current (2017) APCD codification of the definitions is shown in the first column. See 40 CFR 52.220(c)(21)(x)(A).
1.3	Confidential Information ..	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
1.5	Validity	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
1.7	Effective Date	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
Regulation II—Registration and Permits				
2.1	Untitled, establishes registration requirement.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
2.2	Untitled, establishes content requirements for registration.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
2.3	Untitled, relates to service of notices.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
2.4	Permits General Requirements.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
2.5	Permits Required	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
2.6	Exemptions	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
2.7A	Standards for Granting Applications.	February 13, 1980	June 18, 1982, 57 FR 26379.	Submitted on February 25, 1980. See 40 CFR 52.220(c)(54)(x)(A).
2.7B	Conditional Approval	February 13, 1980	June 18, 1982, 57 FR 26379.	Submitted on February 25, 1980. See 40 CFR 52.220(c)(54)(x)(A).
Regulation IV—Prohibitions				
4.1	Prohibitions under State Law.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.3	Ringelmann Chart	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.4 (excluding (g))	Exceptions	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6). Rule 4.4(g), which relates to equipment breakdown, was disapproved at 43 FR 33915 (August 2, 1978)—see 40 CFR 52.271(a)(4)(i).
4.7	Wet Plumes	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.8	Open Burning	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.8A	Other Open Burning	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.9	Incinerator Burning	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.10	Particulate Matter	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.11	Dust and Condensed Fumes.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).

TABLE 9—EPA-APPROVED COLUSA COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
4.12	Specific Contaminants	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.13	Prohibitions Regarding Orchard or Citrus Fruit Heaters.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.14	Additional Prohibitions	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.15	Reduction of Animal Matter.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.16	Gasoline Storage	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.17	Circumvention	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.18	Separation of Emissions	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.19	Combination of Emissions.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
4.20	Emission Control for Used Motor Vehicles.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
Regulation VI—Agricultural Burning				
6.1	Agricultural Burning Permits.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
6.2 (excluding (g))	Permit Form	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6). Paragraph (g) was superseded by approval of 6.2(g) at 42 FR 42219 (August 22, 1977).
6.2(g)	Permit Form	October 22, 1974	August 22, 1977, 42 FR 42219.	Submitted on January 10, 1975. See 40 CFR 52.220(c)(26)(vi)(A).
6.2—see explanatory note	Advance Burning Notices	December 11, 1972	August 22, 1977, 42 FR 42219.	Submitted on July 25, 1973, and later approved, in uncodified form as part of the “Amendment 3.” The analogous current local APCD rule is Rule 6.2. The local APCD has amended the rule since it was approved as part of the SIP, but the version of the rule listed here remains the applicable SIP version of the rule. See 40 CFR 52.220(c)(21)(x)(A).
6.3	No Burn Days	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
6.4 (excluding (d)(1–3))	Preparation of Agricultural Waste.	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6). Paragraph (d)(1–3) was superseded by approval of 6.4(d)(1–2) and the “Rice Stubble and Straw Burning” rule at 42 FR 42219 (August 22, 1977).
6.4(d) (1–2)	Preparation of Agricultural Waste.	October 22, 1974	August 22, 1977, 42 FR 42219.	Submitted on January 10, 1975. See 40 CFR 52.220(c)(26)(vi)(A).
6.5	Restricted Burning Days	December 11, 1972	August 22, 1977, 42 FR 42219.	Submitted on July 25, 1973. See 40 CFR 52.220(c)(21)(x)(A). Included as part of “Amendment Number 3.”
6.6	Fire Permit Agencies	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
6.6A (paragraphs I and II.1).	Notification to Fire Department of “Burn Day” or “No Burn Day” at 8:00 a.m. Each Morning.	August 19, 1975	August 22, 1977, 42 FR 42219.	Submitted on February 10, 1976. See 40 CFR 52.220(c)(30)(iv)(A).
6.7	Exceptions	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
6.7—see explanatory note	Rice Stubble and Straw Burning.	August 19, 1975	August 22, 1977, 42 FR 42219.	Submitted on February 10, 1976, and later approved, in uncodified form, as “Rice Stubble Burning Regulations.” Only paragraphs (a) through (f) were approved (i.e., paragraph (g) was not approved). The current (2017) codification of the rule is Rule 6.7. The local APCD has amended the rule since it was approved as part of the SIP, but the version of the rule listed here remains the applicable SIP version of the rule. See 40 CFR 52.220(c)(30)(iv)(A).
6.8	Tires	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
6.9	Fire Prevention	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
6.10	Burning on No-Burn Days	April 4, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).

TABLE 9—EPA-APPROVED COLUSA COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
6.17—see explanatory note.	Range Improvement Burning.	December 11, 1972	August 22, 1977, 42 FR 42219.	Submitted on July 25, 1973, and later approved, in uncodified form, as part of "Amendment Number 3." The rule is currently (2017) codified by the local APCD as Rule 6.17. The local APCD has amended the rule since it was approved as part of the SIP, but the version of the rule listed here remains the applicable SIP version of the rule. See 40 CFR 52.220(c)(21)(x)(A).
6.18—see explanatory note.	Forest Management Burning.	December 11, 1972	August 22, 1977, 42 FR 42219.	Submitted on July 25, 1973, and later approved, in uncodified form, as part of "Amendment Number 3." The rule is currently (2017) codified by the local APCD as Rule 6.18. The local APCD has amended the rule since it was approved as part of the SIP, but the version of the rule listed here remains the applicable SIP version of the rule. See 40 CFR 52.220(c)(21)(x)(A).

TABLE 10—EPA-APPROVED EASTERN KERN AIR POLLUTION CONTROL DISTRICT REGULATIONS; KERN COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Original Codification of Rules and Regulations				
4.1	Prohibitions Under State Law.	January 25, 1971	May 31, 1972, 37 FR 10842.	Submitted on February 21, 1972. See 40 CFR 52.220(b).
Post-April 1972 Codification of Rules and Regulations				
Regulation I—General Provisions				
101	Title	May 2, 1996	June 3, 1999, 64 FR 29790.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(1).
102	Definitions	January 13, 2011	May 4, 2012, 77 FR 26448.	Submitted on June 21, 2011. See 40 CFR 52.220(c)(391)(i)(A)(1).
103	Confidential Information ..	August 31, 1976	March 22, 1978, 43 FR 11816.	Submitted on November 10, 1976. See 40 CFR 52.220(c)(35)(xiii)(A).
103.1	Inspection of Public Records.	May 2, 1996	May 17, 2016, 81 FR 30484.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(6).
106	Land Use	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
108	Stack Monitoring	July 24, 2003	April 22, 2004, 69 FR 21713; corrected on August 29, 2019, 84 FR 45422.	Submitted on November 4, 2003. See 40 CFR 52.220(c)(321)(i)(A)(1).
108.1	Source Sampling	May 2, 1996	August 10, 2001, 66 FR 42126.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(2).
108.2	Emission Statement Requirements.	August 4, 2022	March 18, 2025, 90 FR 12459.	Submitted on December 7, 2022, as an attachment to a letter dated November 30, 2022. See 40 CFR 52.220(c)(625)(i)(A)(1).
112	Circumvention	May 2, 1996	June 3, 1999, 64 FR 29790.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(1).
113	Separation and Combination.	May 2, 1996	June 3, 1999, 64 FR 29790.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(1).
114	Severability	May 2, 1996	June 3, 1999, 64 FR 29790.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(1).
115	Applicability of Emission Limits.	May 2, 1996	June 3, 1999, 64 FR 29790.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(1).
Regulation II—Permits				
201	Permits Required	May 2, 1996	November 8, 2007, 72 FR 63107.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(3).
202	Permit Exemptions	January 13, 2011	July 14, 2015, 80 FR 40909.	Submitted on June 21, 2011. See 40 CFR 52.220(c)(391)(i)(A)(2).
202.1	Experimental Research Operations.	May 2, 1996	November 8, 2007, 72 FR 63107.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(4).
203	Transfer	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
205	Permit Renewal	May 2, 1996	December 5, 2008, 73 FR 74029.	Adopted through District Resolution dated May 2, 1996. Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(5).
208	Standards for Granting Applications.	September 17, 1998	April 22, 2004, 69 FR 21713.	Submitted on October 27, 1998. See 40 CFR 52.220(c)(260)(i)(C)(1).
209	Conditional Approval	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
209.1	Permit Conditions	May 2, 1996	November 8, 2007, 72 FR 63107.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(4).
210.1 (excluding paragraph (3)(E)).	Standard for Authority to Construct.	March 6, 1980	August 21, 1981, 46 FR 42450.	Submitted on April 15, 1980. See 40 CFR 52.233(a)(4)(i) and 40 CFR 52.220(c)(76)(i)(A).

TABLE 10—EPA-APPROVED EASTERN KERN AIR POLLUTION CONTROL DISTRICT REGULATIONS; KERN COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
210.1A	Major New and Modified Stationary Source Review (MNSR).	August 4, 2022	December 5, 2022, 87 FR 74316.	Submitted on October 5, 2022. See 40 CFR 52.220(c)(590)(i)(A)(1).
210.2	Standards for Permits to Operate.	May 2, 1996	November 8, 2007, 72 FR 63107.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(4).
210.4	Prevention of Significant Deterioration.	February 8, 2013	December 10, 2012, 77 FR 73316.	Adopted on January 12, 2012. Submitted on April 25, 2012. Effective upon effective date of EPA approval. Final approval of Rule 210.4 is based, in part, on the clarifications contained in: (1) Letter dated July 19, 2012 from David L. Jones, EKAPCD, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding Clarifications of District Rule 210.4 and 40 CFR 51.166; and (2) Letter dated August 21, 2012 from David L. Jones, EKAPCD, to Gerardo Rios, United States Environmental Protection Agency Region 9, regarding Clarifications of District Rule 210.4 and 40 CFR 52.21(k)(2). These letters will be listed in 40 CFR 52.220(e). See 40 CFR 52.220(c)(419)(i)(A)(1).
210.5	Visibility Protection	May 2, 1996	November 8, 2007, 72 FR 63107.	Submitted on July 23, 1996. See 40 CFR 52.220(c)(239)(i)(C)(4).
Regulation IV—Prohibitions				
401	Visible Emissions	November 29, 1993	July 17, 2001, 66 FR 37151.	Submitted on March 29, 1994. See 40 CFR 52.220(c)(196)(i)(F)(4).
402	Fugitive Dust	November 3, 2004	August 13, 2009, 74 FR 40750.	Submitted on January 13, 2005. See 40 CFR 52.220(c)(335)(i)(E)(1).
404.1	Particulate Matter Concentration.	January 24, 2007	January 17, 2008, 73 FR 3192.	Adopted by the Kern County air district through Resolution No. 2007–001–01, Reference No. Item 5, Adoption of Amendments to Rules and Regulations of the Kern County Air Pollution Control District; to Wit: Rule 404.1. Submitted on August 24, 2007. See 40 CFR 52.220(c)(351)(i)(D)(1) and 40 CFR 52.220(c)(351)(i)(D)(1)(i).
405	Particulate Matter—Emission Rate.	July 18, 1983	May 3, 1984, 49 FR 18824.	Submitted on August 30, 1983. See 40 CFR 52.220(c)(140)(ii)(A).
405	Particulate Matter—Emission Rate.	March 19, 1974	August 22, 1977, 42 FR 42219.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(A). Partially superseded by approval of an amended version of Rule 405 on May 3, 1984.
406.2	Process Weight—Portland Cement Kilns.	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
407	Sulfur Compounds	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
407.1	Disposal of Solid or Liquid Wastes.	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
409	Fuel Burning Equipment—Combustion Contaminants.	May 7, 1998	May 18, 1999, 64 FR 26876.	Submitted on June 23, 1998. See 40 CFR 52.220(c)(256)(i)(C)(2).
410	Organic Solvents	December 17, 1974	August 22, 1977, 42 FR 42219.	Submitted on January 10, 1975. See 40 CFR 52.220(c)(26)(xii)(A).
410.1A	Architectural Coating Controls.	January 1, 2011	July 6, 2011, 76 FR 39303.	Adopted by the Eastern Kern air district on March 11, 2010. Submitted on July 20, 2010. See 40 CFR 52.220(c)(381)(i)(B)(2).
410.2	Disposal and Evaporation of Solvents.	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
410.3	Organic Solvent Degreasing Operations.	May 7, 1998	April 2, 1999, 64 FR 15922.	Submitted on June 23, 1998. See 40 CFR 52.220(c)(256)(i)(C)(2).
410.4	Metal, Plastic, and Pleasure Craft Parts and Products Coating Operations.	March 13, 2014	May 17, 2016, 81 FR 30484.	Submitted on July 25, 2014. See 40 CFR 52.220(c)(447)(i)(D)(2).
410.4A	Motor Vehicle and Mobile Equipment Refinishing Operations.	March 13, 2014	July 25, 2016, 81 FR 48346.	Submitted on July 25, 2014. See 40 CFR 52.220(c)(447)(i)(D)(5).
410.5	Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations.	March 7, 1996	February 6, 1998, 63 FR 6073.	Submitted on May 10, 1996. See 40 CFR 52.220(c)(231)(i)(B)(2).
410.6	Perchloroethylene Dry Cleaning Systems.	May 6, 1991	April 24, 1992, 57 FR 15026.	Submitted on May 30, 1991. See 40 CFR 52.220(c)(185)(i)(A)(1).
410.6A	Petroleum Solvent Dry Cleaning Operations.	May 6, 1991	April 24, 1992, 57 FR 15026.	Submitted on May 30, 1991. See 40 CFR 52.220(c)(185)(i)(A)(1).
410.7	Graphic Arts	March 7, 1996	November 13, 1998, 63 FR 63410.	Submitted on May 10, 1996. See 40 CFR 52.220(c)(231)(i)(B)(4).
410.8	Aerospace Assembly and Coating Operations.	March 13, 2014	May 17, 2016, 81 FR 30484.	Submitted on July 25, 2014. See 40 CFR 52.220(c)(447)(i)(D)(3).

TABLE 10—EPA-APPROVED EASTERN KERN AIR POLLUTION CONTROL DISTRICT REGULATIONS; KERN COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
410.9	Wood Products Surface Coating Operations.	March 13, 2014	June 16, 2016, 81 FR 39211.	Submitted on July 25, 2014. See 40 CFR 52.220(c)(447)(i)(D)(4).
411	Storage of Organic Liquids.	March 7, 1996	February 6, 1998, 63 FR 6073.	Submitted on May 10, 1996. See 40 CFR 52.220(c)(231)(i)(B)(2).
412	Transfer of Gasoline into Stationary Storage Containers, Delivery Vessels, and Bulk Plants.	May 6, 1991	February 15, 1995, 60 FR 8565.	Submitted on May 30, 1991. See 40 CFR 52.220(c)(185)(i)(A)(7).
412.1	Transfer of Gasoline into Vehicle Fuel Tanks.	November 9, 1992	October 7, 1996, 61 FR 52297.	Submitted on January 11, 1993. See 40 CFR 52.220(c)(191)(i)(D)(1).
413	Organic Liquid Loading ...	March 7, 1996	February 3, 2000, 65 FR 5259.	Submitted on May 10, 1996. See 40 CFR 52.220(c)(231)(i)(B)(7).
414	Wastewater Separators ..	March 7, 1996	August 17, 1998, 63 FR 43881.	Submitted on May 10, 1996. See 40 CFR 52.220(c)(231)(i)(B)(3).
414.1	Valves, Pressure Relief Valves, Flanges, Threaded Connections and Process Drains at Petroleum Refineries and Chemical Plants.	March 7, 1996	February 3, 2000, 65 FR 5259.	Submitted on May 10, 1996. See 40 CFR 52.220(c)(231)(i)(B)(7).
414.5	Pump and Compressor Seals at Petroleum Refineries and Chemical Plants.	March 7, 1996	February 6, 1998, 63 FR 6073.	Submitted on May 10, 1996. See 40 CFR 52.220(c)(231)(i)(B)(2).
415	Reduction of Animal Matter.	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
416	Open Burning	July 11, 1996	August 19, 1999, 64 FR 45170.	Submitted on October 18, 1996. See 40 CFR 52.220(c)(241)(i)(D)(1).
416.1	Wood Burning Heaters and Wood Burning Fireplaces.	July 8, 2004	March 8, 2005, 70 FR 11123.	Submitted on September 23, 2004. See 40 CFR 52.220(c)(334)(i)(A)(1).
417	Agricultural and Prescribed Burning.	July 24, 2003	April 22, 2004, 69 FR 21713; corrected on August 29, 2019, 84 FR 45422.	Submitted on November 4, 2003. See 40 CFR 52.220(c)(321)(i)(A)(1).
418	Incinerator Burning	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
421	Orchard Heaters	April 18, 1972	September 22, 1972, 37 FR 19812.	Submitted on June 30, 1972. See 40 CFR 52.220(c)(6).
424	Residential Water Heaters (Oxides of Nitrogen).	April 19, 1993	October 28, 1999, 64 FR 57991.	Submitted on November 18, 1993. See 40 CFR 52.220(c)(194)(i)(B)(4).
425	Stationary Gas Turbines (Oxides of Nitrogen).	January 11, 2018	June 15, 2023, 88 FR 39182.	Submitted on May 23, 2018. See 40 CFR 52.220(c)(518)(i)(F)(1).
425.1	Hot Mix Asphalt Paving Plants (Oxides of Nitrogen).	October 13, 1994	August 1, 2000, 65 FR 46873.	Submitted on October 19, 1994. See 40 CFR 52.220(c)(202)(i)(B)(2).
425.2	Boilers, Steam Generators, and Process Heaters (Oxides of Nitrogen).	March 8, 2018	September 10, 2021, 86 FR 50645; corrected at 86 FR 56838 (October 13, 2021).	Submitted on August 22, 2018. See 40 CFR 52.220(c)(520)(i)(B)(1).
425.3	Portland Cement Kilns (Oxides of Nitrogen).	March 8, 2018	June 5, 2023, 88 FR 36479.	Submitted on August 22, 2018. See 40 CFR 52.220(c)(520)(i)(B)(2).
426	Experimental Research Operations.	December 15, 1980	July 6, 1982, 47 FR 29231.	Submitted on March 23, 1981. See 40 CFR 52.220(c)(95)(i)(C).
427	Stationary Piston Engines (Oxides of Nitrogen).	November 1, 2001	February 26, 2002, 67 FR 8724.	Submitted on December 14, 2001. See 40 CFR 52.220(c)(290)(i)(A)(1).
431	Propellant Combustion and Rocket Testing.	March 8, 2007	January 17, 2008, 73 FR 3192.	Adopted by the Kern County air district through Resolution No. 2007–003–03, Reference No. Item 3, Adoption of Amendments to Rules and Regulations of the Kern County Air Pollution Control District; to Wit: Rule 431 (Propellant Combustion and Rocket Testing). Submitted on August 24, 2007. See 40 CFR 52.220(c)(351)(i)(D)(2) and 40 CFR 52.220(c)(351)(i)(D)(2)(i).
432	Polyester Resin Operations.	March 13, 2014	June 5, 2015, 80 FR 32026.	Submitted on July 25, 2014. See 40 CFR 52.220(c)(447)(i)(D)(1).

Regulation VI—Air Pollution Emergency Contingency Plan

601	General Statement	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).
602	Applicable Areas	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).
603	Episode Criteria Levels ...	June 29, 1981	June 21, 1982, 47 FR 26618.	Submitted on July 30, 1981. See 40 CFR 52.220(c)(101)(ii)(A).
604	Episode Stages	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).

TABLE 10—EPA-APPROVED EASTERN KERN AIR POLLUTION CONTROL DISTRICT REGULATIONS; KERN COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
605	Division of Responsibility	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).
606	Administration of Emergency Program.	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).
607	Advisory of High Air Pollution Potential.	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).
608	Declaration of Episode	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).
609	Episode Action Stage 1 (Health Advisory—Alert).	June 29, 1981	June 21, 1982, 47 FR 26618.	Submitted on July 30, 1981. See 40 CFR 52.220(c)(101)(ii)(A).
610	Episode Action Stage 2 (Warning).	June 29, 1981	June 21, 1982, 47 FR 26618.	Submitted on July 30, 1981. See 40 CFR 52.220(c)(101)(ii)(A).
611	Episode Action Stage 3 (Emergency).	June 29, 1981	June 21, 1982, 47 FR 26618.	Submitted on July 30, 1981. See 40 CFR 52.220(c)(101)(ii)(A).
612	Episode Termination	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).
613	Stationary Source Curtailment Plans and Traffic Abatement Plans.	June 29, 1981	June 21, 1982, 47 FR 26618.	Submitted on July 30, 1981. See 40 CFR 52.220(c)(101)(ii)(A).
614	Episode Abatement Plan	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).
615	Enforcement	March 19, 1974	June 4, 1980, 45 FR 37689.	Submitted on July 19, 1974. See 40 CFR 52.220(c)(24)(vii)(C).

TABLE 11—EPA-APPROVED EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Rules and Regulations (District-Wide Applicability)				
Regulation I—General Provisions and Definitions				
101	General Provisions and Definitions.	June 20, 2017	November 12, 2020, 85 FR 71846.	Submitted on August 9, 2017. See 40 CFR 52.220(c)(503)(i)(C)(1).
Regulation II—Prohibitions				
204	Wet Plumes	February 26, 1975	June 14, 1978, 43 FR 25674.	Submitted on April 10, 1975. See 40 CFR 52.220(c)(27)(vii)(A).
215	Architectural Coatings	August 25, 2020	July 9, 2021, 86 FR 36227.	Submitted on September 21, 2020, as an attachment to a letter dated September 18, 2020. See 40 CFR 52.220(c)(557)(i)(A)(1).
224	Cutback and Emulsified Asphalt Paving Materials.	September 27, 1994	August 21, 1995, 60 FR 43383.	Submitted on November 30, 1994. See 40 CFR 52.220(c)(207)(i)(B)(1).
225	Organic Solvent Cleaning and Degreasing Operations.	September 27, 1994	April 30, 1996, 61 FR 18962.	Submitted on November 30, 1994. See 40 CFR 52.220(c)(207)(i)(B)(4).
227	Existing Sources	May 9, 1983	May 3, 1984, 49 FR 18830.	Submitted on October 27, 1983. See 40 CFR 52.220(c)(148)(ii)(A).
228	Compliance Tests	May 9, 1983	May 3, 1984, 49 FR 18830.	Submitted on October 27, 1983. See 40 CFR 52.220(c)(148)(ii)(A).
229	Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.	January 23, 2001	October 10, 2001, 66 FR 51578.	Submitted on May 23, 2001. See 40 CFR 52.220(c)(281)(i)(A)(2).
230	Automotive Refinishing Operations.	September 27, 1994	April 30, 1996, 61 FR 18962.	Submitted on November 30, 1994. See 40 CFR 52.220(c)(207)(i)(B)(4).
231	Graphic Arts Operations	September 27, 1994	July 11, 1997, 62 FR 37136.	Submitted on November 30, 1994. See 40 CFR 52.220(c)(207)(i)(B)(2).
232	Biomass Boilers	September 25, 2001	October 14, 2003, 68 FR 59121.	Submitted on November 9, 2001. See 40 CFR 52.220(c)(296)(i)(A)(2).
233	Stationary Internal Combustion Engines.	June 11, 2002	September 13, 2002, 67 FR 57960.	Submitted on July 2, 2002. See 40 CFR 52.220(c)(299)(i)(A)(1).
234	VOC RACT Rule—Sierra Pacific Industries.	April 25, 1995	September 12, 1995, 60 FR 47273.	Submitted on June 16, 1995. See 40 CFR 52.220(c)(222)(i)(B)(1).
235	Surface Preparation and Cleanup.	June 27, 1995	April 30, 1996, 61 FR 18962.	Submitted on October 13, 1995. See 40 CFR 52.220(c)(225)(i)(C)(2).
236	Adhesives	June 27, 1995	July 18, 1996, 61 FR 37390.	Submitted on October 13, 1995. See 40 CFR 52.220(c)(225)(i)(C)(1).
237	Wood Products Coatings	June 27, 1995	July 18, 1996, 61 FR 37390.	Submitted on October 13, 1995. See 40 CFR 52.220(c)(225)(i)(C)(1).
238	Gasoline Transfer and Dispensing.	March 27, 2001	August 27, 2001, 66 FR 44974.	Submitted on May 23, 2001. See 40 CFR 52.220(c)(281)(i)(A)(1).
239	Natural Gas-Fired Residential Water Heaters.	March 24, 1998	March 30, 1999, 64 FR 15129.	Submitted on June 23, 1998. See 40 CFR 52.220(c)(256)(i)(E)(1).
240	Polyester Resin Operations.	February 15, 2000	July 17, 2001, 66 FR 37154.	Submitted on July 26, 2000. See 40 CFR 52.220(c)(280)(i)(B)(1).

TABLE 11—EPA-APPROVED EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
244	Organic Liquid Loading and Transport Vessels.	September 25, 2001	July 8, 2002, 67 FR 45066.	Submitted on November 9, 2001. See 40 CFR 52.220(c)(296)(i)(A)(1).
245	Valves and Flanges	March 27, 2001	August 27, 2001, 66 FR 44974.	Submitted on May 23, 2001. See 40 CFR 52.220(c)(281)(i)(A)(1).
Regulation IV—Permit Systems Requirements				
401	Responsibility	February 26, 1975	June 14, 1978, 43 FR 25674.	Submitted on April 10, 1975. See 40 CFR 52.220(c)(27)(viii)(A).
Regulation V—Permit to Operate Regulations				
501	General Permit Requirements.	April 26, 1994	February 2, 2000, 65 FR 4887.	Submitted on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(E)(1).
502	General Conformity Rule	November 8, 1994	April 23, 1999, 64 FR 19916.	Submitted on November 30, 1994. See 40 CFR 52.220(c)(207)(i)(B)(5).
520	Enhanced Monitoring and Compliance Certification.	June 27, 1995	February 2, 2000, 65 FR 4887.	Submitted on October 13, 1995. See 40 CFR 52.220(c)(225)(i)(C)(3).
523	New Source Review	April 26, 1994	February 2, 2000, 65 FR 4887.	Submitted on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(E)(1).
523–1	Federal Non-Attainment New Source Review.	December 7, 2021	September 14, 2023, 88 FR 63031.	Submitted on March 9, 2022. See 40 CFR 52.220(c)(604)(i)(B)(1).
524	Emission Reduction Credits.	April 26, 1994	February 2, 2000, 65 FR 4887.	Submitted on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(E)(1).
525	Priority Reserve	April 26, 1994	February 2, 2000, 65 FR 4887.	Submitted on May 24, 1994. See 40 CFR 52.220(c)(197)(i)(E)(1).
Regulation IX—Emission Statements From Facility Owners/Operations Pursuant to the Clean Air Act Amendments of 1990				
1000	Emission Statement	August 25, 2020	July 29, 2022, 87 FR 45657.	Submitted on September 22, 2020 as an attachment to a letter dated September 18, 2020. See 40 CFR 52.220(c)(575)(i)(A)(1).
1000.1	Emission Statement Waiver.	August 25, 2020	July 29, 2022, 87 FR 45657.	Submitted on September 22, 2020 as an attachment to a letter dated September 18, 2020. See 40 CFR 52.220(c)(575)(i)(A)(2).
Ozone Emergency Episode Plan				
No Citation	Ozone Emergency Episode Plan.	January 12, 2016	July 21, 2016, 81 FR 47300.	Submitted on April 6, 2016. See 40 CFR 52.220(c)(473)(i)(A)(1).
Rules and Regulations (Lake Tahoe Air Basin Portion of District)				
Regulation I—General Provisions and Definitions				
101	Title	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
102 (all definitions but LAER, stationary source, and modification).	Definitions	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
102 (definitions for LAER, stationary source, and modifications only).	Definitions	February 7, 1979	June 23, 1982, 47 FR 27065.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(C).
103	Validity	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
Regulation II—Prohibitions				
201	Coverage	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
202	Visible Emissions	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
203	Exceptions	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
206A	Incinerator Burning	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
206B	Pathological Incineration	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
207	Particulate Matter	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
208	Fugitive Dust	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
209	Sulfur Content of Fuels ...	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
209	Fossil Fuel-Steam Generator Facility.	February 26, 1975	June 14, 1978, 43 FR 25674.	Submitted on April 10, 1975. See 40 CFR 52.220(c)(27)(viii)(A). Originally adopted for district-wide applicability but rule was superseded by approval of Rule 209 for the Mountain Counties Air Basin portion of the district.
210	Specific Contaminants	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).

TABLE 11—EPA-APPROVED EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
211	Process Weight	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
212	Abrasive Blasting	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
217	Compliance Tests	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
Regulation III—Open Burning				
301	Prohibition on Open Burning.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
302, excluding paragraph (C).	Exceptions to Rule 301 ...	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
303	Burning Permits	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
304	Permit Validity	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
305	No-Burn Days	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
306	Exceptions to Rule 305 ...	February 7, 1979	May 27, 1982, 47 FR 23159.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(B).
307	Agricultural Burning Reports.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
308	Amount Burned Daily	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
309	Approved Ignition Devices.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
310	Restricted Burning Days	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
312	Wind Direction	February 26, 1975	June 14, 1978, 43 FR 25674.	Submitted on April 10, 1975. See 40 CFR 52.220(c)(27)(viii)(A). Originally adopted for district-wide applicability but rule was superseded by approval of Rule 316 for the Mountain Counties Air Basin portion of the district.
312	Minimum Drying Times ...	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
313	Exceptions to Rule 312 ...	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
314	Preparation of Material to be Burned.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
315	Burning of Agricultural Waste.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
316	Range Improvement Burning.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
317	Forest Management Burning.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
319	Right-of-Way Clearing and Levee, Ditch and Reservoir Maintenance Burning.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
320	Hazard Reduction Burning.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
Regulation IV—Permit Systems Conditions				
404	Upset Conditions, Break-down or Scheduled Maintenance.	February 7, 1979	May 18, 1981, 46 FR 27115.	Submitted on May 23, 1979. See 40 CFR 52.220(c)(51)(xiv)(A).
405	Separation of Emissions	February 26, 1975	June 14, 1978, 43 FR 25674.	Submitted on April 10, 1975. See 40 CFR 52.220(c)(27)(viii)(A). Originally adopted for district-wide applicability but rule was superseded by approval of Rule 510 for the Mountain Counties Air Basin portion of the district.
406	Combination of Emissions.	February 26, 1975	June 14, 1978, 43 FR 25674.	Submitted on April 10, 1975. See 40 CFR 52.220(c)(27)(viii)(A). Originally adopted for district-wide applicability but rule was superseded by approval of Rule 511 for the Mountain Counties Air Basin portion of the district.
407	Circumvention	February 26, 1975	June 14, 1978, 43 FR 25674.	Submitted on April 10, 1975. See 40 CFR 52.220(c)(27)(viii)(A). Originally adopted for district-wide applicability but rule was superseded by approval of Rule 512 for the Mountain Counties Air Basin portion of the district.
409	Public Records	December 31, 1976	November 6, 1978, 43 FR 51632.	Submitted on November 4, 1977. See 40 CFR 52.220(c)(42)(x)(A). Originally adopted for district-wide applicability but rule was superseded by approval of Rule 514 for the Mountain Counties Air Basin portion of the district.

TABLE 11—EPA-APPROVED EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
Rules and Regulations (Mountain Counties Air Basin Portion of District)				
Regulation II—Prohibitions				
202	Visible Emissions	February 26, 1975	June 14, 1978, 43 FR 25674.	Submitted on April 10, 1975. See 40 CFR 52.220(c)(27)(viii)(A). Originally adopted for district-wide applicability but rule was superseded by approval of Rule 202 for the Lake Tahoe Air Basin portion of the district.
203	Exceptions	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
206	Incinerator Burning	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
207	Particulate Matter	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
209	Fossil Fuel-Steam Generating Facility.	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
210	Specific Contaminants	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
211	Process Weight Per Hour	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
212	Process Weight Table	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
216	Organic Compounds	March 12, 1984	January 24, 1985, 50 FR 3338.	Submitted on July 10, 1984. See 40 CFR 52.220(c)(155)(ii)(A).
217	Acid Mist	March 12, 1984	January 29, 1985, 50 FR 3906.	Submitted on July 10, 1984. See 40 CFR 52.220(c)(155)(ii)(B).
218	Perchloroethylene Dry Cleaning Operations.	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
219	Emission Control Requirements.	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
220	Exemptions to Rule 218 and Rule 219.	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
221	Reduction of Animal Matter.	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
222	Abrasive Blasting	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
223	Fugitive Dust	September 13, 1982	November 18, 1983, 48 FR 52450.	Submitted on April 11, 1983. See 40 CFR 52.220(c)(138)(ii)(A).
Regulation III—Open Burning				
301	Prohibition from Burning	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
302	Exceptions to Rule 301 ...	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
303	Agricultural Burning	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
304	Range Improvement Burning.	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
305	Forest Management Burning.	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
306	Land Development Burning.	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
307	Ditch and Road Maintenance.	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
308	Hazard Reduction	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
309	Fire Suppression and Training.	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
310	Residential Maintenance	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
311	Recreational Activity	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
312	Required Permit	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
313	No Burn Day	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
314	Burning Permits	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
315	Minimum Drying Times ...	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
316	Burning Management	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
317	Mechanized Burners	April 13, 1981	May 27, 1982, 47 FR 23159.	Submitted on October 23, 1981. See 40 CFR 52.220(c)(103)(xiii)(A).
Regulation V—Permit to Operate Regulations				
514	Public Records and Trade Secrets.	December 10, 1979	May 27, 1982, 47 FR 23159.	Submitted on April 17, 1980. See 40 CFR 52.220(c)(119)(i)(A).

TABLE 11—EPA-APPROVED EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT REGULATIONS—Continued				
District citation	Title/subject	State effective date	EPA approval date	Additional explanation
516	Upset and Breakdown Conditions.	December 10, 1979	May 27, 1982, 47 FR 23159.	Submitted on April 17, 1980. See 40 CFR 52.220(c)(119)(i)(A).

Proposed Rules

Federal Register

Vol. 90, No. 106

Wednesday, June 4, 2025

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

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

[Docket No. 250522–0090]

RIN 0625–AB27

Determining and Applying Unaffiliated Reseller Assessment Rates; Modification or Removal of Countervailing Duty Expedited Reviews

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

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: Enforcement and Compliance (E&C), part of the International Trade Administration of the U.S. Department of Commerce (Commerce), administers the antidumping duty (AD) and countervailing duty (CVD) trade remedy laws of the Tariff Act of 1930, as amended (the Act). Commerce is seeking public comment as it considers revising, and potentially codifying in its regulations, its current policy of assessing entries of subject merchandise exported by unaffiliated resellers at the all-others rate determined in a less-than-fair-value (LTFV) investigation rather than at the rate calculated for an examined producer of that merchandise in an administrative review. In addition, Commerce is considering modifying or removing regulations providing for the conduct of an expedited administrative review following the conclusion of a CVD investigation.

DATES: Comments must be received no later than July 7, 2025.

ADDRESSES: Submit electronic comments only through the Federal eRulemaking Portal at <https://www.Regulations.gov>, Docket No. ITA–ITA–2025–0003. Comments may also be submitted by mail, hand delivery or courier, addressed to Scot Fullerton, Acting Deputy Assistant Secretary for AD/CVD Operations, Room 18022,

Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230. An appointment must be made in advance with the APO/Dockets Unit at (202) 482–4920 to submit comments in person by hand delivery or courier. All comments submitted during the comment period permitted by this document will be a matter of public record and will generally be available on the Federal eRulemaking Portal at <https://www.Regulations.gov>. Commerce will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. Therefore, do not submit confidential business information or otherwise sensitive or protected information.

Any questions concerning the process for submitting comments should be submitted to E&C Communications office at (202) 482–0063 or ECCcommunications@trade.gov.

FOR FURTHER INFORMATION CONTACT: Rebecca Cantu, Deputy Chief Counsel for Trade Enforcement and Compliance, at (202) 482–4618, or Jesus Saenz, Senior Attorney, at (202) 482–1823.

SUPPLEMENTARY INFORMATION:

Commerce's Unaffiliated Reseller Policy (19 CFR 351.212)

On May 6, 2003, Commerce issued a clarification to its regulations covering the automatic assessment of duties in market economy AD proceedings, § 351.212(c).¹ Commerce explained in that clarification notice that if the agency conducted an administrative review of a producer of subject merchandise pursuant to section 751(a) of the Act and § 351.213, there was an unaffiliated reseller that exported subject merchandise to the United States during the period of review, and the producer was unaware that the reseller's exports of subject merchandise were destined for the United States during that period, then the merchandise being exported by the reseller would not be liquidated at the assessment rate Commerce determined for the producer in the administrative review or automatically at the rate required as a deposit at the time of entry.² Instead, Commerce explained

that the entries of subject merchandise exported by the reseller during the period of review would be liquidated at the all-others rate determined in the underlying investigation if there was no company-specific review of the reseller for that review period.³ Commerce explained that it was implementing this policy because without it, “there may be little incentive for resellers to request a review to obtain their own specific rates,” perpetuating the possible application of inaccurate rates based on the producer's selling experience instead of the reseller's selling experience.⁴ In addition, Commerce explained that it had witnessed that “resellers ‘shop’ for margins by waiting until the completion of [a] review to determine whether the producer's rate determined in the review or the all-others rate is more favorable.”⁵

Commerce is now seeking public comments on whether it should consider further modifications to its unaffiliated reseller practice. Specifically, if Commerce conducts an administrative review of a producer and the rate determined for the producer during the period of review is higher than the all-others rate, Commerce is requesting public comments on whether the all-others rate should continue to be applied to the merchandise produced by the examined entity and exported by an unexamined unaffiliated reseller to the United States or whether the higher rate calculated for the producer should instead be applied to the unaffiliated reseller. In other words, should Commerce implement a policy in which it applies the higher of either the examined producer's rate or the all-others rate?

As explained in the *2003 Clarification Notice*, Commerce would prefer that exporters of subject merchandise request an administrative review to increase the agency's confidence that the rate applied to those exporters is reasonable.⁶ Pursuant to § 351.109(g), when resellers request an administrative review and are not selected for individual examination, Commerce will apply a rate derived from the examined respondents to those entries of subject merchandise which is period-specific, unlike the all-others rate, which was

¹ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*2003 Clarification Notice*).

² *Id.*

³ *Id.*

⁴ *Id.* at 23955.

⁵ *Id.*

⁶ *Id.*

determined in the earlier underlying investigation. If an unaffiliated reseller decides not to request an administrative review of its merchandise, that suggests that the reseller may believe that an administrative review of its merchandise would not result in a rate lower than the all-others rate. Applying the higher of the examined producer's rate or the all-others rate to an unaffiliated reseller for which an administrative review was not requested could incentivize unaffiliated resellers to request an administrative review of their own merchandise rather than presume that their merchandise would always benefit from a potentially low all-others rate.

Commerce is therefore requesting comments from the public on whether it should continue to apply only the all-others rate to unaffiliated resellers of subject merchandise in market economy AD reviews or if it should modify its unaffiliated reseller practice to instead direct Customs and Border Protection to liquidate those entries at the higher of the examined producer's rate or the all-others rate.

Whether Commerce continues to apply its current unaffiliated reseller policy for market economy AD reviews or modifies that practice, despite the publication of the 2003 *Clarification Notice* over 20 years ago, many unaffiliated resellers continue to argue in Commerce's proceedings that Commerce should apply the rate calculated for an examined unaffiliated producer to their merchandise when that rate is lower than the all-others rate. Commerce is therefore considering revising its assessment regulation, § 351.212, to incorporate an unaffiliated reseller policy, modified or unmodified, into its regulations. The policy concerns that supported the implementation of the 2003 unaffiliated reseller practice continue to be relevant today, and including that practice in regulations would help improve and enhance the enforcement of AD determinations by giving notice to the general public and further preventing the "gaming" of the trade remedy laws by unaffiliated resellers seeking the lowest AD assessment rate. In short, such a modification to Commerce's regulations could help prevent the evasion of the AD laws.

Commerce therefore also invites the public to propose suggested language to add to § 351.212 to reflect its unaffiliated reseller policy, either unmodified or revised as suggested herein.

Expedited Countervailing Duty Reviews (19 CFR 351.214(l))

Section 351.214(l) of Commerce's regulations provide for an expedited review immediately following a CVD investigation if, in the investigation, Commerce limited the number of exporters or producers to be individually examined under section 777A(e)(2)(A) of the Act and did not accept voluntary respondents under section 782(a) of the Act and § 351.109(h).⁷ The CVD expedited review regulation was not issued pursuant to any specific CVD statutory provision but was promulgated to bring the CVD regulations into conformity with Article 19.3 of the World Trade Organization Agreement on Subsidies and Countervailing Measures.⁸ In 2023, the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) held that the "individualized-determination provisions" of section 777A(e) of the Act, along with the "regulatory-implementation authority" of section 103(a) of the Uruguay Round Agreements Act, provided Commerce with the authority to promulgate the expedited review regulation at § 351.214(l).⁹ However, the Federal Circuit also held that the expedited review provision was not the only means by which Commerce could bring United States obligations into accordance with the SCM Agreement and that it provided "one procedure for giving effect to the primary policy of providing individual-company rate determinations."¹⁰

Since the CVD expedited review regulation was originally promulgated in 1997, Commerce has conducted only a limited number of CVD expedited

reviews.¹¹ Because each review is conducted on a truncated timeline and may cover numerous exporters and producers, Commerce has discovered that such proceedings require an inordinate amount of agency time and resources.¹² Furthermore, Commerce is currently conducting proceedings for a historically large number of AD and CVD proceedings.¹³

Accordingly, in light of the time and resource burdens of CVD expedited reviews, Commerce's current resource constraints, the fact that only a small number of CVD expedited reviews have been conducted to date, and the fact that the current regulation is not mandated by the Act, Commerce is reconsidering the necessity or wisdom of retaining the current CVD expedited review provision, § 351.214(l), especially since other avenues already exist to provide exporters and producers alternative opportunities to request an individual-company subsidy rate, such as participating as a voluntary respondent in investigations,¹⁴ requesting a "new shipper review,"¹⁵ requesting an administrative review,¹⁶ or participating as a voluntary respondent in administrative reviews.

As part of its reconsideration of the CVD expedited review regulation at § 351.214(l), Commerce is seeking public comment on whether it should remove, retain, or modify the regulation. Specifically, if members of the public support either the withdrawal or the retention of the regulation in its current form, Commerce invites those parties to identify the factual, legal, and policy reasons the burden and resources required to administer and enforce the current regulation are or are not justified

⁷ The CVD expedited review regulation was initially promulgated as § 351.214(k). See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27321–22, 27396 (May 19, 1997) (1997 Regulations). Section 351.214(k) was later revised to § 351.214(l). *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300, 52373 (September 20, 2021).

⁸ See *Agreement on Subsidies and Countervailing Measures* (SCM Agreement), April 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 1869 U.N.T.S. 14, at Art. 19.3.

⁹ See *Comm. Overseeing Action for Lumber Int'l Trade Investigations or Negots. v. United States*, 66 F.4th 968, 977 (Fed. Cir. 2023) (*COALITION v. U.S.*); see also *Uruguay Round Agreements Act* (URAA), Public Law 103–465, 108 Stat. 4809 (1994).

¹⁰ See *COALITION v. U.S.*, 66 F.4th at 978 (explaining that section 777A(e) of the Act provides options for Commerce to consider "if making individual determinations for all producers and exporters is not practicable. . . . The permissive 'may' by itself does not exclude other options, and nothing else makes the list that follows one that defines all permissible options," and finding that expedited reviews is one possible option.).

¹¹ See, e.g., *Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Final Results of Countervailing Duty Expedited Review*, 83 FR 34115 (July 19, 2018), and *Supercalendered Paper From Canada: Final Results of Countervailing Duty Expedited Review*, 82 FR 18896 (April 24, 2017).

¹² See e.g., *Certain Softwood Lumber Products from Canada: Final Results of Countervailing Duty Expedited Review*, 84 FR 32121, 32122 (July 5, 2019).

¹³ See *ADCVD Proceedings*, found at <https://www.trade.gov/data-visualization/adcvd-proceedings>.

¹⁴ Section 782(a) of the Act provides Commerce the authority to establish an individual countervailable subsidy rate for any exporter or producer not initially selected for individual examination if statutory requirements are met. See also § 351.109(h).

¹⁵ Section 751(a)(2)(B) of the Act provides Commerce the authority to determine CVD rates for exporters and producers that did not export subject merchandise to the United States during the period of investigation.

¹⁶ Section 751(a)(1)(A) of the Act provides Commerce with the authority to review and determine the amount of any countervailable subsidies.

by the benefit of the existing regulatory language.

On the other hand, if members of the public support a modification to the CVD expedited review regulation, Commerce seeks comments on desired changes to § 351.214(l), including methods to reduce the resources required to implement it, such as by making the conduct of a CVD expedited review discretionary, rather than mandatory or requiring that all requests for a CVD expedited review include complete initial questionnaire responses. In short, if Commerce were to retain but modify § 351.214(l), Commerce invites parties to propose modifications that would relieve Commerce of the many burdens that accompany the application of the current regulation, along with the factual, legal, and policy reasons in support of those proposals and any proposed regulatory language.

Request for Comments

We are issuing this advanced notice of proposed rulemaking to inform the public that Commerce is considering revising and codifying two of its policies and regulations. One revision involves Commerce's unaffiliated reseller policy in market economy AD administrative reviews, with a possible addition to § 351.212, and the second either removes or substantially revises Commerce's procedures in conducting an expedited CVD review pursuant to § 351.214(l). Specifically, Commerce is inviting parties to provide the following comments, including the factual, legal, and policy reasons in support of their views and any proposed regulatory language:

(1) If Commerce conducts an AD administrative review of a producer of subject merchandise in a market economy, should the AD rate applied to subject merchandise produced by the examined producer and exported by an unexamined unaffiliated reseller to the United States be the all-others rate, or the higher of the producer's AD rate and the all-others rate?

(2) In light of the resources required to administer the current CVD expedited review regulation, § 351.214(l), and the fact that the Act does not require that Commerce conduct CVD expedited reviews, should Commerce remove, retain, or modify that regulation? Further, if Commerce were to retain, but modify § 351.214(l), Commerce also invites parties to propose suggestions for modifications to the regulation that would relieve Commerce of many of the administrative burdens that accompany the application of the current regulation.

Dated: May 29, 2025.

Christopher Abbott,

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

[FR Doc. 2025–10158 Filed 6–3–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0221]

RIN 1625–AA00

Safety Zone; Rainy Lake, City of Ranier, MN

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of Rainy Lake. This action is necessary to provide for the safety of life on these navigable waters near Ranier Beach Park, Ranier, MN, during a fireworks display on August 9, 2025. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Marine Safety Unit Duluth or a designated representative. We invite your comments on this proposed rulemaking. **DATES:** Comments and related material must be received by the Coast Guard on or before July 7, 2025.

ADDRESSES: You may submit comments identified by docket number USCG–2025–0221 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Zachary Fedak, Waterways Management, Marine Safety Unit Duluth, U.S. Coast Guard; telephone 218–725–3818, email Zachary.A.Fedak@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On January 6, 2025, an organization notified the Coast Guard that it will be conducting a fireworks display from 10–10:30 p.m. on August 9, 2025. The fireworks are to be launched from a barge in Rainy Lake approximately 250 yards northwest of Ranier Beach Park in Ranier, MN. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Marine Safety Unit Duluth (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a 200-yard radius of the barge.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 200-yard radius of the fireworks barge before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 8 p.m. through 11 p.m. on August 9, 2025. The safety zone would cover all navigable waters within 200 yards of a barge in Rainy Lake located approximately 250 yards northwest of Ranier Beach Park in Ranier, MN. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10–10:30 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a

“significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a small designated area of Ranier Lake for 3 hours during the evening when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on

the human environment. This proposed rule involves a safety zone lasting 3 hours that would prohibit entry within 200 yards of a fireworks barge. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

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

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2025–0221 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

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

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic,

inappropriate, or duplicate comments that we receive.

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T09–0221 to read as follows:

§ 165.T09–0221 Safety Zone; Rainy Lake, City of Ranier, MN.

(a) **Location.** The following area is a safety zone: All navigable waters of Rainy Lake, from surface to bottom, within a 200-yard radius of the firework barge to be positioned at 48°37'04" N, 093°20'52" W. These coordinates are based on World Geodetic System 84.

(b) **Definitions.** As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Marine Safety Unit Duluth (COTP) in the enforcement of the safety zone.

(c) **Regulations.** (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's

representative by VHF Channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) **Enforcement period.** This section will be enforced from 8 p.m. to 11 p.m. on August 9, 2025.

John P. Botti,

Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Duluth.

[FR Doc. 2025–10137 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0058; FRL–12609–01–R9]

Air Plan Approval; California; Eastern Kern Air Pollution Control District; Portland Cement Kilns

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Eastern Kern Air Pollution Control District (EKAPCD or “District”) portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO_x) from Portland cement kilns. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or “Act”). We are taking comments on this proposal and plan to follow with a final action.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2025–0058 at <https://www.regulations.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). 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>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT:

Elijah Gordon, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 972–3158; email address: gordon.elijah@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us” and “our” refer to the EPA.

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was adopted by the local air agency and submitted to the EPA by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Amended	Submitted
EKAPCD	425.3	Portland Cement Kilns (Oxides of Nitrogen)	11/13/2024	12/12/2024

The EPA has reviewed the SIP submittal containing the document listed in table 1 and finds that it fulfills the completeness criteria in 40 CFR part 51, appendix V.

B. Are there other versions of this rule?

On June 5, 2023 (88 FR 36479), we finalized a limited approval and limited disapproval of Rule 425.3 as amended on March 8, 2018. The EKAPCD adopted revisions to the SIP-approved version on November 13, 2024, and CARB submitted them to us on December 12, 2024. If we take final action to approve the November 13, 2024 version of Rule 425.3, this version will replace the previously approved version of this rule in the SIP.

C. What is the purpose of the submitted rule?

Emissions of NO_x contribute to the production of ground-level ozone, smog and particulate matter (PM), which harm human health and the environment. Section 110(a) of the CAA requires States to submit plans that provide for implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS). CAA sections 182(b)(2) and 182(f) in combination require that SIPs for ozone nonattainment areas classified as “Moderate” or higher implement Reasonably Available Control Technology (RACT) for any category of sources covered by a Control Techniques Guidelines (CTG) document and for any major source of volatile organic compounds (VOCs) or NO_x. The EKAPCD has jurisdiction over the Kern County (Eastern Kern) ozone nonattainment area. The area is classified as “Moderate” for the 1997 8-hour ozone NAAQS, “Severe-15” for the 2008 8-hour ozone NAAQS, and “Serious” for the 2015 8-hour ozone NAAQS.¹ Therefore, EKAPCD must implement RACT in this area consistent with CAA sections 182(b)(2) and 182(f). The District relies on Rule 425.3 to establish RACT-level controls for Portland cement kilns at major sources of NO_x within the ozone nonattainment area.

In our June 5, 2023 limited approval and limited disapproval of the 2018 version of Rule 425.3, the EPA evaluated the RACT stringency of Rule 425.3 with respect to the Portland

cement kilns covered by the rule, and the limited disapproval portion of that action started a sanctions clock based on the deficient portion of that rule. The present submission was submitted in order to address that deficiency.

Rule 425.3 establishes NO_x emission limitations for the operation of Portland cement kilns within the nonattainment area under the EKAPCD’s jurisdiction. The EKAPCD revised Rule 425.3 in order to correct the deficiencies identified in our June 5, 2023 limited approval and limited disapproval. The revised rule requires all kilns to comply with the 2.8 lb of NO_x/ton of clinker over a 30-operating day rolling average limit, replaces exemptions from NO_x emission limitations during startup and shutdown operations with new alternative NO_x emission limitations, and removes the exemption from NO_x emission limitations during breakdown conditions. The EKAPCD also removed the less stringent alternative emission limitation (3.4 lb of NO_x/ton of clinker over a 30-operating day rolling average) during periods of normal operation for low NO_x burners or low NO_x precalciner kilns installed and made operational by January 1, 2007. The EKAPCD added a recordkeeping requirement for Portland cement kilns, which must now record startup and shutdown daily NO_x emission rates. Finally, the EKAPCD revised the definitions of “startup” and “shutdown” to align with 40 CFR part 63, subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (see 40 CFR 63.1341). The EPA’s technical support document (TSD) has more information about this rule.

II. The EPA’s Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)) and must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)). Additionally, as explained above, EKAPCD must implement RACT in this area pursuant to CAA sections 182(b)(2) and (f), and the District relies on Rule 425.3 to establish RACT-level controls for Portland cement kilns at major sources of NO_x within the Kern County (Eastern Kern) ozone nonattainment area. In our June 5, 2023 action, we found that Rule 425.3 was largely consistent with the relevant CAA requirements. However, in that final rulemaking, we identified certain deficiencies that prevented full approval

of Rule 425.3. This rulemaking focuses on the deficiencies identified in that June 5, 2023 limited disapproval and proposes to determine that the revisions to Rule 425.3 correct those identified deficiencies.

Guidance and policy documents that we used to evaluate enforceability, interference under CAA section 110(l), and rule stringency requirements for the applicable criteria pollutants include the following:

1. “State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. “Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,” EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. “Guidance Document for Correcting Common VOC & Other Rule Deficiencies,” EPA Region 9, August 21, 2001 (the Little Bluebook).
4. “State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,” (the NO_x Supplement), 57 FR 55620, November 25, 1992.
5. “NO_x Emissions from Cement Manufacturing,” EPA-453/R-94-004, March 1994.
6. “Air Plan Limited Approval and Limited Disapproval; California; Eastern Kern Air Pollution Control District,” 88 FR 36479, June 5, 2023.

B. Does the rule meet the evaluation criteria?

Based on our evaluation, this rule meets CAA requirements and is consistent with relevant guidance regarding enforceability, RACT, and SIP revisions. In our June 5, 2023 final rule, we determined that the NO_x emission limitation of 2.8 lb of NO_x/ton of clinker over a 30-operating day rolling average, excluding periods of startup and shutdown, implements RACT-level stringency. We have not identified any information since our June 5, 2023 final action to alter this determination. We also determined in that final action that sections (IV)(A) and (IV)(B) of Rule 425.3, which contained exemptions from emission limitations for Portland cement kiln sources during periods of startup, shutdown, and breakdown conditions, were deficient because “[a]n emission limitation or requirement that exempts a period of source operation, such as startup or shutdown, cannot be considered continuous and is not consistent with CAA requirements.”² See, e.g., CAA section 302(k). These deficiencies were the only identified deficiencies that were the basis for our

¹ See 40 CFR 81.305. For the 2008 ozone NAAQS, EKAPCD’s voluntary reclassification to “Serious” from “Moderate” was finalized on July 5, 2018 (83 FR 31334) and the voluntary reclassification to “Severe-15” was finalized on June 7, 2021 (86 FR 30204). EKAPCD’s voluntary reclassification to “Serious” for the 2015 ozone NAAQS was finalized on October 28, 2021 (86 FR 59648).

² See 88 FR 36479.

limited disapproval. Our proposed approval of the present submission of Rule 425.3 does not otherwise alter our previous determination that Rule 425.3 establishes RACT-level controls for all sources subject to the rule, except for the identified deficiencies. As a result, in this action, we focus our analysis primarily on the revisions that have been made to the rule and supporting analysis to cure the previously identified deficiencies and serve as the basis for now proposing to approve the rule.

In response to our limited disapproval of Rule 425.3, the EKAPCD removed sections (IV)(A) and (IV)(B) of Rule 425.3, added alternative emission limitations during startup and shutdown, and added recordkeeping requirements during startup and shutdown. The alternative emission limitations during startup and shutdown of 21,528 lb of NO_x per day is similar to the NO_x alternative emission limitations during startup and shutdown required in Mojave Desert Rule 1161—Portland Cement Kilns, which was SIP-approved on June 2, 2023 (see 88 FR 36249).³ Based on our previous determination that the stringency of the NO_x emission limitations during periods of normal operations contained in Rule 425.3 implement RACT, combined with the revised numerical alternative emission NO_x mass limits that apply during periods of startup and shutdown in the updated rule, we are proposing to determine that the District has established emission limitations in the SIP that are continuous and implement RACT for Portland cement kilns subject to Rule 425.3. Our evaluation of the remainder of the rule remains unchanged from our 2023 analysis. The TSD has more information on our evaluation.

Considering the most recent revisions to Rule 425.3, we propose to fully approve Rule 425.3 as meeting all applicable CAA requirements and being consistent with relevant guidance regarding enforceability, RACT, and SIP revisions.

C. Proposed Action and Public Comment

As authorized in section 110(k)(3) of the Act, the EPA proposes to approve the submitted rule because it fulfills all relevant requirements. If we finalize

approval of the submitted rule, our final action will incorporate this rule into the federally enforceable SIP. We will accept comments from the public on this proposal until July 7, 2025.

If we finalize this rulemaking as proposed, EKAPCD will have corrected the deficiencies identified in our prior June 5, 2023 limited disapproval, and all associated sanctions and Federal implementation plan clocks would be permanently stopped, and any already applied sanctions would permanently be lifted. We are concurrently making an interim final determination to stay and defer the CAA section 179 sanctions associated with our June 5, 2023 limited disapproval of Rule 425.3. Consistent with our order of sanction regulations,⁴ this determination is based on this proposed approval of SIP revisions to resolve the deficiencies that were the basis of our prior June 5, 2023 limited disapproval.

III. Incorporation by Reference

In this document, the EPA is proposing to include in a final EPA 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 EKAPCD Rule 425.3, “Portland Cement Kilns (Oxides of Nitrogen),” amended on November 13, 2024, which establishes NO_x emission limitations from the operation of Portland cement kilns. The EPA has made, and will continue to make, these materials available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. 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 proposed 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 proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under

Executive Order 12866 (58 FR 51735, October 4, 1993);

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: May 21, 2025.

Joshua F.W. Cook,
Regional Administrator, Region IX.
[FR Doc. 2025–10036 Filed 6–3–25; 8:45 am]

BILLING CODE 6560–50–P

³ During periods of startup and shutdown, little to no clinker is produced while NO_x emissions are generated. Therefore, NO_x emissions during these periods are characterized by lb of NO_x/ton of clinker values that can vary significantly based on varying clinker production values during these periods of operation.

⁴ See 40 CFR 52.31.

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials Safety Administration**

49 CFR Parts 106, 107, 171, 172, 173, 174, 175, 176, 177, 178, 179 and 180

[Docket No. PHMSA–2025–0032 (HM–265B)]

RIN 2137–AF74

Hazardous Materials: Mandatory Regulatory Reviews To Unleash American Energy and Improve Government Efficiency

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: PHMSA is publishing this advance notice of proposed rulemaking (ANPRM) to solicit stakeholder feedback on whether to repeal or amend any requirements in the Hazardous Materials Rulemaking Procedures and Program Procedures, or the Hazardous Materials Regulations to eliminate undue burdens on the identification, development, and use of domestic energy resources and to improve government efficiency.

DATES: Comments on this ANPRM must be received by August 4, 2025. However, PHMSA will consider late-filed comments to the extent practicable, consistent with 49 Code of Federal Regulations (CFR) 106.70.

ADDRESSES: You may submit comments identified by the Docket Number using any of the following ways:

1. *E-Gov Web:* <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

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

3. *Hand Delivery:* DOT Docket Management System: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m. EST, Monday through Friday, except Federal holidays.

4. *Fax:* 202–493–2251.

Instructions: Please include the docket number PHMSA–2025–0032 (HM–265B) at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that

PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

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

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and treated as private by its owner. Under the Freedom of Information Act (FOIA, 5 U.S.C. 552), CBI is exempt from public disclosure. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 CFR 105.30, you may ask PHMSA to provide confidential treatment to the information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential;” (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to Yul B. Baker Jr., Standards and Rulemaking Division, Office of Hazardous Materials Safety, (202) 366–8553. Hard copies may be sent to 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Yul B. Baker Jr., Standards and Rulemaking

Division, Office of Hazardous Materials Safety, (202) 366–8553, PHMSA, East Building, PHH10, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

PHMSA is publishing this advance notice of proposed rulemaking (ANPRM) to solicit stakeholder feedback on whether to repeal or amend any requirements in the Rulemaking Procedures (49 CFR part 106), the Hazardous Materials Program Procedures (49 CFR part 107), or the Hazardous Materials Regulations (HMR; 49 CFR parts 171 through 180)—as well as any letters of interpretation, guidance documents, or other material implementing those regulations—to eliminate undue burdens on the identification, development, and use of domestic energy resources and to improve government efficiency. As part of this effort, PHMSA is seeking stakeholder feedback regarding opportunities to identify widely used hazardous material special permits with established safety records for conversion into deregulatory provisions with broader applicability. PHMSA is also seeking stakeholder feedback regarding opportunities to introduce efficiencies to its petitions process. Finally, PHMSA also solicits stakeholder feedback on whether to amend the HMR to require PHMSA to conduct periodic, mandatory regulatory reviews.

II. Background

PHMSA’s HMR play an essential role in the energy supply chain by ensuring the safe, reliable, and affordable transportation of energy products to millions of Americans. Annually, more than 3.3 billion tons of hazardous materials are shipped by rail, vessel, highway, and air that include a wide range of energy commodities such as more than 88 million barrels of crude oil, three million shipments of radioactive materials (including nuclear fuel and waste products), more than 230 million barrels of ethanol shipped by rail as well as other biofuels.¹ The HMR also govern transportation of critical minerals, explosives used in energy production activity, chemicals used in refinery processes, waste products from

¹ See, e.g., U.S. Departments of Transportation and Commerce, 2017 Economic Census: Transportation, available at <https://www.census.gov/content/dam/Census/library/publications/2017/econ/ec17tcf-us.pdf>; U.S. Energy Information Administration, Petroleum & Other Liquids, available at <https://www.eia.gov/petroleum/data.php#movements>; U.S. Environmental Protection Agency, Transportation of Radioactive Material, available at www.epa.gov/radtown/transportation-radioactive-material.

energy exploration and production activity and other materials integral to the identification, development, extraction, and use of domestic energy resources. Ensuring compliance with the HMR is the responsibility of a wide range of entities, from online internet retailers to railroads, commercial trucking companies, and large oil and gas companies. The HMR impose incident reporting obligations (part 171, subpart B) and the Hazardous Materials Program Procedures impose a registration and fee requirement (part 107, subpart G) on offerors and carriers of hazardous materials. Each of the entities subject to the HMR must invest scarce resources in satisfying some combination of PHMSA registration, reporting, qualification, packaging, labeling, documentation, testing, security, and emergency response planning requirements. The costs of those investments are often passed along from suppliers of refined and unrefined energy products to other entities in the energy supply chain, to the industrial manufacturing and commercial goods sectors, and, ultimately, to the American consumer. PHMSA must ensure that the burdens imposed by the HMR on stakeholders are necessary to serve the public interest.

Conducting periodic, retrospective reviews of the HMR is one way to achieve that objective. Presidents of both political parties dating to the 1970s have called on Federal agencies by Executive order (E.O.) to conduct broad reviews of existing regulations,² and scholars and other experts in administrative law have long touted the benefits of adhering to such a process.³ The Department of Transportation (DOT) requires review of regulations on a 10-year review cycle, as specified by 11(d) of DOT Order 2011.6B, “Policies and Procedures for Rulemakings.”⁴ DOT has previously issued plans and regulations requiring retrospective review⁵ and solicited stakeholder input

to inform those reviews on multiple occasions and is currently taking recommendations on the DOT-wide opportunities for modification or repeal of regulations to reduce undue compliance burdens.⁶ Congress requires periodic regulatory reviews on a limited scale; section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires PHMSA and other agencies to conduct post-issuance review of agency rules that impose a “significant impact on a substantial number of small entities” such as small business and local governments.

While PHMSA has conducted retrospective regulatory reviews in the past,⁷ PHMSA expects there remain requirements in the HMR that produce regulatory burdens larger than the benefits they provide. The HMR contain numerous requirements that have been in effect for decades without undergoing a comprehensive cost-benefit review.⁸ Neither the Hazardous Materials Transportation Act, Public Law 93–633, codified at 49 U.S.C. 5101 *et seq.*, nor the HMR have ever contained an explicit cost-benefit requirement; rather, any cost-benefit analyses performed have been pursuant to discretionary Federal policy.⁹

PHMSA has received stakeholder comments questioning the rigor of cost-benefit analyses supporting proposed amendments to its HMR.¹⁰ Congress has also on at least one occasion raised concerns about the sufficiency of cost-

Rulemaking, Guidance, and Enforcement Procedures,” 84 FR 71714 (Dec. 27, 2019), previously codified in 49 CFR part 5, repealed by DOT-Office of the Secretary, “Administrative Rulemaking, Guidance and Enforcement Procedures,” 86 FR 17292 (April 2, 2021).

⁶ DOT—Office of the Secretary, “Notification of Regulatory Review,” 82 FR 45750 (Oct. 2, 2017); DOT-Office of the Secretary, “Ensuring Lawful Regulation: Reducing Regulation and Controlling Regulatory Costs,” 90 FR 14593 (Apr. 3, 2025). Congress has also passed legislation providing for periodic regulatory reviews on a limited scale; for example, section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires post-issuance review of agency rules imposing a significant impact on a “substantial number of small entities” such as small business and local governments.

⁷ See, e.g., DOT, “Plan for Implementation of E.O. 13564: Retrospective Review and Analysis of Existing Rules” (Aug. 2011).

⁸ Some requirements of the HMR can be traced to regulations governing transportation of explosives, inflammable liquids, inflammable compressed gases and poisonous gases adopted by the Interstate Commerce Commission in implementing the Transportation of Explosives Act of 1908, Public Law 60–174.

⁹ See *supra* note 1.

¹⁰ See, e.g., Attny General of Louisiana *et al.*, Doc. No. PHMSA–2021–0058–7063, “Comments on Docket No. PHMSA–2021–0058 (HMS264A)—Hazardous Materials: Suspension of HMR Amendments Authorizing Transportation of Liquefied Natural Gas by Rail,” at 6–8 (Feb. 28, 2022).

benefit analysis that supported a PHMSA regulation, going so far as to enact legislation requiring the Government Accountability Office (GAO) to evaluate an economic analysis conducted by PHMSA.¹¹ Though the costs of many—and perhaps most—of the provisions of the HMR are justified by their benefits, conducting periodic and comprehensive retrospective regulatory review ensures that any compliance burdens remain justified in light of the evolution of technology, operational practices, and PHMSA’s regulatory requirements.

Like his predecessors, President Trump has issued a series of E.O.s directing PHMSA and other Federal agencies to take a hard look at their existing regulations, particularly with respect to those that impose burdens on the energy sector.¹² E.O. 14154, “Unleashing American Energy,” mandates in section 3 that “the heads of all agencies shall review all existing regulations . . . to identify those agency actions that impose an undue burden on the identification, development, or use of domestic energy resources” In addition, E.O. 14241, “Reinvigorating America’s Beautiful Clean Coal Industry,” states in section 2 that “[i]t is a national priority to support the domestic coal industry by removing Federal regulatory barriers that undermine coal production” and mandates in section 6 that “. . . the Secretary of Transportation . . . shall identify any guidance, regulations, programs, and policies within their respective executive department or agency that seek to transition the Nation away from coal production and electricity generation.” Similarly, section 1 of E.O. 14156, “Declaring a National Energy Emergency,” promotes the integrity and expansion of U.S. energy infrastructure to ensure a “reliable, diversified, and affordable supply of energy to drive our Nation’s manufacturing, transportation, agriculture, and defense industries and to sustain the basics of modern life and military preparedness.” Lastly, E.O.

¹¹ See, e.g., Fixing America’s Surface Transportation Act of 2015, Public Law 114–94 at sec. 7311, codified at 49 U.S.C. 20168 (directing GAO to conduct an independent evaluation of PHMSA’s research and analysis on the costs, benefits, and effects of electrically controlled pneumatic brake systems required by PHMSA, “Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains,” 80 FR 26644 (May 8, 2015)).

¹² See, e.g., E.O. 14192, “Unleashing Prosperity Through Deregulation,” 90 FR 9065 (Feb. 6, 2025); E.O. 14152, “Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025); E.O. 14156, “Declaring a National Energy Emergency,” 90 FR 8433 (Jan. 29, 2025).

² See E.O. 12044, “Improving Government Regulation,” 43 FR 12661 (Mar. 24, 1978); E.O. 12291, “Federal Regulation,” 46 FR 13193 (Feb. 19, 1981); E.O. 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993); E.O. 13563 “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011).

³ See, e.g., Lori S. Bennear and Jonathan B. Wiener, “Periodic Review of Agency Regulation” (June 7, 2021) (report to the Admin. Conf. of the United States).

⁴ DOT Order 2100.6B, “Policies and Procedures for Rulemakings” (Mar. 10, 2025), available at <https://www.transportation.gov/sites/dot.gov/files/2025-03/Rulemaking%20Order%202100.6B%20Signed%203.10.2025.pdf>.

⁵ DOT-Office of the Secretary, “Plan for Implementation of Executive Order 13563” (Aug. 2, 2011); DOT-Office of the Secretary, “Administrative

14192, “Unleashing Prosperity Through Deregulation,” acknowledges at section 1 the cumulative burden placed on “[U.S.] economic growth and ability to build and innovate, and hampers [U.S.] global competitiveness” and therefore calls on agencies to identify opportunities to alleviate unnecessary regulatory compliance burdens imposed on industry and the public.

To serve the public interest and satisfy the requirements in President Trump’s recent directives, PHMSA is seeking feedback from stakeholders on several key points:

1. Identification of specific regulatory provisions within the HMR, as listed in section III below. This includes any implementing guidance or interpretations of those regulations that may impose an undue burden on identification, development, and use of domestic energy resources. Additionally, stakeholders should consider examples of government inefficiency, where compliance requirements impose significant burdens relative to minimal safety benefits or hinder technological innovations.

2. The nature and magnitude of these burdens, including the specific categories and number of regulated entities affected, as well as the compliance costs and implementation challenges experienced by those entities.

3. Suggestions for potential amendments (including any rescissions) to those regulatory provisions.

4. An assessment of the incremental compliance costs and benefits (including benefits pertaining to avoided compliance costs, safety harms, and environmental harms) anticipated from those amendments.

5. The safety consequences of any proposed amendments.

PHMSA may also consider adopting a procedural requirement mandating periodic regulatory reviews (*e.g.*, on a 5- or 3-year cycle) of the provisions in the HMR. PHMSA may hold a public meeting soon to supplement or to clarify the materials received in response to this ANPRM.

Concerning incremental cost and benefit information, PHMSA is seeking per-unit, aggregate, and programmatic (both a one-time implementation and recurring) data. Explanation of the bases or methodologies employed in generating cost and benefit data, including data sources and calculations, is valuable so that PHMSA can explain the support for any estimates it can provide that accompany a proposed rule. Other commenters may weigh in on the validity and accuracy of the data.

Please also identify the baseline (*e.g.*, a particular edition of a consensus industry standard; widespread voluntary practice; or documentation of sample surveys and other data or information) from which those incremental costs and benefits arise. When estimates are approximate or uncertain, consider using a range or specifying the distribution in other ways.

When responding to a specific question below please note the topic letter and question number in your comment. PHMSA will review and evaluate all comments received, as well as late-filed comments to the extent practicable.

III. Topics Under Consideration

A. Procedural Regulations and Actions

1. Should PHMSA consider incorporating within its HMR an explicit requirement to conduct retrospective regulatory reviews at specified intervals to identify undue burdens and improve government efficiency? Please identify any specific regulatory language would be appropriate for that purpose. What interval would be appropriate? How should PHMSA provide opportunities for stakeholder engagement in those reviews?

2. Are there existing special permits (issued or requested) or petitions for rulemaking that PHMSA should consider prioritizing to reduce regulatory burdens and improve government efficiency?

3. What regulatory amendments, interpretations, or determinations (*e.g.*, preemption determinations pursuant to part 107, subpart C), or revised protocols (*e.g.*, Memoranda of Understanding with other Federal agencies or States) could eliminate undue burdens or improve government efficiency by improving or clarifying the scope of PHMSA’s regulatory oversight relative to that of each of other Federal agencies and State regulatory authorities? Please identify specific amendments or rescissions meriting consideration.

4. Do PHMSA regulations, implementing guidance, or practices governing special permits in its Hazardous Materials Program Procedures (part 107, subpart B) impose an undue burden on affected stakeholders? Please identify any specific amendments to regulations, guidance, or protocols meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected

entities) supporting those recommended amendments.

5. Should PHMSA consider requesting impact data in its Hazardous Materials Program Procedures (part 107, subpart B) to assist in quantifying the benefits that might be realized by the issuance of the permit?

6. Do PHMSA compliance practices concerning the National Environmental Policy Act place an undue burden on affected stakeholders? Are there any categorical exclusions PHMSA should adopt for its regulatory oversight activities? If so, please identify the activities meriting a categorical exclusion, as well as the technical, safety, and environmental bases for those additional categorical exclusions. Are there any categorical exclusions employed by other Federal agencies that PHMSA should adopt pursuant to 42 U.S.C. 4336c?

7. Are there any interpretations or widely used special permits with established safety records meriting codification within PHMSA’s HMR because they would facilitate identification, development, and use of domestic energy resources or would otherwise improve government efficiency?

8. What number of small businesses, small organizations, or small government jurisdictions, as defined in the Regulatory Flexibility Act (5 U.S.C. 6010 *et seq.*) and its implementing regulations are subject to HMR requirements or are bear significant costs associated with HMR compliance by PHMSA-jurisdictional entities? Please provide information about the nature and types of activities of such small businesses and other small entities. Are there any existing HMR requirements that disproportionately impact small businesses or other small entities? Are there alternative regulatory approaches the agency should consider that would achieve its regulatory objectives while minimizing any significant economic impact on small businesses or other small entities?

B. Hazardous Materials Program Procedures (49 CFR Part 107) and Hazardous Materials Regulations (49 CFR Parts 171 Through 180)

1. What provisions of the HMR either impose an undue burden on identification, development, and use of domestic energy resources, or are examples of government inefficiency, insofar as they impose outsized compliance burdens for comparatively small safety benefits or limit technological innovation? Are there any HMR provisions that are unnecessary because their safety benefits that are

adequately addressed by other HMR requirements?

2. Do the terms defined within various provisions (typically at the beginning of each subpart) of the Hazardous Materials Program Procedures or the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

3. Are there opportunities for efficiency gains in Hazardous Materials Program Procedures requirements at part 107 governing each of the designation of approval and certifying agencies (subpart E), registration of certain manufacturers, assemblers, repairers, inspectors, testers and design certification engineers for cargo tanks and cargo tank vehicles (subpart F), and approvals of cylinder inspection, testing, and qualification entities (subpart I) for affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

4. What consensus international or industry standards and recommended practices (or updated editions thereof) merit incorporation by reference within the HMR because they would eliminate undue burdens on affected stakeholders? What consensus international or industry standards and recommended practices currently incorporated by reference within the HMR merit updating or revision. Please identify the pertinent standards and recommended practices as well the specific provisions of the HMR that should reference those standards, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

5. Do HMR reporting and notification requirements (e.g., part 171, subpart B) impose an undue burden on affected stakeholders? Are any of those reporting requirements inefficient because of their limited safety value compared to their associated costs? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

6. Do procedures in the HMR at part 171, subpart C, authorizing use of certain international transportation standards (e.g., the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air or Transport Canada's Transportation of Dangerous Goods Regulations) impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

7. Are there elements of the Hazardous Materials Table (HMT) at part 172 that impose an undue burden on affected stakeholders? Are there particular materials whose safety risks do not merit inclusion within the HMT? Are there assignments of requirements (either via hazard class, packing group, special provisions, packaging or quantity limitations, or vessel stowage restrictions) which are not commensurate with the safety risks posed by specific materials? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

8. Do any of the special provisions to the HMT listed at § 172.102 as applied to one or more materials listed in the HMT impose undue burdens on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

9. Are there any HMR provisions at part 172 pertaining to shipping paper documentation (subpart C), hazard marking (subpart D), labeling (subpart E), placarding (subpart F), and emergency response information (subpart G) that may be revised or modernized to assist stakeholders in efficiently communicating the hazard of materials transported? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

10. Do any of the HMR provisions at part 172, subpart H, pertaining to training impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments

meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

11. Do HMR requirements at part 172, subpart I, governing the safety and security plans impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

12. Would amendment of the various exceptions (e.g., for *de minimis* quantities, light bulbs, etc.) set forth in the HMR (e.g., in part 173, subparts A and D) remove or alleviate undue burdens on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

13. Do any of the HMR requirements at part 173, subpart B, governing preparation of hazardous materials for transportation impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

14. Do any of the classification and packaging requirements for Class 1 explosive materials set forth at part 173, subpart C, and elsewhere in the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

15. Do any of the classification and packaging requirements for Class 7 radioactive materials set forth at part 173, subpart I, and elsewhere in the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

16. Do any of the classification and packaging requirements for hazardous gases set forth at part 173, subpart G, and elsewhere in the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory

amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

17. Do any of the classification and packaging requirements for hazardous materials set forth at part 173, subparts D through F, and elsewhere in the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

18. Do any of the requirements for rail transportation of hazardous materials set forth at part 174 of the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

19. Do any of the requirements for aircraft transportation of hazardous materials set forth at part 175 of the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

20. Do any of the requirements for vessel transportation of hazardous materials set forth at part 176 of the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

21. Do any of the requirements for highway transportation of hazardous materials set forth at part 177 of the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

22. Do any of the specifications for hazardous materials packaging other than rail tank cars set forth at part 178 of the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments

meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

23. Do any of the specifications for rail tank cars of hazardous materials set forth at part 179 of the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

24. Specific to transporting liquefied natural gas (LNG) by rail tank car, PHMSA is interested in hearing from stakeholders about the possibility of any future markets for transportation of LNG by rail tank car. As such, PHMSA seeks information on the following questions. First, is there a current or potential future market for special permits to transport LNG by rail tank car? Second, is there current market demand to transport other flammable cryogenic materials, including, but not limited to, ethylene in tank cars built to the DOT-113C120W9 specifications? Note the DOT-113C120W9 rail tank car is characterized as having minimum wall thickness of the outer jacket shell and the outer jacket heads must be no less than $\frac{3}{16}$ -inch after forming, which exceeds the $\frac{7}{16}$ -inch outer jacket shell as specified in 49 CFR 179.400-8(d)(1).

25. Do any of the requirements of the HMR impose an undue burden on the transportation of any materials such as explosives used in mining, exploration, or the production of coal, or the transportation of coal combustion residuals produced from the burning of coal in coal-fired power plants or otherwise found in supply chains related to coal mining or coal-related energy generation projects?

26. Do any of the requirements for continuing qualification and maintenance of hazardous material packaging set forth at part 180 of the HMR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments meriting consideration, as well as the technical, safety, and economic reasons (including the categories and number of affected entities) supporting those recommended amendments.

Issued in Washington, DC, on May 29, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025-10091 Filed 6-3-25; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 190, 191, 192, 193, 194, 195, 196, 197, 198, and 199

[Docket No. PHMSA-2025-0050]

RIN 2137-AF73

Pipeline Safety: Mandatory Regulatory Reviews To Unleash American Energy and Improve Government Efficiency

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: PHMSA is publishing this advance notice of proposed rulemaking (ANPRM) to solicit stakeholder feedback on whether to repeal or amend any requirements in the Pipeline Safety Regulations to eliminate undue burdens on the identification, development, and use of domestic energy resources and to improve government efficiency.

DATES: Comments on this ANPRM must be submitted by August 4, 2025.

PHMSA will consider late-filed comments to the extent practicable.

ADDRESSES: You may submit comments identified by the Docket Number using any of the following ways:

- *E-Gov Web:* <https://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

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

- *Hand Delivery:* DOT Docket Management System: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m. EST, Monday through Friday, except Federal holidays.

- *Fax:* 202-493-2251.

Instructions: Please include the docket number PHMSA-2025-0050 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov>.

Note: Comments are posted without changes or edits to <https://www.regulations.gov>.

www.regulations.gov, including any personal information provided. There is a privacy statement published on <https://www.regulations.gov>.

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

Confidential Business Information: 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. It is important that you clearly designate the comments submitted as CBI if: your comments responsive to this document contain commercial or financial information that is customarily treated as private; you actually treat such information as private; and your comment is relevant or responsive to this notice. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to the information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information that you are submitting is CBI. Submissions containing CBI should be sent to the following: Alyssa Imam, Transportation Specialist by telephone at 202–738–3850, or by email at alyssa.imam@dot.gov. Hard copies may be sent to 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any materials PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>. Follow the online instructions for accessing the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Alyssa Imam, Transportation Specialist, by telephone at 202–738–3850 or by email at alyssa.imam@dot.gov.

SUPPLEMENTARY INFORMATION:

Executive Summary

PHMSA is publishing this advance notice of proposed rulemaking (ANPRM) to solicit stakeholder feedback on whether to repeal or amend any requirements in the Pipeline Safety Regulations (PSR; 49 CFR parts 190 through 199)—as well as any letters of interpretation, guidance documents, or other materials implementing those regulations—to eliminate undue burdens on the identification, development, and use of domestic energy resources and to improve government efficiency.¹ PHMSA also solicits stakeholder feedback on whether to amend the PSR to require PHMSA conduct periodic, mandatory regulatory reviews.

Background

PHMSA’s pipeline safety program plays an essential role in the energy supply chain, ensuring the safe, reliable, and affordable transportation of energy products to millions of ordinary Americans. The PSR apply to more than 3.3 million miles of pipelines that are used to transport natural gas, crude oil, refined petroleum products, carbon dioxide, and other gases and hazardous liquids to end users. The PSR also ensure the safety of nearly 400 underground natural gas storage (UNGS) facilities and 177 liquefied natural gas (LNG) facilities—from peak shaving facilities operated by local distribution companies to large-scale export terminals supplying natural gas to U.S. allies and trading partners around the world.²

More than 3,000 operators of transportation-related pipelines, UNGS facilities, and LNG facilities are responsible for complying with the PSR, each of whom must invest scarce resources to satisfy PHMSA’s design, construction, testing, operation, maintenance, and reporting requirements. The costs of these investments are passed along to other

entities in the energy supply chain (including downstream shippers and pipeline systems, oil and gas companies, and electric and gas utilities), to the industrial manufacturing and commercial goods sectors, and, ultimately, to the American consumer. PHMSA has an obligation to ensure that the burdens imposed by its regulations on all potential stakeholders are necessary for the PSR to serve the public interest.

Conducting periodic, retrospective reviews of the PSR is one way to achieve that objective. Presidents of both political parties dating to the 1970s have called on Federal agencies to conduct broad reviews of existing regulations by Executive order (E.O.),³ and scholars and other experts in administrative law have long touted the benefits of conducting retrospective regulatory reviews.⁴ The Department of Transportation (DOT) requires review of regulations on a 10-year review cycle, as specified by 11(d) of DOT Order 2011.6B, “Policies and Procedures for Rulemakings.”⁵ DOT previously issued plans and regulations requiring retrospective review⁶ and solicited stakeholder input to inform those reviews on multiple occasions—and is currently taking recommendations on the DOT-wide opportunities for modification or repeal of regulations to reduce compliance burdens.⁷ Congress requires periodic regulatory reviews on a limited scale; section 610 of the

³ See E.O. 12044, “Improving Government Regulation,” 43 FR 12661 (Mar. 24, 1978); E.O. 12291, “Federal Regulation,” 46 FR 13193 (Feb. 19, 1981); E.O. 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993); E.O. 13563 “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011).

⁴ See, e.g., Lori S. Bennear and Jonathan B. Wiener, “Periodic Review of Agency Regulation” (June 7, 2021) (report to the Admin. Conf. of the United States).

⁵ DOT Order 2100.6B, “Policies and Procedures for Rulemakings” (Mar. 10, 2025), available at <https://www.transportation.gov/sites/dot.gov/files/2025-03/Rulemaking%20Order%202100.6B%20Signed%203.10.2025.pdf>.

⁶ DOT-Office of the Secretary, “Plan for Implementation of Executive Order 13563” (Aug. 2, 2011); DOT-Office of the Secretary, “Administrative Rulemaking, Guidance, and Enforcement Procedures,” 84 FR 71714 (Dec. 27, 2019), previously codified in 49 CFR part 5, repealed by DOT-Office of the Secretary, “Administrative Rulemaking, Guidance and Enforcement Procedures,” 86 FR 17292 (April 2, 2021).

⁷ DOT-Office of the Secretary, “Notification of Regulatory Review,” 82 FR 45750 (Oct. 2, 2017); DOT-Office of the Secretary, “Ensuring Lawful Regulation: Reducing Regulation and Controlling Regulatory Costs,” 90 FR 14593 (Apr. 3, 2025). Congress has also passed legislation providing for periodic regulatory reviews on a limited scale; for example, section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires post-issuance review of agency rules imposing a significant impact on a “substantial number of small entities” such as small business and local governments.

¹ PHMSA has recently solicited stakeholder feedback on potential improvements and updates of certain PSR, as well as estimating the costs and benefits of any potential changes. See PHMSA, “Pipeline Safety: Amendments to Liquefied Natural Gas Facilities,” 90 FR 18949 (May 5, 2025); and PHMSA, “Pipeline Safety: Repair Criteria for Hazardous Liquid and Gas Transmission Pipelines,” 90 FR 21715 (May 21, 2025). PHMSA encourages stakeholders to submit comments to both the docket for this ANPRM as well as the dockets for those ANPRMs as pertinent.

² See generally PHMSA, “Pipeline Miles and Facilities 2010+,” https://portal.phmsa.dot.gov/analytics/saw.dll?Portalpages&PortalPath=%2Fshared%2FPDM%20Public%20website%2F_portal%2FPublic%20Reports&Page=Infrastructure (last accessed Apr. 29, 2025) (compiling data from annual reports submitted to PHMSA).

Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires PHMSA and other agencies to conduct post-issuance review of agency rules that impose a “significant impact on a substantial number of small entities” such as small business and local governments.

This is not a new focus for PHMSA, which has conducted broad retrospective regulatory reviews in the past.⁸ However, PHMSA expects that further improvements to its regulations can be made to reduce burdens. The PSR contain requirements that have been in effect for decades without undergoing a comprehensive cost-benefit review.⁹ Indeed, Congress did not even require DOT to perform a cost-benefit analysis to support the addition of new safety standards to the PSR until enactment of the Accountable Pipeline Safety and Partnership Act of 1996, Public Law 104–304, codified at 49 U.S.C. 60102(b)(5). The Federal courts have also raised serious questions about the rigor of cost-benefit analyses used to support some provisions in recent rulemakings addressing pipeline safety;¹⁰ commenters have echoed those concerns in subsequent rulemaking proceedings.¹¹ Though the costs of many—and perhaps most—of the provisions in the PSR are justified by their benefits, conducting periodic, and comprehensive, regulatory reviews ensures that any compliance burdens remain justified in light of the evolution of technology, operator practices, and PHMSA’s regulatory requirements.

Like his predecessors, President Trump has issued a series of E.O.s directing PHMSA and other Federal agencies to take a hard look at their existing regulations, particularly with respect to those that impose burdens on

the energy sector.¹² E.O. 14154, “Unleashing American Energy,” mandates at section 3 that “the heads of all agencies shall review all existing regulations . . . to identify those agency actions that impose an undue burden on the identification, development, or use of domestic energy resources” Similarly, section 1 of E.O. 14156, “Declaring a National Energy Emergency,” promotes the integrity and expansion of U.S. energy infrastructure to ensure a “reliable, diversified, and affordable supply of energy to drive our Nation’s manufacturing, transportation, agriculture, and defense industries and to sustain the basics of modern life and military preparedness.” Lastly, E.O. 14192, “Unleashing Prosperity Through Deregulation,” acknowledges at section 1 that the cumulative burden placed on “[U.S.] economic growth and ability to build and innovate, and hampers [U.S.] global competitiveness” and therefore calls on agencies to identify opportunities to alleviate unnecessary regulatory compliance burdens imposed on industry and the general public.

To serve the public interest and satisfy the requirements in President Trump’s recent directives, PHMSA is soliciting stakeholder feedback on, among other things: (1) identification of regulatory provisions within those parts of the PSR listed in section III below—including any implementing guidance including interpretations of those regulations—that could impose an undue burden on identification, development, and use of domestic energy resources, or that are examples of government inefficiency insofar as they impose outsized compliance burdens for comparatively small safety benefits or limit technological innovation; (2) the nature and magnitude of those burdens, including identification of the regulated entities—*i.e.*, the specific categories of gas and hazardous liquid pipeline facilities—burdened, as well as the compliance costs and implementation challenges experienced by those entities; (3) potential amendments including rescission to those regulatory provisions; (4) the incremental compliance costs and benefits (including benefits pertaining to avoided compliance costs, safety harms, and environmental harms) anticipated from those amendments; and (5) the technical feasibility, reasonableness, cost-effectiveness, and practicability of those potential amendments. PHMSA

may also consider adopting a procedural requirement mandating periodic regulatory reviews (*e.g.*, on a 5- or 3-year cycle) of the provisions in the PSR. PHMSA may hold a public meeting soon to supplement or to clarify the materials received in response to this ANPRM.

With respect to incremental cost and benefit information, PHMSA is seeking per-unit, aggregate, and programmatic (both one-time implementing and recurring) data. Explanation of the bases or methodologies employed in generating cost and benefit data, including data sources and calculations, is valuable so that PHMSA can explain the support for any estimates it is able to provide that accompany a proposed rule, and other commenters may weigh in on the validity and accuracy of the data. Please also identify the baseline (*e.g.*, a particular edition of a consensus industry standard; widespread voluntary operator practice; or documentation of sample surveys and other operator level data or information) from which those incremental costs and benefits arise. When estimates are approximate or uncertain, consider using a range or specifying the distribution in other ways.

When responding to a specific question below please note the topic letter and question number in your comment. PHMSA will review and evaluate all comments received, as well as late-filed comments to the extent practicable.

Topics Under Consideration

Procedural Regulations and Actions

1. Should PHMSA consider incorporating within its PSR an explicit requirement to conduct retrospective regulatory reviews at specified intervals to eliminate undue burdens and improve government efficiency? Please identify any specific regulatory language would be appropriate for that purpose. What interval would be appropriate? How should PHMSA provide opportunities for stakeholder engagement in those reviews?

2. Can PHMSA eliminate undue burdens or improve government efficiency by taking any actions with respect to its oversight of State authorities or involvement with other Federal agencies? Please identify specific actions that PHMSA should consider for this purpose.

3. What number of small businesses, small organizations, or small government jurisdictions, as defined in the Regulatory Flexibility Act (5 U.S.C. 6010 *et seq.*) and its implementing regulations, operate different categories

⁸ See, *e.g.*, DOT, “Plan for Implementation of E.O. 13564: Retrospective Review and Analysis of Existing Rules” (Aug. 2011); PHMSA, “Pipeline Safety: Gas Pipeline Regulatory Reform,” 86 FR 2210 (Jan. 11, 2021).

⁹ Hazardous Materials Regulations Board, “Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards,” 35 FR 13248 (Aug. 19, 1970) (establishing parts 190 and 192 regulations); Hazardous Materials Regulations Board, “Requirements for Design, Construction, Operation, and Maintenance,” 34 FR 15473 (Oct. 4, 1969) (establishing part 195 regulations); Research and Special Projects Administration, “Liquefied Natural Gas facilities; New Federal Standards,” 45 FR 9184 (Feb. 11, 1980).

¹⁰ See *GPA Midstream Ass’n v. U.S. Dep’t of Transp.*, 67 F.4th 1188 (D.C. Cir. 2023); *INGAA v. PHMSA*, 114 F.4th 744, 756 (D.C. Cir. 2024).

¹¹ See *INGAA*, Initial Comments on Gas Pipeline Leak Detection and Repair NPRM” at 2 (Aug. 16, 2023) (referencing PHMSA, “Final Rule—Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments,” 87 FR 52224 (Aug. 24, 2022) (2137–AF39)).

¹² E.O. 14192, “Unleashing Prosperity Through Deregulation,” 90 FR 9065 (Feb. 6, 2025); E.O. 14152, “Unleashing American Energy,” 90 FR 8353 (Jan. 29, 2025); E.O. 14156, “Declaring a National Energy Emergency,” 90 FR 8433 (Jan. 29, 2025).

of PHMSA-jurisdictional gas, hazardous liquid, and carbon dioxide pipeline facilities? Please provide information about the nature and types of activities of small businesses and other small entities operating in midstream gas, hazardous liquid, and carbon dioxide pipeline sectors. Are there any existing PSR requirements that disproportionately impact small businesses or other small entities in the sector? Are there alternative regulatory approaches the agency should consider that would achieve its regulatory objectives while minimizing any significant economic impact on small businesses or other small entities?

4. Do PHMSA's regulations, implementing guidance, or practices governing special permits (49 CFR 190.341) impose an undue burden on affected stakeholders? Please identify any specific amendments to regulations, guidance, or protocols meriting consideration, as well as the technical, safety, and economic reasons supporting those actions.

5. Do PHMSA's compliance practices with respect to the National Environmental Policy Act place an undue burden on affected stakeholders? Are there any categorical exclusions that PHMSA should adopt? If so, please identify the activities that should be considered for a categorical exclusion, as well as the technical, safety, and environmental bases for adding those categorical exclusions. Are there any categorical exclusions employed by other Federal agencies that PHMSA should adopt pursuant to 42 U.S.C. 4336c?

6. Do annual user fees (49 U.S.C. 60301 *et seq.*) and charges (*e.g.*, cost recovery pipeline facility design and construction reviews pursuant to 49 CFR part 190, subpart E) imposed by PHMSA place an undue burden on affected stakeholders? If so, please identify specific fees, the regulated entities adversely affected by those fees, and any alternative fee structures meriting consideration.

7. Are there any interpretations (§ 190.11), approvals (§ 190.9), or special permits (§ 190.341) that should be incorporated into the PSR to eliminate undue burdens or improve government efficiency? Should PHMSA adopt a procedure in the PSR to facilitate the incorporation of similar actions in the future?

Pipeline Safety Regulations (49 CFR Parts 190 and 191 Through 199)

1. What provisions of the PSR either impose an undue burden on identification, development, and use of domestic energy resources, or are

examples of government inefficiency, insofar as they impose outsized compliance burdens for comparatively small safety benefits or limit technological innovation? Are there any PSR provisions that are unnecessary because their safety benefits that are adequately addressed by other PSR requirements?

2. Do any of the terms defined in the PSR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons supporting those recommended amendments.

3. Are there any requirements in the PSR that impose undue burdens on owners and operators of gathering lines? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons supporting those recommended amendments.

4. Do the reporting and notification requirements (*e.g.*, part 191, § 193.2011, and part 195, subpart B) in the PSR impose an undue burden on affected stakeholders? Are any of those reporting requirements inefficient because of their limited safety value compared to their associated costs? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons supporting those recommended amendments.

5. Are there any consensus industry standards or recommended practices (or updated editions thereof) that should be incorporated by reference into the PSR to eliminate undue burdens or improve government efficiency? Please identify the pertinent standards and recommended practices that PHMSA should consider incorporating by reference, the specific provisions of the PSR that should be used for that purpose, and the technical, safety, and economic reasons supporting those recommended amendments.

6. Are there any material, design, testing, construction, or corrosion control requirements in parts 192 (subparts B through I), 193 (subparts C through E), and 195 (subparts C through E and H) of the Pipeline Safety Regulation that impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.

7. Are there any operating and maintenance requirements in parts 192

(subparts L through M), 193 (subparts F through G), and 195 (subpart F) of the PSR that impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.

8. Are there any personnel qualification and training requirements in parts 192 (subpart N), 193 (subpart H), and 195 (subpart G) of the PSR that impose undue burdens on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.

9. Do any of the integrity management requirements in part 192 (subparts O and P) or 195 (§§ 195.450 through 452) impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.

10. Do any of the siting requirements for LNG facilities in 49 CFR part 193, subpart B, impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.

11. Do any of the drug and alcohol testing requirements in part 199 (which incorporates by reference Departmental requirements at 49 CFR part 40) impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.

Issued in Washington, DC, on May 29, 2025, under the authority delegated in 49 CFR 1.97.

Benjamin D. Kochman,
Acting Administrator.

[FR Doc. 2025–10090 Filed 6–3–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679****RIN 0648–BM64****Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 125 to the Bering Sea and Aleutian Islands Fishery Management Plan; Pacific Cod Small Boat Access**

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

ACTION: Notification of availability; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) submitted amendment 125 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) to the Secretary of Commerce for review. If approved, amendment 125 would modify the BSAI Pacific cod jig sector to allow catch from catcher vessels (CV) using hook-and-line or pot gear that are less than or equal to 55 feet (ft) (16.8 meters (m)) length overall (LOA) harvesting Pacific cod in the BSAI during the jig gear A season to accrue to the jig sector allocation. Amendment 125 would promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), BSAI FMP, and other applicable laws.

DATES: Comments must be received no later than August 4, 2025.

ADDRESSES: A plain language summary of this proposed action is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0003>. You may submit comments on this document, identified by NOAA–NMFS–2025–0003, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2025–0003 in the Search box. Click the “Comment” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or

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

Electronic copies of proposed amendment 125, the draft Regulatory Impact Review for proposed amendment 125 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (referred to as the Analysis), and the draft Categorical Exclusion prepared for this action are available from www.regulations.gov or from the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/region/alaska>.

FOR FURTHER INFORMATION CONTACT: Lis Henderson, 907–586–7228, lis.henderson@noaa.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, after a council’s transmittal of an FMP amendment, immediately publish a document in the **Federal Register** announcing that the amendment is available for public review and comment. This document announces that proposed amendment 125 to the BSAI FMP is available for public review and comment.

NMFS manages the Pacific cod fisheries in the U.S. exclusive economic zone of the BSAI under the BSAI FMP. The Council prepared, and NMFS approved, the BSAI FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations implementing the BSAI FMP appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

Background

The BSAI FMP and implementing regulations require that, after consultation with the Council, NMFS specify an overfishing limit (OFL), an acceptable biological catch (ABC), and a total allowable catch (TAC) amount for each target species or species group of groundfish, including Pacific cod, on an

annual basis. An OFL is the catch level above which overfishing would occur for a species or species group. An ABC is the level of a species or species group annual catch that accounts for the scientific uncertainty in the estimate of OFL and any other scientific uncertainty. The TAC is the annual catch target for a species or species group, derived from the ABC by considering social and economic factors and management uncertainty. Under the BSAI FMP, an ABC is set below its respective OFL. Under the BSAI FMP, the TAC must be set lower than or equal to the ABC.

Pacific cod is assessed as two distinct stocks with a separate OFL, ABC, and TAC for each stock: the eastern Bering Sea (BS) stock and Aleutian Islands (AI) stock. To allocate Pacific cod TACs, NMFS first allocates 10.7 percent of the BS TAC and the AI TAC to the Community Development Quota (CDQ) Program (§ 679.20(a)(7)(i)(A)). After CDQ allocations have been deducted from the respective BS and AI Pacific cod TACs, the remaining BS and AI Pacific cod TACs are combined for calculating BSAI Pacific cod sector allocations for nine distinct non-CDQ sectors (§ 679.20(a)(7)(ii)(A)). In addition, during a fishing year, NMFS may reallocate unharvested Pacific cod among sectors, consistent with the reallocation hierarchy set forth in regulations (§ 679.20(a)(7)(iii)).

The BSAI Pacific cod jig sector allocation has not historically been fully utilized, particularly in the A and C seasons. On average, from 2008 through 2021, 95 percent of the BSAI Pacific cod jig sector’s initial allocation has been reallocated to the less than 60 ft (18.3 m) LOA hook-and-line or pot CV sector.

In October 2022, the Council recommended amendment 125 to the BSAI FMP. Amendment 125 would revise Section 4.1.2.2 of the BSAI FMP to modify the BSAI Pacific cod jig sector to allow catch from CVs less than or equal to 55 ft (16.8 m) LOA that use hook-and-line or pot gear to accrue to the jig sector during the jig-gear A season (January 1 through April 30). This would allow smaller CVs (less than or equal to 55 ft (16.8 m) LOA) using hook-and-line or pot gear to harvest the Pacific cod jig allocation at the start of the year. The Council considered the increasing competition in the less than 60 ft (18.3 m) LOA hook-and-line or pot CV sector. Based on this and a review of the scientific information and consideration of the National Standard guidelines, the Council recommended amendment 125 to increase stability and additional opportunities for smaller fishery participants and potential new

entrants with smaller CVs without negatively impacting vessels using jig gear. This is because the jig gear sector does not fully use its A-season allocation and has had very low overall participation in recent years. NMFS reviewed the scientific information and National Standards and has preliminarily determined that it supported the Council's basis for the recommendation (see Section 4.3 of the Analysis), subject to further consideration after public comment. This action would not change the allocation, percentages, or affect any other sector allocation established under amendment 85 (72 FR 50788, September 4, 2007).

NMFS is soliciting public comments on the proposed amendment 125 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement amendment 125, following NMFS's evaluation of the proposed rule under the Magnuson-Stevens Act.

Respondents do not need to submit the same comments on amendment 125 and the proposed rule. All relevant written comments received by the end of the applicable comment period, whether specifically directed to the BSAI FMP amendment or the proposed rule will be considered by NMFS in the approval/disapproval decision for

amendment 125 and addressed in the response to comments in the final decision. Comments received after the end of the applicable comment period will not be considered in the approval/disapproval decision on amendment 125. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period (see **DATES**).

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

Dated: May 29, 2025.

Kelly Denit,

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

[FR Doc. 2025–10110 Filed 6–3–25; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 90, No. 106

Wednesday, June 4, 2025

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2025–0005]

Ishihara Sangyo Kaisha, Limited: Availability of a Petition for a Determination of Nonregulated Status, Draft Plant Pest Risk Assessment, and Draft Environmental Assessment for ISK–311NR–4 Phalaenopsis (Moth Orchid)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Ishihara Sangyo Kaisha, Limited seeking a determination of nonregulated status for ISK–311NR–4 Phalaenopsis (moth orchid) which has been developed using genetic engineering to produce a blue-purple flower color. We are making the petition, draft plant pest risk assessment, and draft environmental assessment available for public review and comment.

DATES: We will consider all comments that we receive on or before August 4, 2025.

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

- **Federal eRulemaking Portal:** Go to www.regulations.gov. Enter APHIS–2025–0005 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
 - **Postal Mail/Commercial Delivery:** Send your comment to Docket No. APHIS–2025–0005, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, Unit 25, 4700 River Road Unit 25, Riverdale, MD 20737–1238.
- The petition, draft plant pest risk assessment, draft environmental

assessment, and any comments we receive on this docket may be viewed at www.regulations.gov, or in our reading room, which is located in 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

The petition, draft plant pest risk assessment, and draft environmental assessment are also available on the APHIS website at: <https://www.aphis.usda.gov/biotechnology/legacy-petition-process/petitions>. Search for APHIS petition 25–062–01p.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Pearson, Biotechnology Regulatory Services, APHIS, USDA, 4700 River Road Unit 78, Riverdale, MD 20737–1236; (301) 851–3944; email: alan.pearson@usda.gov.

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, “Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,” regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such organisms and products are considered “regulated articles.”

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS has received a petition (APHIS Petition Number 25–062–01p) from Ishihara Sangyo Kaisha, Limited seeking a determination of nonregulated status for ISK–311NR–4 Phalaenopsis (moth orchid) which has been developed using genetic engineering to produce blue-purple flower color. The petition states that the information provided indicates

that ISK–311NR–4 Phalaenopsis is unlikely to pose a plant pest risk and therefore should not be regulated under APHIS’ regulations in 7 CFR part 340.

As part of our decision-making process regarding the organism’s regulatory status, APHIS prepared a draft plant pest risk assessment (PPRA) to assess the plant pest risk of the organism, and a draft environmental assessment (EA) to evaluate potential impacts on the human environment that may result if the petition request is approved.

APHIS’ draft PPRA compared the pest risk posed by the ISK–311NR–4 Phalaenopsis with that of the unmodified variety from which it was derived. The draft PPRA concluded that ISK–311NR–4 Phalaenopsis is unlikely to pose an increased plant pest risk compared to the unmodified moth orchid.

The draft EA evaluated potential impacts that may result from the commercial production of ISK–311NR–4 Phalaenopsis, to include potential impacts on conventional moth orchid production; the acreage and area required for U.S. moth orchid production; agronomic practices and inputs; the physical environment; biological resources; human health and worker safety; and animal health and welfare. APHIS applied USDA’ regulation at 7 CFR part 1b, and APHIS’ National Environmental Policy Act (NEPA) implementing regulations (7 CFR part 372), when preparing this draft EA.

Paragraph (d) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** providing 60 days for public comment on petitions for a determination of nonregulated status. In accordance with § 340.6(d), we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition, draft PPRA, and draft EA from interested or affected persons for a period of 60 days from the date of this notice. The petition, draft PPRA, and draft EA are available for public review and comment, and copies are available as indicated under **ADDRESSES** and from the individual listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. We are particularly interested in receiving comments regarding biological or ecological issues, and we encourage the submission of

scientific data, studies, or research to support your comments.

After the comment period closes, APHIS will review and evaluate any information received during the comment period and any other relevant information. After reviewing and evaluating the comments and other information, APHIS will prepare a final PPRA and EA. Based on the final EA, APHIS will prepare a NEPA decision document (either a Finding of No Significant Impact (FONSI) or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of the modified plant and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

(Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3)

Done in Washington, DC, this 28th day of May 2025.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2025–10138 Filed 6–3–25; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Alpine County Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Alpine County 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 Humboldt-Toiyabe National Forest within Alpine County, consistent with the Federal Lands Recreation Enhancement Act.

DATES: An in-person and virtual meeting will be held on June 17, 2025, from 2 p.m. to 5 p.m., Pacific daylight time.

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

All 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: This meeting will be held in-person at the Turtle Rock Park Community Center, located at 17300 State Route 89/4, Markleeville, CA 96120. The public may also join virtually via Teams Meeting: Meeting ID 279 031 159 868, Passcode UT9bH2Bg; or dial in by phone +1 (202) 650–0123, 149706774# United States, Washington; Phone conference ID 149 706 774#. Committee information and meeting details can be found at the following website www.fs.usda.gov/main/htnf/workingtogether/advisorycommittees or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to matthew.dickinson@usda.gov or via mail (postmarked) to Matthew Dickinson, 1536 S Carson St., Carson City, NV 89701. The Forest Service strongly prefers comments to be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Pacific daylight time, June 10, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to matthew.dickinson@usda.gov or via mail (postmarked) to Matthew Dickinson, 1536 S Carson St., Carson City, NV 89701.

FOR FURTHER INFORMATION CONTACT: Matthew Zumstein, Designated Federal Officer, by phone at (775) 884–8100 or email at matthew.zumstein@usda.gov; or Matthew Dickinson, RAC Coordinator, by phone at (775) 884–8154 or email at matthew.dickinson@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review and approve projects proposed for funding under the Title II of the Secure Rural Schools legislation;
2. Allow for public comment; and
3. 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 7 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 for the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at (202) 720–2600 (voice and TDD). 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: May 29, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025–10092 Filed 6–3–25; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE**Forest Service****Idaho Panhandle Resource Advisory Committee**

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Idaho Panhandle Resource Advisory Committee (RAC) will hold public meetings 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 Idaho Panhandle National Forests within Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties, consistent with the Federal Lands Recreation Enhancement Act.

DATES: In-person and virtual meetings will be held on June 17, 2025, 9 a.m. to 4 p.m., and on June 18, 2025, 9 a.m. to 4 p.m., Pacific daylight time.

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

All 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 and virtually at the Interagency Natural Resource Center, located at 3232 West Nursery Road, Coeur d'Alene, Idaho 83815. The public may also join virtually via videoconference at: Microsoft Teams/ Meeting ID: 220 325 881 794, Passcode: Vg28Mt9v or Dial in by phone +1 (202) 650-0123, United States, Washington; Phone conference ID: 215341715#. Committee information and meeting details can be found at the following website www.fs.usda.gov/r01/idahopanhandle/committees or by

contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to patrick.lair@usda.gov or via mail (postmarked) to Patrick Lair, 3232 West Nursery Road, Coeur d'Alene, Idaho 83815. The Forest Service strongly prefers comments to be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. Pacific Daylight Time, June 10, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to patrick.lair@usda.gov or via mail (postmarked) to Patrick Lair, 3232 West Nursery Road, Coeur d'Alene, Idaho 83815.

FOR FURTHER INFORMATION CONTACT: Tim Gilloon, Designated Federal Officer, by phone at (208) 765-7223 or email at timothy.gilloon@usda.gov; or Patrick Lair, RAC Coordinator, by phone at (208) 765-7211 or email at patrick.lair@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, 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: May 29, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025-10088 Filed 6-3-25; 8:45 am]

BILLING CODE 3411-15-P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB-2025-0016-N]

Notice of Corrections of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board previously reviewed and made formal disclosure determinations on records related to nine civil rights cold case incidents in which the National Archives and Records Administration, the Department of Justice, and the Federal Bureau of Investigation proposed postponements. The Review Board recently conducted a secondary review of these records and made new formal determinations on postponements within records for six of the cases, which the Review Board assigned the following unique identifiers: 2023-001-002, 2023-002-001, 2023-002-007, 2023-002-008, 2024-003-006, and 2024-003-042. The Review Board made new formal determinations on 46 postponements. By issuing this notice, the Review Board

complies with the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in the **Federal Register** its determinations on the disclosure or postponement of

records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT:
Stephannie Oriabure, Chief of Staff,
Civil Rights Cold Case Records Review

Board, 1800 F Street NW, Washington, DC 20405, (771) 221-0014, *info@coldcaserecords.gov*.

SUPPLEMENTARY INFORMATION:

Incident identifier	Postponement identifier	Previous review board decision	New review board decision
2023-001-002	2024-FBI-01-0013	Reject	Approve.
2023-001-002	2024-FBI-01-0018	Reject	Approve.
2023-001-002	2024-FBI-01-0056	Reject	Approve.
2023-001-002	2024-FBI-01-0061	Reject	Approve.
2023-001-002	2024-FBI-01-0110	Reject	Approve.
2023-001-002	2024-FBI-01-0115	Reject	Approve.
2023-001-002	2024-FBI-01-0242	Approve with changes	Approve.
2023-001-002	2024-FBI-01-0243	Approve with changes	Approve.
2023-001-002	2024-FBI-01-0250	Approve	Reject.
2023-001-002	2024-FBI-01-0251	Approve	Reject.
2023-001-002	2024-FBI-01-0252	Approve with changes	Approve.
2023-001-002	2024-FBI-01-0259	Approve with changes	Approve.
2023-001-002	2024-FBI-01-0270	Approve with changes	Approve.
2023-001-002	2024-FBI-01-0304	Approve	Approve with changes.
2023-001-002	2024-FBI-01-0317	Approve	Reject.
2023-001-002	2024-FBI-01-0318	Approve	Reject.
2023-001-002	2024-FBI-01-0320	Reject	Approve.
2023-001-002	2024-FBI-01-0321	Reject	Approve.
2023-001-002	2024-FBI-01-0329	Reject	Approve.
2023-001-002	2024-FBI-01-0342	Reject	Approve.
2023-001-002	2024-FBI-01-0379	Reject	Approve.
2023-001-002	2024-FBI-01-0384	Reject	Approve.
2023-002-001	2024-FBI-02-0285	Approve with changes	Approve.
2023-002-001	2024-FBI-02-0286	Approve	Approve with changes.
2023-002-001	2024-FBI-02-0312	Approve with changes	Approve.
2023-002-001	2024-FBI-02-0318	Approve with changes	Approve.
2023-002-001	2024-FBI-02-0497	Approve with changes	Approve.
2023-002-001	2024-FBI-02-0503	Approve with changes	Approve.
2023-002-007	2024-FBI-02-0054	Reject	Approve with changes.
2023-002-007	2024-FBI-02-0063	Reject	Approve.
2023-002-007	2024-FBI-02-0067	Reject	Approve.
2023-002-007	2024-FBI-02-0071	Reject	Approve with changes.
2023-002-007	2024-FBI-02-0079	Approve	Reject.
2023-002-007	2024-FBI-02-0080	Approve	Reject.
2023-002-008	2024-FBI-02-0693	Reject	Approve.
2023-002-008	2024-FBI-02-0805	Reject	Approve.
2023-002-008	2024-FBI-02-0810	Reject	Approve.
2023-002-008	2024-FBI-02-0861	Reject	Approve.
2023-002-008	2024-FBI-02-0866	Reject	Approve.
2023-002-008	2024-FBI-02-0947	Reject	Approve.
2023-002-008	2024-FBI-02-0952	Reject	Approve.
2023-002-008	2024-FBI-02-0988	Reject	Approve.
2023-002-008	2024-FBI-02-0993	Reject	Approve.
2024-003-006	2024-NARA-03-0041	Approve with changes	Reject.
2024-003-042	2024-DOJ-03-0031	Reject	Approve.
2024-003-042	2024-FBI-03-0131	Reject	Approve.

Authority: Pub. L. 115-426, 132 Stat. 5489 (44 U.S.C. 2107).

Dated: May 30, 2025.

Stephannie Oriabure,
Chief of Staff.

[FR Doc. 2025-10152 Filed 6-3-25; 8:45 am]

BILLING CODE 6820-SY-P

COMMISSION ON CIVIL RIGHTS

**Notice of Public Meetings of the
Colorado Advisory Committee to the
U.S. Commission on Civil Rights**

AGENCY: Commission on Civil Rights.

ACTION: Notice of public meetings.

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 Colorado Advisory Committee (Committee) to the U.S. Commission on

Civil Rights will convene the following two business meetings: Thursday, June 18, 2025, at 3:00 p.m. Mountain Time and Tuesday, July 8, 2025, at 2:00 p.m. Mountain Time. The purpose of both meetings is to plan virtual briefings on the topic of examining campus antisemitism at the Auraria Campus, which includes the following institutions of higher education: Community College of Denver, Metropolitan State University of Denver, and the University of Colorado Denver. three Colorado college and universities.

DATES:

Wednesday, June 18, 2025, at 3:00 p.m.
Mountain Time
Tuesday, July 8, 2025, at 2:00 p.m.
Mountain Time

ADDRESSES: The meetings will be held via Zoom.
6/18/25 Meeting Link (Audio/Visual): <https://tinyurl.com/52am5b6p>.
Join by Phone (Audio Only): 1-833 435 1820 USA Toll Free; Meeting ID: 160 480 1440 #.
7/8/25 Meeting Link (Audio/Visual): <https://tinyurl.com/ycy6unce>.
Join by Phone (Audio Only): 1-833 435 1820 USA Toll Free; Meeting ID: 161 405 5298 #.

FOR FURTHER INFORMATION CONTACT: Ana Fortes, Designated Federal Official, at afortes@usccr.gov or by phone at 202-681-0857.

SUPPLEMENTARY INFORMATION: Any interested member of the public may attend the meetings via the links above. Before adjourning the meetings, the committee chair will announce that any member of the public may make a brief oral statement, as time allows. Per the Federal Advisory Committee Act, public minutes of meetings will include a list of persons who are present at meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting "CC" in the meeting platform. To request additional accommodations, please email ebohor@usccr.gov at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following scheduled meetings. Written comments may be emailed to Evelyn Bohor at ebohor@usccr.gov; please include Colorado Committee in the subject line of the transmitting email. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-312-353-8311.

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://usccr.box.com/s/aq52obvbs8uhkx2a0198po94elwbf2vl>. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the

Regional Programs Coordination Unit at ebohor@usccr.gov.

Agendas

June 18 and July 8, 2025

- I. Welcome and Roll Call
- II. Planning for July and August virtual briefings
- III. Discuss Next Steps
- IV. Public Comment
- V. Adjournment

Dated: May 29, 2025.

David Mussatt,
Supervisory Chief, Regional Programs Unit.
[FR Doc. 2025-10086 Filed 6-3-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-423-808]

Stainless Steel Plate in Coils From Belgium: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023-2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that Aperam Stainless Belgium NV (ASB) did not make sales of stainless steel plate in coils from Belgium at less than normal value (NV) during the period of review (POR) May 1, 2023, through April 30, 2024.

DATES: Applicable June 4, 2025.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-7851.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1999, Commerce published in the **Federal Register** the antidumping duty (AD) *Order* on stainless steel plate in coils from Belgium.¹ On May 2, 2024, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order* for the POR.² On July 5, 2024, based on

¹ See *Antidumping Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 64 FR 27756 (May 21, 1999) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 89 FR 35778 (May 2, 2024).

timely requests for review and in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order* covering five exporters and/or producers.³ On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.⁴ On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by an additional 90 days.⁵ Pursuant to section 751(a)(3)(A) of the Act, Commerce extended the deadline for these preliminary results to June 6, 2025.⁶

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁷ A list of the topics included in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise covered by this *Order* is stainless steel plate in coils from Belgium. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order when there are no reviewable entries of subject merchandise during the POR for

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 55567, 55570 (July 5, 2024) (*Initiation Notice*).

⁴ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

⁵ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁶ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated May 7, 2025.

⁷ See Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Plate in Coils from Belgium; 2023-2024," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

which liquidation is suspended.⁸ Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.⁹ Therefore, for an administrative review to be conducted, there must be at least one reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the review period.¹⁰ Based on our analysis of CBP information, there were no entries of subject merchandise during the POR for the following companies subject to the review: (1) ArcelorMittal Genk; (2) Fenixs Steel NV; (3) Helaxa BVBA; and (4) Industeel Belgium. As a result, on August 8, 2024, Commerce notified all interested parties of its intent to rescind this review, in part, with respect to these companies and received no comments.¹¹ Accordingly, Commerce is rescinding this review, in part, with respect to these four companies. The administrative review remains active with respect to the mandatory respondent, ASB.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. Constructed export price was calculated in accordance with section 772 of the Act. NV was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum.

Preliminary Results of the Review

Commerce preliminarily determines that the following weighted-average dumping margin exists for the period May 1, 2023, through April 30, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
Aperam Stainless Belgium N.V ..	0.00

Disclosure

Commerce intends to disclose the calculations performed to interested

parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.¹² Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹³ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; and (2) a table of authorities.¹⁴

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

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be

discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically-filed hearing request must be received successfully in its entirety via ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised in any the written briefs, no later than 120 days after the date of publication of this notice, unless otherwise extended.¹⁶

All submissions, including case and rebuttal briefs, as well as hearing requests, must be filed electronically using ACCESS.¹⁷ An electronically filed document must be received successfully in its entirety in ACCESS by 5 p.m. Eastern Time on the established deadline. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁸

Assessment Rates

Upon issuance of the final results of this review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.¹⁹

With respect to the companies for which we have rescinded this review, in part, Commerce intends to instruct CBP to assess antidumping duties on all appropriate entries at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR, in accordance with 19 CFR 351.212(c)(1)(i).

We intend 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).

If ASB's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.50 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined

⁸ See, e.g., *Diocetyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022*, 88 FR 24758 (April 24, 2023); see also *Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4157 (January 24, 2023).

⁹ See 19 CFR 351.212(b)(1).

¹⁰ See 19 CFR 351.213(d)(3).

¹¹ See Memorandum, "Notice of Intent to Rescind Review, in Part," dated August 8, 2024.

¹² See 19 CFR 351.309.

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

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

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

¹⁶ See section 751(a)(3)(A) of the Act; and 19 CFR 351.213(h).

¹⁷ See 19 CFR 351.303.

¹⁸ See *APO and Service Final Rule*.

¹⁹ See 19 CFR 351.212(b)(1).

sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). If the respondent has not reported entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we intend to instruct CBP to liquidate appropriate entries without regard to antidumping duties.²⁰

For entries of subject merchandise during the POR produced by ASB for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate (*i.e.*, 9.86 percent) if there is no rate for the intermediate company(ies) involved in the transaction.²¹

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for ASB will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or in the less-than-fair-value investigation (LTFV) but the producer

is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 9.86 percent, the rate established in the LTFV investigation of this proceeding.²² These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 19 CFR 351.221(b)(4).

Dated: May 29, 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 Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Rescission of Administrative Review, In Part
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

[FR Doc. 2025-10168 Filed 6-3-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-583-880]

Certain Monomers and Oligomers From Taiwan: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: Applicable June 4, 2025.

FOR FURTHER INFORMATION CONTACT:

Suresh Maniam at (202) 482-1603 or Theodore Pearson at (202) 482-2631, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On April 16, 2025, the U.S. Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of certain monomers and oligomers from Taiwan.¹ Currently, the preliminary determination is due no later than June 20, 2025.

Postponement of Preliminary Determination

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

¹ See *Certain Monomers and Oligomers from Taiwan: Initiation of Countervailing Duty Investigation*, 90 FR 17032 (April 23, 2025).

²⁰ See 19 CFR 351.106(c)(2); see also *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

²¹ See *Order*, 64 FR at 27757; see also *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

²² See *Order*, 64 FR at 27757.

On May 23, 2025, the petitioner² submitted a timely request that Commerce postpone the preliminary determination.³ The petitioner stated that it requests postponement so that Commerce can fully analyze the forthcoming questionnaire responses and issue supplemental questionnaires prior to making its preliminary CVD determination.⁴

In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*, August 25, 2025.⁵

Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

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

Dated: May 29, 2025.

Christopher Abbott,

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

[FR Doc. 2025–10150 Filed 6–3–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–906]

Sodium Nitrite From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2022–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on sodium nitrite from India. The period of review (POR) is August 17, 2022, through January 31, 2024. Commerce preliminarily determines that Deepak Nitrite Limited (Deepak) did not make sales of subject merchandise at less than normal value during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 4, 2025.

FOR FURTHER INFORMATION CONTACT: Joy Zhang, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1168.

SUPPLEMENTARY INFORMATION:

Background

On February 27, 2023, Commerce published in the **Federal Register** the antidumping duty order on sodium nitrite from India.¹ On April 9, 2024, based on timely requests for administrative reviews, Commerce initiated an administrative review covering two companies—Deepak and Kutch Chemical Industries Ltd. (Kutch Chemical).² On July 22, 2024, Commerce tolled administrative deadlines in this proceeding by seven days.³ On October 7, 2024, we extended the deadline for the preliminary results to March 7, 2025.⁴ On December 9, 2024, Commerce tolled administrative deadlines in this proceeding by an additional 90 days.⁵ For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁶

Scope of the Order

The product covered by this *Order* is sodium nitrite from India. For a full

description of the scope, *see* the Preliminary Decision Memorandum.⁷

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. On May 9, 2024, Prochimie International, Inc. timely withdrew its request for a review of Kutch Chemical.⁸ No other parties requested an administrative review of Kutch Chemical. On May 10, 2024, Commerce notified interested parties of its intent to rescind the review with respect to Kutch Chemical,⁹ and no parties commented on this intent to rescind the review. Therefore, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this administrative review with respect to Kutch Chemical.

Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margin exists for the period August 17, 2022 through January 31, 2024:

⁷ *Id.* at 2–4.

⁸ *See* Prochimie International Inc.'s Letter, "Kutch Chemical Industries Ltd Withdrawal of Request for Administrative Review (POR 8/17/22–1/31/24)," dated May 9, 2024.

⁹ *See* Memorandum, "Notice of Intent To Rescind Review, in Part," dated May 10, 2024.

² The petitioner is Arkema, Inc.

³ *See* Petitioner's Letter, "Request to Extend Preliminary Determination," dated May 23, 2025.

⁴ *Id.*

⁵ Postponing the preliminary determination to 130 days after initiation would place the deadline on Sunday, August 24, 2025. When a deadline falls on a weekend or federal holiday, Commerce's practice is to move the deadline to the next business day. *See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

¹ *See Sodium Nitrite from India: Antidumping Duty and Countervailing Duty Orders*, 88 FR 12313 (February 27, 2023) (*Order*).

² *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 24780 (April 9, 2024) (*Initiation Notice*).

³ *See* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

⁴ *See* Memorandum, "Extension of Deadline for the Preliminary Results of Antidumping Duty Administrative Review," dated October 7, 2024.

⁵ *See* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

⁶ *See* "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Sodium Nitrite from India; 2022–2024," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Exporter/producer	Weighted-average dumping margin (percent)
Deepak Nitrite Limited	0.00

Disclosure

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

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.¹⁰ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹¹ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; and (2) a brief summary of the argument; and (3) a table of authorities.¹² All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this administrative review, we instead request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.¹³ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries

as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁴

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.¹⁵ Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act, unless extended.

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, upon issuance of the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.¹⁶ If a respondent's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate 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).¹⁷ Where the respondent did not report entered value, we

calculated a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also calculated an importer-specific *ad valorem* ratio based on estimated entered values. If a respondent's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews*.¹⁸

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by Deepal for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate in the original less-than-fair-value (LTFV) investigation (*i.e.*, 42.76 percent) if there is no rate for the intermediate company(ies) involved in the transaction.¹⁹

For Kutch Chemical for which this review is being rescinded, antidumping duties shall be assessed on entries at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP for Kutch Chemical no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.²⁰ We intend 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

¹⁴ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

¹⁵ See 19 CFR 351.310(c).

¹⁶ See 19 CFR 351.212(b).

¹⁷ In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

¹⁸ See *Final Modification for Reviews*, 77 FR at 8103; see also 19 CFR 351.106(c)(2).

¹⁹ See *Order*, 88 FR at 12314; see also *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

²⁰ See section 751(a)(2)(C) of the Act.

¹⁰ See 19 CFR 351.309.

¹¹ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

¹² See 19 CFR 351.309(c)(2) and (d)(2).

¹³ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of this review for all shipments of sodium nitrite from India entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the dumping margin established in the final results of the review; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be the 42.76 percent, the all-others rate established in the LTFV investigation.²¹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

Commerce is issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 29, 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 Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of Methodology
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2025–10151 Filed 6–3–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–882]

Refined Brown Aluminum Oxide From the People's Republic of China: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on refined brown aluminum oxide (aluminum oxide) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the “Final Results of Sunset Review” section of this notice.

DATES: Applicable June 4, 2025.

FOR FURTHER INFORMATION CONTACT: Vlad Gololobov, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3228.

SUPPLEMENTARY INFORMATION:

Background

On November 19, 2003, Commerce published the AD order on aluminum oxide from China in the **Federal Register**.¹ On February 3, 2025, Commerce published the notice of initiation of the fourth sunset review of the *Order*, pursuant to section 751(c) of

the Tariff Act of 1930, as amended (the Act).²

On February 18, 2025, Commerce received a timely and complete notice of intent to participate in the sunset review from the domestic interested parties³ within the deadline specified in the 19 CFR 351.218(d)(1)(i).⁴ The domestic interested party claimed the interested party status within the meaning of section 771(9)(C) of the Act as U.S. producers of aluminum oxide.⁵ On February 24, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested parties.⁶

On March 5, 2025, pursuant to 19 CFR 351.218(d)(3)(i), domestic interested parties filed a timely and adequate substantive response.⁷ Commerce did not receive a substantive response from any respondent interested parties. On March 21, 2025, Commerce notified the ITC that it did not receive substantive response from any respondent interested parties.⁸ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order*.

Scope of the Order

The product covered by this *Order* is aluminum oxide from China. For the full description of the scope of the *Order*, see the Issues and Decisions Memorandum.⁹

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of

² See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 8789 (February 3, 2025).

³ The domestic interested parties are Great Lakes Minerals, LLC, Imerys Niagara Falls, Inc., U.S. Electrofused Minerals, Inc., and Washington Mills.

⁴ See Domestic Interested Parties' Letter, “Five-Year (“Sunset”) Review of the Antidumping Duty Order on Refined Brown Aluminum Oxide from China: Domestic Interested Parties' Notice of Intent to Participate,” dated February 18, 2025.

⁵ *Id.*

⁶ See Commerce's Letter, “Sunset Reviews Initiated on February 3, 2025,” dated February 24, 2025.

⁷ See Domestic Interested Parties' Letter, “Five-Year (“Sunset”) Review of the Antidumping Duty Order on Refined Brown Aluminum Oxide from China: Domestic Interested Parties' Substantive Response,” dated March 5, 2025.

⁸ See Commerce's Letter, “Sunset Reviews Initiated on February 3, 2025,” dated March 21, 2025.

⁹ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order on Refined Brown Aluminum Oxide from the People's Republic of China,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

²¹ See *Order*, 88 FR at 12314.

¹ See *Antidumping Duty Order: Refined Brown Aluminum Oxide (Otherwise Known as Refined Brown Artificial Corundum or Brown Fused Alumina) from the People's Republic of China*, 68 FR 65249 (November 19, 2003) (*Order*).

revocation of the *Order* and the magnitude of the margins of dumping likely to prevail if the *Order* were to be revoked, is provided in the Issues and Decision Memorandum.¹⁰ A list of the topics discussed in the Issues and Decision Memorandum is attached in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 135.18 percent for China.¹¹

Notification Regarding Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: May 29, 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. History of the *Order*
 - V. Legal Framework
 - VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margins of Dumping Likely to Prevail
 - VII. Final Results of Sunset Review
 - VIII. Recommendation
- [FR Doc. 2025–10149 Filed 6–3–25; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE946]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a webinar of its Risk Policy Working Group to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate. **DATES:** This webinar will be held on Wednesday, June 18, 2025, at 12:30 p.m.

ADDRESSES:

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

Webinar registration URL information: <https://nefmc-org.zoom.us/j/9876543210>

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

SUPPLEMENTARY INFORMATION:

Agenda

The Risk Policy Working Group will receive an update on simulation testing of the Risk Policy. They will also discuss use of the Risk Policy in upcoming Council actions, focusing on the development of any refinements and/or clarifications to the Risk Policy Matrix and guidance for Plan Development Teams for 2025. The group will discuss and make recommendations on the continued development of the Risk Policy, and review results and feedback from the Risk Policy weightings exercise at the

April Council meeting. Other business will be discussed, if necessary.

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

Special Accommodations

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

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

Dated: May 30, 2025.

Key Israel Marquez,

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

[FR Doc. 2025–10172 Filed 6–3–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2444–042]

Northern States Power Company; Notice of Revised Procedural Schedule for Environmental Assessment for the Proposed Project Relicense

On July 21, 2023, Northern States Power Company filed a relicense application for the 1.2-megawatt White River Hydroelectric Project No. 2444. On September 23, 2024, Commission staff issued a notice of intent to prepare an Environmental Assessment (EA) to evaluate the effects of relicensing the project.¹ The notice included an anticipated schedule for issuing the EA.

By this notice, Commission staff is updating the procedural schedule for completing the EA. The revised

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1725362410.

¹⁰ *Id.*

¹¹ See *Order*.

schedule is shown below. Further revisions to the schedule may be made as appropriate.

Milestone—Target Date

Issue EA—August 4, 2025

Any questions regarding this notice may be directed to Nicholas Ettema by telephone at (312) 596-4447, or by email at nicholas.ettema@ferc.gov.

Dated: May 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-10179 Filed 6-3-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3255-016]

Lyonsdale Associates, LLC; Notice of Reasonable Period of Time for Water Quality Certification Application

On May 28, 2025, the New York State Department of Environmental Conservation (New York DEC) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from Lyonsdale Associates, LLC, in conjunction with the above captioned project on May 27, 2025. Pursuant to the Commission's regulations,¹ we hereby notify New York DEC of the following.

Date of Receipt of the Certification Request: May 27, 2025.

Reasonable Period of Time to Act on the Certification Request: One year, May 27, 2026.

If New York DEC fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: May 28, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-10103 Filed 6-3-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-496-000]

Tennessee Gas Pipeline Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on May 20, 2025, Tennessee Gas Pipeline Company, LLC (Tennessee), 1001 Louisiana Street, Suite 1000, Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to sections 157.205, 157.208(c), 157.210, and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA) and Tennessee's blanket certificate issued in Docket No. CP82-413-000, for authorization to (i) increase the certificated horsepower (HP) at its existing Compressor Station 245, and (ii) abandon in place compressor units 3A, 4A, and 5A. All the above facilities are located in Herkimer County, New York (Compressor Station 245 Uprate Project). The project will allow Tennessee to increase Compressor Station 245's certificated HP from 8,219 HP to 11,107 HP to meet its firm obligations to shippers and to abandon redundant units that have become operationally obsolete. The estimated cost for the project is approximately \$50,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<https://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to Tina Hardy, Director, Regulatory, Tennessee Gas Pipeline Company, LLC, 1001 Louisiana Street, Suite 1000, Houston, Texas 77002, by phone at (205) 325-3668, or by email at tina_hardy@kindermorgan.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on July 28, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is July 28, 2025. A protest may also serve as a motion to intervene so long as the

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

¹ 18 CFR 4.34(b)(5)(iii).

protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is July 28, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before July 28, 2025. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25–496–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25–496–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Tina Hardy, Director, Regulatory, Tennessee Gas Pipeline Company, LLC, 1001 Louisiana Street, Suite 1000, Houston, Texas 77002, or by email (with a link to the document) at tina_hardy@kindermorgan.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: May 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–10174 Filed 6–3–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2735–104]

Pacific Gas and Electric Company; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2735–104.

c. *Date filed:* April 18, 2024.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Helms Pumped Storage Project.

f. *Location:* The existing project is located about 50 miles northeast of the city of Fresno, on the North Fork Kings River and Helms Creek, in Fresno and Madera Counties, California. The project currently occupies 3,346.6 acres of Federal land administered by the U.S. Forest Service, 28.36 acres of Federal land managed by the U.S. Bureau of Reclamation, and 0.07 acre of land managed by the Bureau of Land Management. The project, with the proposed project boundary modifications, would occupy a total of 2,887.7 acres of Federal land administered by the U.S. Forest Service, 28.5 acres of Federal land managed by the U.S. Bureau of Reclamation, and 2.22 acres of land managed by the Bureau of Land Management.

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Dave Gabbard, Vice President, Power Generation, Pacific Gas and Electric Company, 300 Lakeside Drive, Oakland, CA 94612; telephone at (650) 207–9705; email at David.Gabbard@pge.com.

i. *FERC Contact:* Evan Williams, Project Coordinator, West Branch, Division of Hydropower Licensing; telephone at (202) 502–8138; email at Evan.Williams@ferc.gov.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* on or before 5:00 p.m. Eastern Time on July 28, 2025; reply comments are due on or before 5:00 p.m. Eastern Time on September 11, 2025.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at FEROnlineSupport@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, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Helms Pumped Storage Project (P–2735–104).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person 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.

k. This application has been accepted and is ready for environmental analysis at this time.

l. The existing Helms Pumped Storage Project (project) includes: (1) a 132-foot-long, by 89-foot-wide, by 58.5-foot-high concrete intake-discharge structure

(Courtright Intake-Discharge Structure), with metal trash racks, in Courtright Lake; (2) one 4,243-foot-long tunnel (Tunnel 1) composed of two sections: (a) a 3,312-foot-long, 27-foot-diameter concrete-lined section; and (b) a 931-foot-long, 22-foot-diameter steel-lined section; (3) a 32.5-foot-long, by 38-foot-wide, by 45-foot-high gatehouse; (4) a 206-foot-long, 22-foot-diameter, above-ground steel pipe that connects Tunnel 1 and Tunnel 2; (5) one 9,016-foot-long tunnel (Tunnel 2) composed of two sections: (a) a 764-foot-long, 22-foot-diameter steel-lined section; and (b) a 8,252-foot-long, 27-foot-diameter concrete-lined section; (6) a 600-foot-long adit of an unknown diameter, with an adit plug with frame and gate; (7) a 535-foot-high, vertical shaft surge chamber for Tunnel 2 with a 47-foot-diameter lower section and 60-foot-diameter upper section, with 12 feet of the chamber exposed above grade; (8) a 2,205-foot-long penstock composed of three sections: (a) a 1,070-foot-long, 27-foot-diameter concrete-lined section; (b) a 300-foot-long, 27-foot-diameter concrete-lined section; and (c) a 330-foot-long, 27-foot-diameter concrete-lined manifold section, that branches into three, 505-foot-long steel-lined penstocks, that reduce in diameter from 15.5 feet to 11.5 feet, to 10.5 feet until connecting to the turbine-generator; (9) a 336-foot-long, by 83-foot-wide, by 125-foot-high excavated rock chamber underground powerhouse that includes three, 360-megawatt (MW) vertical Francis-type pump-turbine units, for a total installed capacity of 1,080 MW, and three, vertical indoor generators with an approximate total nameplate capacity of 1,212 MW; (10) a 3,727-foot-long, 27-foot-diameter concrete-lined tunnel (Tunnel 3); (11) a 984-foot-tall, vertical shaft surge chamber for Tunnel 3 with a 27-foot-diameter lower section and a 44-foot-diameter upper section that transitions into a 10-foot-diameter air shaft topped by a 10-foot-tall, 14-foot-diameter protective device above grade; (12) an 88-foot-long, by 78-foot-wide, by 51-foot-high concrete intake-discharge structure (Wishon Intake-Discharge Structure), with metal trash racks, in Lake Wishon; (13) a 220-foot by 265-foot above ground, fenced switchyard; (14) an underground transformer bank of 10 transformers with a capacity of 150,000 kilo-volt-amperes each; (15) a 3,723-foot-long, 30-foot-wide, 25-foot-high powerhouse access tunnel; and (16) appurtenant facilities.

Although the project facilities do not include any dam or reservoir, PG&E operates the project for power

generation using Courtright Lake (upper reservoir) and Lake Wishon (lower reservoir), impounded by Courtright Dam and Wishon Dam, respectively, which are licensed project facilities of the Hass-Kings River Hydroelectric Project (Project No. P–1988). Courtright Lake has a usable storage area of approximately 123,184 acre-feet and normal maximum and minimum water surface elevations of 8,184 feet and 8,050 feet, respectively. Lake Wishon has a usable storage area of approximately 128,606 acre-feet and normal maximum and minimum water surface elevations of 6,550 feet and 6,428.9 feet, respectively. To generate power, water is released from Courtright Lake through the Courtright Intake-Discharge Structure, Tunnel 1, Tunnel 2, and the penstock, into the powerhouse and is discharged through Tunnel 3 and the Wishon Intake-Discharge Structure into Lake Wishon. During periods of low energy demand, water is pumped through these project facilities in reverse (*i.e.*, from Lake Wishon to Courtright Lake). The average annual generation (2015 to 2020) was 736.6 gigawatt-hours.

The project generators are connected to the regional electric grid by: (1) an underground transformer bank of 10 transformers with a capacity of 150,000 kilo-volt-amperes each; (2) a 220-foot by- 265-foot above ground, fenced switchyard; and (3) a 60.7-mile-long, double-circuit 230-kilovolt (kV) transmission line that connects the Helms switchyard to PG&E's interconnection point with the grid at the non-project Gregg Substation. The project also includes an approximately 1.8-mile-long, 21-kV distribution line from the non-project Woodchuck Substation to the Helms Headquarters and Helms Powerhouse and an approximately 2-mile-long, 21-kV distribution line from the non-project Woodchuck Substation to the Helms Support Facility and non-project Wishon Village Recreational Vehicle Park.

The project also includes: (1) the Helms Headquarters facility with ancillary facilities; (2) the Helms Support Facility with ancillary facilities; (3) project recreation facilities including the: (a) Courtright Boat Launch; (b) Trapper Springs Campground; (c) Marmot Rock Campground; (d) Wee-Mee-Kute Fishing Access; (e) Wishon Boat Launch; (f) Lily Pad Campground; (g) Upper Kings River Group Campground; (h) Wishon Dam Fishing Access; (i) Short Hair Creek Fishing Access; (j) Coolidge Meadow Fishing Access; (k) Helms Picnic Area; (l) Upper Kings River Fishing Access,

and their ancillary facilities and amenities; (3) an approximately 80-acre Wildlife Habitat Management Area; (4) three, approximately 87-foot-diameter asphalt-surfaced helicopter landing pads; (5) 36.45 miles of non-recreation, vehicular project roads and trails; and (6) 1.08 miles of non-recreation, pedestrian project trails.

m. A copy of the application is available for review via the internet through the Commission’s Home Page (<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. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (886) 208–3676 or TTY (202) 502–8659.

All filings must (1) bear in all capital letters the title “COMMENTS,” “REPLY COMMENTS,” “RECOMMENDATIONS,” “TERMS AND CONDITIONS,” or “PRESCRIPTIONS;” (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 submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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.

You may also register online at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Date
Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions	July 28, 2025.
Licensee’s Reply to REA Comments	September 11, 2025.

Dated: May 29, 2025.
Debbie-Anne A. Reese,
Secretary.
[FR Doc. 2025–10170 Filed 6–3–25; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
[Project No. 3442–029]
City of Nashua; Notice of Revised Procedural Schedule for the Environmental Assessment for the Proposed Project Relicense

On July 30, 2021, the City of Nashua, New Hampshire (Nashua) filed an application for a new license to continue to operate and maintain the 3-megawatt Mine Falls Hydroelectric Project No. 3442 (Mine Falls Project). On February 24, 2025, Commission staff issued a notice of revised procedural schedule for an environmental assessment (EA) to evaluate the effects of relicensing the Mine Falls Project. The notice included an anticipated schedule for issuing the EA in May 2025.

Staff is still evaluating the effects of relicensing the Mine Falls Project. In order for staff to fully consider all the

information filed by Nashua, the procedural schedule for completing the EA is being revised as follows. Further revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue EA	August 29, 2025

Any questions regarding this notice may be directed to Khatoon Melick at (202) 502–8433, or by email at khatoon.melick@ferc.gov.

Dated: May 28, 2025.
Debbie-Anne A. Reese,
Secretary.
[FR Doc. 2025–10098 Filed 6–3–25; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
[Project No. 15385–000]
Verdant Power, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 9, 2024, Verdant Power, Inc., filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Long Island Sound Tidal Energy Project to be located in Eastern Long Island Sound near the communities of East Marion and Greenport in Suffolk County, New York. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners’ express permission.

The proposed project would consist of the following: (1) 20- to 900-kilowatt (kW) bottom-mounted horizontal axis tidal turbine(s) with a maximum

diameter of approximately 14 meters (i.e., 45.92 feet); (2) a modular foundation substructure (configuration dependent on site characteristics) composed of multiple turbines allowing for removal and maintenance of the turbines with a total capacity of 30 megawatts; (3) a single transmission line connecting the module to a shoreline landing site and then with an overhead connection to an existing substation; and (4) appurtenant facilities. The proposed project would have an annual generation of up to 60 gigawatt-hours.

Applicant Contact: Mr. Jeb Hamel, Verdant Power, Inc., 80 Broad Street, 5th Floor, New York, NY 10004; email: jhamel@verdantpower.com; phone: (844) 843-3777.

FERC Contact: Monir Chowdhury; email: monir.chowdhury@ferc.gov; phone: (202) 502-6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: on or before 5:00 p.m. *Eastern Time* on July 28, 2025. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. 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, Maryland 20852. The first page of any filing should include docket number P-15385-000.

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.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-15385) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-10178 Filed 6-3-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-167-000]

Golden Triangle Storage, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Spindletop Expansion Project

On March 31, 2025, Golden Triangle Storage, LLC (GTS) filed an application in Docket No. CP25-167-000 requesting a Certificate of Public Convenience and Necessity pursuant to section 7(c) of the Natural Gas Act to construct and operate certain natural gas storage facilities. The proposed project is known as the Spindletop Expansion Project (Project), and would involve expansion of an existing natural gas storage facility. The Project would add 30.75 billion cubic feet (Bcf) of working gas and 24.2 Bcf of base gas capacity storage.

On April 10, 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 The EA will be issued for a 30-day comment period.

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1746452768.

Schedule for Environmental Review

Issuance of EA—October 3, 2025

90-day Federal Authorization Decision

Deadline²—January 1, 2026

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

GTS proposes to expand its existing Spindletop natural gas storage facility in Jefferson County, Texas. According to GTS, its Project would enhance customers' ability to move natural gas to and from storage on very short notice and at high rates of flow.

The Spindletop Expansion Project would consist of the following facilities:

- development and operation of four new salt dome natural gas storage caverns;
- surface development of temporary and permanent well pad sites for the new caverns;
- construction and operation of facilities related to the new caverns, including injection/withdrawal pipelines, water and brine piping, and various appurtenances;
- construction and operation of a new compressor building housing ten 5,500 horsepower (hp) natural gas-driven compressor units (totaling 55,000 hp) on the existing Central Storage Site; and
- construction of new permanent access roads.

Background

On May 5, 2025, the Commission issued a "Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Spindletop Expansion Project" (Notice of Scoping). The Notice of Scoping was sent to affected landowners; Federal, State, and local government agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. In response to the Notice of Scoping, the Commission received a comment from Tri-Con, Inc., a petroleum and lubricant distributor located near the Project. Tri-Con commented that the proposed Project may exacerbate drainage and flooding issues that have damaged Tri-Con's facility in the past and requested

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.

that GTS complete a hydrologic and hydraulic analysis of the proposed changes to the property that would result from the Project. All substantive comments will be addressed in the EA.

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 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.

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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.*, CP25-167), 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 rule makings.

Dated: May 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-10177 Filed 6-3-25; 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: OR25-8-000.

Applicants: George E. Warren LLC v. Colonial Pipeline Company.

Description: Complaint of George E. Warren LLC v. Colonial Pipeline Company.

Filed Date: 5/23/25.

Accession Number: 20250523-5289.

Comment Date: 5 p.m. ET 6/23/25.

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.

Filings in Existing Proceedings

Docket Numbers: RP25-544-001.

Applicants: Bluewater Gas Storage, LLC.

Description: Compliance filing: Order No. 587-AA Amended Compliance Filing to be effective 8/1/2025.

Filed Date: 5/28/25.

Accession Number: 20250528-5103.

Comment Date: 5 p.m. ET 6/9/25.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

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 28, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-10105 Filed 6-3-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18-116-002]

Texas Gas Transmission, LLC; Notice of Request for Extension of Time

Take notice that on May 23, 2025, Texas Gas Transmission, LLC (Texas Eastern) requested that the Commission grant a two-year extension of time, until June 26, 2027, to construct and place into service its North Lake Pagie/Bay Junop-Bay Round Abandonment Project (Project) located in Terrebonne Parish, Louisiana, as authorized in the Order Approving Abandonment (Order).¹ The Order originally required Texas Eastern to complete construction of the Project and make it available for service by June 26, 2019.

The Commission has subsequently granted four (4) extensions of time, making the current date for the Project facilities to be constructed and placed into service June 26, 2025.²

Texas Gas was authorized to perform the Project but states they have faced obstacles in securing agreeable terms with agencies and landowners to secure a Coastal Use Permit for this Project. Additionally, new species have been listed by the U.S. Fish and Wildlife Service (USFWS) that may be affected within the proposed Project area and will require re-consultation with USFWS.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Texas Eastern's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on

¹ See *Texas Gas Transmission, LLC*, ¶ 163 FERC 62,218 (2018).

² *Texas Gas Transmission, LLC*, Docket No. CP18-116-001 (June 13, 2023) (delegated order).

requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,³ the Commission will aim to issue an order acting on the request within 45 days.⁴ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁵ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).⁶ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.⁷ The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<https://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the

Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments in lieu of paper using the "eFile" link at <https://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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.

Comment Date: 5:00 p.m. Eastern Time on June 13, 2025.

Dated: May 29, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-10169 Filed 6-3-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9985-038]

Rivers Electric, LLC; Notice of Effectiveness of Withdrawal of Application for Amendment of License

On July 14, 2023, Rivers Electric, LLC (licensee) filed an application for non-capacity amendment of the license for the 1.00-megawatt Mill Pond Hydroelectric Project No. 9985. On March 31, 2025, the licensee filed a notice of withdrawal of the amendment application. The project is located on the Catskill Creek in Greene County, New York.

No motion in opposition to the notice of withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,¹ the

withdrawal of the application became effective on April 15, 2025, and this proceeding is hereby terminated.

Dated: May 28, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-10100 Filed 6-3-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2561-057]

Sho-Me Power Electric Cooperative; Notice of Meeting

a. *Project Name and Number:* Niangua Hydroelectric Project.

b. *Applicant:* Sho-Me Power Electric Cooperative.

c. *Date and Time of Meeting:* Thursday, June 12, 2025, from 11:00 p.m. to 12:15 p.m. Eastern Standard Time (10:00 a.m. to 11:15 p.m. Central Standard Time).

d. *FERC Contact:* Rebecca Martin, (202) 502-6012, rebecca.martin@ferc.gov.

e. *Purpose of Meeting:* As requested by the Osage Nation, Commission staff will hold a meeting with representatives from the Advisory Council on Historic Preservation (Advisory Council), Missouri State Historic Preservation Office (Missouri SHPO), Sho-me Power Electric Cooperative (licensee), and affected Native American Tribes to discuss the Commission's determination letter for the surrender of the Niangua Hydroelectric Project pursuant to section 106 of the National Historic Preservation Act. Specifically, Commission staff will discuss it's March 19, 2025, letter to the Advisory Council and Missouri SHPO revising its determination letter since the issuance of Commission staff's February 4, 2025 letter providing a revised Draft Memorandum of Agreement for Adverse Effects to Historic Properties. The meeting will be held virtually via Microsoft Teams.

f. Intervenor in the referenced proceeding may attend the meeting as observers; however, participation will be limited to representatives from the Osage Nation, Advisory Council, Missouri SHPO, Tribes, licensee, and Commission staff. If meeting attendees decide to disclose information about a specific location which could create a risk or harm to an archaeological site or Native American cultural resource, attendees other than the Advisory Council, Missouri SHPO, Tribal

³ Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

⁴ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁵ *Id.* at P 40.

⁶ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

⁷ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

¹ 18 CFR 385.216(b) (2024).

representatives, licensee, and Commission staff will be excused for that portion of the meeting.

A summary of the meeting will be placed in the public record of this proceeding. As appropriate, the meeting summary will include both a public, redacted version that excludes any information about the specific location of the archeological site or Native American cultural resource and an unredacted privileged version. Intervenor planning to attend the meeting should notify Rebecca Martin at (202) 502-6012 or rebecca.martin@ferc.gov by Monday June 9, 2025, to RSVP and to receive specific instructions for logging in to the meeting.

Dated: May 28, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-10101 Filed 6-3-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24-2046-000]

Midcontinent Independent System Operator, Inc.; Notice of Motion for Extension of Effective Date, Motion for Shortened Response Period, and Request for Expedited Action

On May 23, 2025, pursuant to Rules 212 and 2008 of the Commission's Rules of Practice and Procedure,¹ the Midcontinent Independent System Operator, Inc. (MISO) filed a motion for extension of the requested effective date of MISO's proposed revisions of its Open Access Transmission, Energy and Operating Reserve Markets Tariff and *pro forma* agreements submitted in compliance of Order Nos. 2023 and 2023-A,² a motion for a shorter answer period, and a request for expedited action on its extension motion. MISO requests that the Commission extend MISO's originally requested effective date from June 1, 2025 to 30 days after the date on which the Commission accepts MISO's compliance filing in the above referenced docket.

Answers to the motion must be filed by 5:00 p.m. Eastern Time on Monday, June 9, 2025.

Dated: May 28, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-10106 Filed 6-3-25; 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: Errata to 05/15/2025

Application for Authorization Under Section 203 of the Federal Power Act of Berkshire Hathaway Inc.

Filed Date: 5/23/25.

Accession Number: 20250523-5302.

Comment Date: 5 p.m. ET 7/22/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25-340-000.

Applicants: Prospect Power, LLC.

Description: Prospect Power, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/28/25.

Accession Number: 20250528-5080.

Comment Date: 5 p.m. ET 6/18/25.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL25-86-000.

Applicants: Old Dominion Electric Cooperative and Blue Ridge Power Agency v. American Electric Power Company, Appalachian Power Company.

Description: Complaint of Old Dominion Electric Cooperative and Blue Ridge Power Agency v. American Electric Power Company, Appalachian Power Company.

Filed Date: 5/27/25.

Accession Number: 20250527-5201.

Comment Date: 5 p.m. ET 6/27/25.

Docket Numbers: EL25-86-000.

Applicants: Old Dominion Electric Cooperative and Blue Ridge Power Agency v. American Electric Power Company, Appalachian Power Company.

Description: Errata to the 05/27/2025 Confidential Complaint of Old Dominion Electric Cooperative and Blue Ridge Power Agency v. American Electric Power Company, Appalachian Power Company.

Filed Date: 5/28/25.

Accession Number: 20250528-5011.

Comment Date: 5 p.m. ET 6/27/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-1821-022.

Applicants: Goshen Phase II LLC.

Description: Supplement to 06/30/2022, Triennial Market Power Analysis for the Northwest Region of Goshen Phase II LLC.

Filed Date: 5/22/25.

Accession Number: 20250522-5173.

Comment Date: 5 p.m. ET 6/12/25.

Docket Numbers: ER20-2576-004.

Applicants: Holloman Lessee LLC.

Description: Compliance filing:

Aulander Holloman Solar, LLC submits tariff filing per 35: Compliance to 1630 to be effective N/A.

Filed Date: 5/28/25.

Accession Number: 20250528-5003.

Comment Date: 5 p.m. ET 6/18/25.

Docket Numbers: ER22-763-002.

Applicants: Wildwood Lessee, LLC.

Description: Compliance filing:

Ranchland Solar, LLC submits tariff filing per 35: Compliance to 2106 to be effective N/A.

Filed Date: 5/28/25.

Accession Number: 20250528-5001.

Comment Date: 5 p.m. ET 6/18/25.

Docket Numbers: ER24-2022-002.

Applicants: Black Hills Power, Inc.

Description: Compliance filing: Order

Nos. 2023 and 2023-A Further Compliance Filing (Amended) to be effective 8/1/2024.

Filed Date: 5/28/25.

Accession Number: 20250528-5070.

Comment Date: 5 p.m. ET 6/18/25.

Docket Numbers: ER25-1838-000.

Applicants: Michigan Electric

Transmission Company, LLC.

Description: Motion of Michigan Electric Transmission Company LLC for Leave to Supplement the Administrative Record and Request for New Effective Date.

Filed Date: 5/28/25.

Accession Number: 20250528-5138.

Comment Date: 5 p.m. ET 6/18/25.

Docket Numbers: ER25-1839-000.

Applicants: Michigan Electric

Transmission Company, LLC.

Description: Motion of Michigan Electric Transmission Company LLC for Leave to Supplement the Administrative Record and Request for New Effective Date.

Filed Date: 5/27/25.

Accession Number: 20250527-5052.

Comment Date: 5 p.m. ET 6/17/25.

Docket Numbers: ER25-2320-000.

Applicants: North Hills Wind Project, LLC.

Description: Request for Limited Prospective Waiver, et al. of North Hills Wind Project, LLC.

¹ 18 C.F. Deputy Secretary. R. §§ 385.212, 385.2008 (2024).

² Improvements to Generator Interconnection Procs. & Agreements, Order No. 2023, 184 FERC ¶ 61,054, order on reh'g, 185 FERC ¶ 61,063 (2023), order on reh'g, Order No. 2023-A, 186 FERC ¶ 61,199, errata notice, 188 FERC ¶ 61,134 (2024).

Filed Date: 5/27/25.
Accession Number: 20250527–5132.
Comment Date: 5 p.m. ET 6/17/25.
Docket Numbers: ER25–2322–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2025–05–28 SA 4321 MidAmerican–MidAmerican 1st Rev GIA (J1529) to be effective 5/20/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5053.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2323–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2025–05–28 SA 4320 MEC–MEC 1st Rev GIA (J1532) to be effective 5/21/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5056
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2324–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 288 to be effective 5/21/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5061.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2325–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: 2nd Amended LGIA, Daggett Solar 3 (TOT810/SA No. 225) to be effective 7/28/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5062.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2326–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: 1st Amended LGIA, Daggett Solar 2 (TOT811/SA No. 224) to be effective 5/29/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5104.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2327–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6965; Queue No. AF2–130 to be effective 7/28/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5106.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2328–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 5981;

Queue No. AG1–386 (amend) to be effective 7/28/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5115.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2329–000.
Applicants: Avista Corporation.
Description: § 205(d) Rate Filing: Avista Corp—LTF PTP Agreement RS T–1252 IPCL to be effective 5/27/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5128.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2330–000.
Applicants: Florida Power & Light Company.
Description: Florida Power & Light Company submits Notice of Cancellation of Rate Schedule FERC No. 314 and Rate Scheduled 315, between FPL and Seminole Electric Cooperative, Inc. and FPL and Brevard Energy LLC, respectively.
Filed Date: 5/27/25.
Accession Number: 20250527–5223.
Comment Date: 5 p.m. ET 6/17/25.
Docket Numbers: ER25–2331–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: SR Lincoln (Lincoln Solar) LGIA Termination Filing to be effective 5/28/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5142.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2332–000.
Applicants: Basin Electric Power Cooperative.
Description: § 205(d) Rate Filing: Submission of Revised Wholesale Power Contract FERC Rate Schedule No. 8 to be effective 7/27/2025.
Filed Date: 5/28/25.
Accession Number: 20250528–5148.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2333–000.
Applicants: Avista Corporation.
Description: § 205(d) Rate Filing: Avista Corp—LTF PTP Agreement, RS T–1223 AVA LSE to be effective 4/30/2024.
Filed Date: 5/28/25.
Accession Number: 20250528–5151.
Comment Date: 5 p.m. ET 6/18/25.
Docket Numbers: ER25–2334–000.
Applicants: Avista Corporation.
Description: § 205(d) Rate Filing: Avista Corp—LTF PTP Agreement, RS T–1222 AVA LSE to be effective 4/16/2024.
Filed Date: 5/28/25.
Accession Number: 20250528–5179.
Comment Date: 5 p.m. ET 6/18/25.
 The filings are accessible in the Commission's eLibrary system ([\[elibrary.ferc.gov/idmws/search/fercgensearch.asp\]\(https://elibrary.ferc.gov/idmws/search/fercgensearch.asp\)\) by querying the docket number.](https://</p>
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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 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.

Dated: May 28, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025–10104 Filed 6–3–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 803–123]

Pacific Gas and Electric Company; Notice of Application for Temporary Variance of Flow Requirements Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type:* Application for Temporary Variance of Flow Requirements.
- b. *Project No:* 803–123.
- c. *Date Filed:* May 6, 2025.
- d. *Applicant:* Pacific Gas and Electric Company (licensee).

e. *Name of Project:* DeSabra-Centerville Project.

f. *Location:* The project is located on Butte Creek, West Branch Feather River, and their tributaries in Butte County, California. The project occupies Federal lands managed by the U.S. Forest Service and Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Sky Ramirez-Doble, License Coordinator, Pacific Gas and Electric Company, P.O. Box 28209, Oakland, CA 94604, (530) 250-7002.

i. *FERC Contact:* Joy Kurtz, (202) 502–6760, joy.kurtz@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, and protests:* June 27, 2025.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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, Maryland 20852. The first page of any filing should include the docket number P–803–123. 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:* The licensee requests a temporary variance of the instantaneous minimum flow requirements in the West Branch Feather River below the Hendricks Head Dam and in Philbrook Creek below Philbrook Reservoir. The California Department of Water Resources declared the water year type as “normal” (with it being unlikely the water year will shift to dry at this time). Specifically, the licensee requests that the instantaneous water year minimum flow requirements for a normal water year: (1) in the West Branch Feather River, of 15 cubic feet per second (cfs), be temporarily modified to 7 cfs, averaged over 48 hours; and (2) in Philbrook Creek, of 2 cfs, be temporarily modified to a target between 1 and 2 cfs, averaged over 48 hours. The licensee proposes to execute these changes as soon as the Commission grants approval until September 30, 2025. The licensee states that the temporary variance would maximize the delivery of flows released from Philbrook to Butte Creek by eliminating the need to release additional buffer flows to ensure the requisite instantaneous minimum instream flows are always met. The proposed variance would help preserve cold water storage in Philbrook Reservoir, increase flow to Butte Creek via the Hendricks Canal, and decrease water residence time in the DeSabra Forebay, thus providing additional water to Butte Creek during the hot summer months to minimize high temperature effects to Central Valley spring-run Chinook salmon, and to preserve water for release later in the summer months towards the end of their holding period when the situation is most critical. Decisions on when and how to implement variance flows, as well as any changes under the variance, will be done in consultation and proceed with concurrence of licensee staff, California Department of Fish and Wildlife, National Marine Fisheries Service, and the U.S. Fish and Wildlife Service.

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”, “PROTEST”, or “MOTION TO INTERVENE” 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 28, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-10099 Filed 6-3-25; 8:45 am]

BILLING CODE 6717-01-P

EXPORT-IMPORT BANK

[Public Notice: EIB-2025-0005]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of \$100 Million: AP089541XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with the Export-Import Bank Act of 1945, as amended, the Export-Import Bank of the United States (“EXIM”) has received an application for final commitment for a long-term loan or financial guarantee in excess of \$100 million. Comments received within the comment period specified below will be presented to the EXIM Board of Directors prior to final action on this Transaction.

DATES: Comments must be received on or before June 30, 2025 to be assured of consideration before final consideration of the transaction by the Board of Directors of EXIM.

ADDRESSES: Comments may be submitted through *Regulations.gov* at www.regulations.gov. To submit a comment, enter *EIB-2025-0005* under the heading “Enter Keyword or ID” and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and *EIB-2025-0005* on any attached document.

SUPPLEMENTARY INFORMATION:

Reference: AP089541XX.

Purpose and Use:

Brief description of the purpose of the transaction: To support the export of U.S.-manufactured commercial aircraft and spare engines to Angola.

Brief non-proprietary description of the anticipated use of the items being exported: To provide passenger and cargo air transport between Angola and other countries.

To the extent that EXIM is reasonably aware, the item(s) being exported may be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: The Boeing Company and GE Aerospace.

Obligor: TAAG Angola Airlines.

Guarantor(s): The African Export-Import Bank.

Description of Items Being Exported: Boeing commercial jet aircraft and GE spare engines.

Information on Decision: Information on the final decision for this transaction will be available in the “Board Agenda and Meeting Minutes” on <https://www.exim.gov/news/meeting-minutes>.

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Authority: Section 3(c)(10) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635a(c)(10)).

Deidre Hodge,

Assistant Corporate Secretary.

[FR Doc. 2025-10154 Filed 6-3-25; 8:45 am]

BILLING CODE 6690-01-P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at Secretary@fmc.gov, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of the agreements are available through the Commission’s website (www.fmc.gov) or by contacting the Office of Agreements at (202)-523-5793 or tradeanalysis@fmc.gov.

Agreement No.: 201436-003.

Agreement Name: MSC/ZIM Cooperative Working Agreement.

Parties: Mediterranean Shipping Company SA; and ZIM Integrated Shipping Services Ltd.

Filing Party: Wayne Rohde, Cozen O’Connor.

Synopsis: The Amendment deletes Indonesia from the geographic scope of the agreement and makes adjustments to

Article 14.3 in light of increased demand resulting from changes in trade conditions.

Proposed Effective Date: 5/26/2025.

Location: <https://www2.fmc.gov/FMC/Agreements/Web/Public/AgreementHistory/86581>.

Agreement No.: 201436-004.

Agreement Name: MSC/ZIM Cooperative Working Agreement.

Parties: Mediterranean Shipping Company SA; and ZIM Integrated Shipping Services Ltd.

Filing Party: Wayne Rohde, Cozen O’Connor.

Synopsis: The Amendment would add the Bahamas, Mexico, Jamaica, Sri Lanka and Indonesia to the geographic scope of the Agreement.

Proposed Effective Date: 7/12/2025.

Location: <https://www2.fmc.gov/FMC/Agreements/Web/Public/AgreementHistory/86581>.

Dated: May 30, 2025.

Alanna Beck,

Federal Register Alternate Liaison Officer.

[FR Doc. 2025-10160 Filed 6-3-25; 8:45 am]

BILLING CODE 6730-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-10277, CMS-265-11 and CMS-10916]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. 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 (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden,

ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 4, 2025.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for “Comment or Submission” or “More Search Options” to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: _____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection’s supporting statement and associated materials (see **ADDRESSES**).

CMS-10277—Medicare and Medicaid Programs: Conditions of Participation for Hospices

CMS-265-11—Independent Renal Dialysis Facility Cost Report

CMS-10916—13th SOW QIN-QIO and AI/AN Advancing Healthcare Quality through Technology (AHQT) Readiness Assessment

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.

The term “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 publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Medicare and Medicaid Programs: Conditions of Participation for Hospices; *Use:* Under the Medicare program, eligible beneficiaries may receive covered services in a hospice, provided that certain requirements are met by the hospice. Hospice care means a comprehensive set of services identified and coordinated by an interdisciplinary group to provide for the physical, psychosocial, spiritual and emotional needs of a terminally ill patient and/or family members, as delineated in a specific patient plan of care.

The information collection requirements (ICRs) described herein are needed to implement the Medicare Conditions of Participation (CoPs) for Medicare-participating hospices. The CoPs help assure an adequate level of patient health and safety in participating hospices and help ensure that Medicare hospice eligibility requirements are being met. CMS originally published the Hospice Conditions of Participation on June 5, 2008 (hereinafter “2008 Final Rule”). The regulations containing the information collection requirements are located at 42 CFR part 418 of the Code of Federal Regulations, Subparts B, C and D.

This is a reinstatement of the information collection request that expired on March 31, 2024. The previous iteration of this OMB Control Number: 0938-1067 (approved March 23, 2021) had an annual burden of 3,639,215 hours and annual costs of \$273,001,454. For this requested reinstatement, with changes, the total annual burden hours for industry is 4,032,329 hours and the annual burden costs are \$350,449,922. The 10.8% increase in hours is primarily due to the

increase in the number of hospices since the last iteration.

Since the last reinstatement was approved in March 2021, CMS revised one of the hospice CoPs at 42 CFR 418.76 in the proposed rule, *Medicare Program: FY 2022 Hospice Wage Index and Payment Rate Update, Hospice Conditions of Participation Updates, Hospice and Home Health Quality Reporting Program Requirements* published on April 14, 2021 (86 FR 19700). As CMS addressed in the final rule (CMS-1754-F) published on August 4, 2021 (86 FR 42528), the comments received supported the proposed revisions and did not require any changes to the original burden estimates in this PRA package. This reinstatement incorporates the policy changes made to Section 418.76 through this rule and updates the associated burden estimates based on the original assumptions.

In November 2021, CMS required hospices to develop policies and procedures as a CoP to ensure all staff were fully vaccinated and the burden requirements were detailed in OMB Control Number: 0938-0266. However, CMS removed this requirement and related burden for hospices (and other facilities) in June 2023. *Form Number:* CMS-10277 (OMB control number: 0938-1067); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 7,356; *Total Annual Responses:* 9,209,893; *Total Annual Hours:* 4,032,329. (For policy questions regarding this collection contact Claudia Molinar at 410-786-8445.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Independent Renal Dialysis Facility Cost Report; *Use:* Under the authority of sections 1815(a) and 1833(e) of the Act, CMS requires that providers of services participating in the Medicare program submit information to determine costs for health care services rendered to Medicare beneficiaries. CMS requires that providers follow reasonable cost principles under 1861(v)(1)(A) of the Act when completing the Medicare cost report (MCR). Regulations at 42 CFR 413.20 and 413.24 require that providers submit acceptable cost reports on an annual basis and maintain sufficient financial records and statistical data, capable of verification by qualified auditors.

ESRD facilities participating in the Medicare program submit these cost reports annually to report cost and statistical data used by CMS to

determine reasonable costs incurred for furnishing dialysis services to Medicare beneficiaries and to effect the year-end cost settlement for Medicare bad debts. *Form Number:* CMS–265–11 (OMB control number: 0938–0236); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for-profits, State, Local, or Tribal Governments); *Number of Respondents:* 7,329; *Total Annual Responses:* 7,329; *Total Annual Hours:* 483,714. (For questions regarding this collection contact Keplinger, Jill C. at 410–786–4550.)

3. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* 13th SOW QIN–QIO and AI/AN Advancing Healthcare Quality through Technology (AHQT) Readiness Assessment; *Use:* This is a new information collection request. The Quality Improvement Network—Quality Improvement Organization (QIN–QIO) program and American Indian/Alaska Native (AI/AN) program assists providers/practices with high-quality, hands-on quality improvement assistance toward meeting their needs, and the healthcare quality and safety goals for beneficiaries. The purpose of this new information collection within these programs is to assess the readiness of participating nursing homes, hospitals, outpatient clinical practices, and AIAN facilities to access, share, and use data electronically for quality improvement and quality reporting. Use of health information technology (HIT) is imperative to assess, monitor, and improve healthcare quality, patient safety, and care coordination.

Many providers/practices continue to lack basic knowledge and capacity to implement HIT to support data exchange between providers/practices, payers, and patients, and to use data for improving quality and outcomes. This “digital divide” creates burden for patients, families, caregivers, providers/practices and increases costs and administrative waste. This burden is disproportionate for underserved populations. Advancing the use of technology and using interoperable standards can reduce the overall cost and burden associated with data collection and supports communication across the care continuum and is an agency priority.

CMS has developed a 41-item Assessment of Health care Quality Technical Readiness (AHQT) for use with participating providers/practices under the QIN–QIO 13th SOW. Provider/practice burden associated with the collection and reporting of quality measurement data has historically been a pain point for the

QIN–QIO and AI/AN programs, especially in outpatient clinical practices and critical access hospitals; this burden has been a barrier to both achievement of quality improvement contract goals and proper evaluation of their impact. The results of the assessment will be used to determine which providers/practices may benefit from participation in a technical assistance pilot specific during the QIN–QIO 13th SOW intended to advance provider/practice capacity for engaging in quality improvement and reporting activities facilitated by HIT. *Form Number:* CMS–10916 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 53,000; *Total Annual Responses:* 10,600; *Total Annual Hours:* 10,600. (For policy questions regarding this collection contact Geoffrey Berryman at 410–299–7390).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–10112 Filed 6–3–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Cancellation of Meeting

Notice is hereby given of the cancellation of the Center for Scientific Review Special Emphasis Panel Program Project National Center for Biomedical Imaging and Bioengineering, June 02, 2025, 10:00 a.m. to June 04, 2025, 5:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on May 9, 2025, 90 FR 19725, Doc. No. 2025–08184.

This notice is being amended to announce that the meeting is cancelled.

Dated: May 30, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–10143 Filed 6–3–25; 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; Neuromodulation and Imaging of Neuronal Circuits.

Date: June 30–July 1, 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: Pablo Miguel Blazquez Gamez, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1042, pablo.blazquezgamez@nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Chemical Synthesis and Biosynthesis Study Section.

Date: June 30–July 1, 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: Shan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–4390, shan.wang@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 30, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–10144 Filed 6–3–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, PAR Panel: Topics in Neurodegeneration and Brain Injury June 16, 2025, 09:00 a.m. to June 17, 2025, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on May 20, 2025, 90 FR 21486 Doc No. 2025-08980.

This meeting is being amended to change the contact person from Simonetta Camandola to Cynthia McOliver, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301)-594-2081, mcolivercc@csr.nih.gov. The meeting is closed to the public.

Dated: May 30, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-10142 Filed 6-3-25; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard**

[Docket No. USCG-2025-0045]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625-0093

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625-0093, Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens

commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2025.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG-2025-0045]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://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.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593-7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607-4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:**Public Participation and Request for Comments**

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These

comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG-2025-0045, and must be received by July 7, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625-0093.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (90 FR 11613, March 10, 2025) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual.

OMB Control Number: 1625-0093.

Summary: A Letter of Intent is a notice to the Coast Guard Captain of the Port that an operator intends to operate a facility that will transfer bulk oil or hazardous materials to or from vessels. An Operations Manual (OM) is also required for this type of facility. The OM establishes procedures to follow when conducting transfers and in the event of a spill.

Need: Under 33 U.S.C. 1321 and Executive Order 12777 the Coast Guard is authorized to prescribe regulations to prevent the discharge of oil and hazardous substances from facilities and to contain such discharges. The Letter of Intent regulation is contained in 33 CFR 154.110 and the OM regulations are contained in 33 CFR part 154 subpart B.

Forms: None.

Respondents: Operators of facilities that transfer oil or hazardous materials in bulk.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 37,360 hours to 27,537 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: May 20, 2025.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2025–10147 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0044]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0060

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0060, Vapor Control Systems for Facilities and Tank Vessels; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA

ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2025.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2025–0044]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://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.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of

information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2025–0044, and must be received by July 7, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION**

CONTACT section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0060.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (90 FR 11619, March 10, 2025) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Vapor Control Systems for Facilities and Tank Vessels.

OMB Control Number: 1625–0060.

Summary: The information is needed to ensure compliance with U.S. regulations for the design of facility and tank vessel vapor control systems (VCS). The information is also needed to determine the qualifications of a certifying entity.

Need: The information is needed to ensure compliance with U.S. regulations for the design of facility and tank vessel vapor control systems (VCS). The information is also needed to determine the qualifications of a certifying entity.

Forms: None.

Respondents: Owners and operators of facilities and tank vessels and certifying entities.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 4,409 hours to 4,576 hours a year, primarily due to an increase in the number of VCS facility respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: May 20, 2025.

Kathleen Claffie,
Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2025–10146 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0093]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0101

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0101, Periodic Gauging and Engineering Analyses for Certain Tank Vessels Over 30 Years Old; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2025.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2025–0093]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://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.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine

whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2025–0093, and must be received by July 7, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0101.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (90 FR 11621, March 10, 2025) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Periodic Gauging and Engineering Analyses for Certain Tank Vessels Over 30 Years Old.

OMB Control Number: 1625–0101.

Summary: The Oil Pollution Act of 1990 required the issuance of

regulations related to the structural integrity of tank vessels, including periodic gauging of the plating thickness of tank vessels over 30 years old. This collection of information is used to verify the structural integrity of older tank vessels.

Need: 46 U.S.C. 3703 authorizes the Coast Guard to prescribe regulations related to tank vessels, including design, construction, alteration, repair, and maintenance. 46 CFR 31.10–21a prescribes the regulations related to periodic gauging and engineering analyses of certain tank vessels over 30 years old.

Forms: None.

Respondents: Owners and operators of certain tank vessels.

Frequency: Every 5 Years.

Hour Burden Estimate: The estimated burden has increased from 2,842 hours to 3,306 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: May 20, 2025.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2025–10145 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0042]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0032

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0032, Vessel Inspection Related Forms and Reporting Requirements Under Title 46 U.S. Code; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2025.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2025–0042]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://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.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine

whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2025–0042, and must be received by July 7, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION**

CONTACT section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0032.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (90 FR 11616, March 10, 2025) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Vessel Inspection Related Forms and Reporting Requirements Under Title 46 U.S. Code.

OMB Control Number: 1625–0032.

Summary: This collection of information requires owners, operators,

agents or masters of certain inspected vessels to obtain and/or post various forms as part of the Coast Guard's Commercial Vessel Safety Program.

Need: The Coast Guard's Commercial Vessel Safety Program regulations are found in 46 CFR, including parts 2, 26, 31, 71, 91, 107, 115, 126, 169, 176 and 189, as authorized in 46 U.S.C. A number of reporting and recordkeeping requirements are contained therein.

Forms:

- CG-841, Certificate of Inspection
- CG-854, Temporary Certificate of Inspection
- CG-948, Permit to Proceed to Another Port for Repairs
- CG-949, Permit to Carry Excursion Party
- CG-950, Application for Permit to Carry Excursion Party
- CG-950A, Application for Special Permit
- CG-2832, Vessel Inspection Record

Respondents: Owners, operators, agents and masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 735 hours to 795 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: May 20, 2025.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2025-10140 Filed 6-3-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2025-0097]

Exemption Permit for the M/V SUPPLIER or M/V TRANSPORTER

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of Alaska cargo exemption permit.

SUMMARY: Commander, Seventeenth Coast Guard District, has issued a permit exempting two vessels from requirements in the Code of Federal Regulations when transporting cargo, including bulk fuel, within Alaska. Permits temporarily waive vessel inspection requirements to facilitate the movement of cargo, including bulk fuel, to remote Alaskan sites when inspected cargo vessels are not reasonably available. Sundog Charters Inc., the

operator of M/V SUPPLIER (O.N. 1205481) and M/V TRANSPORTER (O.N. 1321256), received a single permit allowing one of the vessels to conduct on-going bulk fuel deliveries of up to a total of 8,000 gallons of heating oil, diesel, gasoline and aviation gasoline carried in approved portable tanks on deck, between Kodiak and remote sites around the island. The permit expires on 06 March 2026. This notification of issuance of a permit promotes the Coast Guard's marine safety mission and the flow of essential cargo to remote sites.

DATES: The waiver permit was issued on 6 March 2025; it expires on 6 March 2026.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email Commander Douglas Salik, and District Seventeen, Prevention, Inspections and Investigations, U.S. Coast Guard; (907) 463-2821, Douglas.Salik@uscg.mil.

SUPPLEMENTARY INFORMATION: Federal law¹ formally recognizes the remoteness of Alaska, limited shipping options, underdeveloped port facilities, and limited oil spill response capability. Special authority to issue waivers allows for the delivery of essential goods, bulk fuel, and timely emergency assistance to areas of Alaska underserved by shippers or remote customers burdened with unique seasonal shipping conditions. 46 U.S.C. 3302(i) allows exemption from 46 CFR requirements for voyages within Alaska. A permit may be issued for a specific voyage or for not more than one year. An issued permit will stipulate manning, along with any relevant requirements or restrictions for requested operations. The authority to grant permits for such exemption to qualified vessels is delegated in 33 CFR 1.01-50 to the Commander, Seventeenth Coast Guard District. Permitting authority has been further delegated; emergency, single trip permits may be granted by the local Officer in Charge of Marine Inspection, while an extended permit lasting up to one year may be issued by the Chief of Prevention for District Seventeen.

Permits may be granted if all the following conditions are met:

- i. The vessel is not more than 300 Gross Registered Tonnage;
- ii. The vessel is in an acceptable condition, that does not pose immediate threat to safety of life or environment; and
- iii. The vessel was operating in Alaska as of June 1, 1976 or is a replacement

¹ 46 U.S.C. 3302, Exemptions from inspection. Sections (c), (d) & (i), all have Alaska specific application.

for such a vessel if the vessel being replaced is no longer in service.

Once issued, use of the permits is subject to the following conditions:

i. The permit may only be used when an inspected vessel that could carry the cargo is not reasonably available, or the cargo cannot be brought on overland routes. In a situation declared to be an emergency, a permit may be used to transport cargo without delay.

ii. If a vessel issued a permit creates an immediate threat to the safety of life or the environment or is operated in a manner inconsistent with the terms of the permit or the requirements, the permit may be revoked.

iii. If a vessel violates conditions on the permit, the responsible party may be liable to the United States Government for a civil penalty of not more than \$1,000.

Having considered the conditions listed above, the Chief of Prevention for the Seventeenth Coast Guard District has issued a permit to Sundog Charters Inc. for the M/V SUPPLIER (O.N. 1205481) and M/V TRANSPORTER (O.N. 1321256), both 61.5 foot long landing craft operating out of Kodiak, Alaska. A single vessel may use the permit at a time. The permit authorizes on-going bulk fuel carriage of up to a total of 8,000 gallons of heating oil, diesel, gasoline and aviation gasoline carried in approved portable tanks on deck. The permit vessels may operate only between Kodiak harbor and the remote communities of: Karluk, Ouzinkie, Larsen Bay, other remote sites not on the road-system in the Kodiak archipelago, and Katmai Wilderness Lodge in Kukak Bay on the Alaskan mainland. North Pacific Fuels and Petro Marine Services, the marine fuel terminals and fuel barge operators in Kodiak, do not conduct small volume deliveries to these locations and Ouzinkie only receives one fuel barge a year for use by the local school. The permit allows up to 5,000 gallons of cargo to be carried in existing non-specification tanks, with the stipulation that Sundog Charters replace all existing portable tanks with approved bulk packaging per 49 CFR 171, 172 and 173; future use of such tanks is not permitted.

This notice is issued under authority of 46 U.S.C. 3302(i) and 33 CFR 1.01-50.

D. Salik,

Commander, U.S. Coast Guard, Acting Chief of Prevention, Seventeenth Coast Guard District.

[FR Doc. 2025-10167 Filed 6-3-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****[Docket No. USCG–2024–0049]****Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0096****AGENCY:** Coast Guard, DHS.**ACTION:** Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0096, Report of Oil or Hazardous Substance Discharge; and Report of Suspicious Maritime Activity; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2025.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2025–0049]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://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.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:**Public Participation and Request for Comments**

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2025–0049, and must be received by July 7, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to <https://www.regulations.gov>

www.regulations.gov will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0096

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (90 FR 11620, March 10, 2025) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Report of Oil or Hazardous Substance Discharge; and Report of Suspicious Maritime Activity.

OMB Control Number: 1625–0096.

Summary: Any discharge of oil or a hazardous substance must be reported to the National Response Center (NRC) so that the pre-designated on-scene coordinator can be informed and appropriate spill mitigation action carried out. The NRC also receives suspicious activity reports from the public and disseminates this information to appropriate entities.

Need: 33 CFR 153.203, 40 CFR 263.30 and 264.56, and 49 CFR 171.15 mandate that the NRC be the central place for the public to report all pollution spills. 33 CFR 101.305 mandates that owners or operators of those vessels or facilities required to have security plans, report activities that may result in a Transportation Security Incident (TSI) or breaches of security to the NRC. Voluntary reports are also accepted.

Forms: None.

Respondents: Persons-in-charge of a vessel or onshore/offshore facility; owners or operators of vessels or facilities required to have security plans; and the public.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 3,683 hours to 3,905 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: May 20, 2025.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2025–10148 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0050]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0047

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0047, Plan Approval and Records for Vital System Automation; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 7, 2025.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2025–0050]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://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.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management,

telephone (571) 607–4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2025–0050, and must be received by July 7, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website’s instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign

up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0047.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (90 FR 11612, March 10, 2025) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Plan Approval and Records for Vital System Automation.

OMB Control Number: 1625–0047.

Summary: This collection pertains to the vital system automation on commercial vessels that is necessary to protect personnel and property on board U.S.-flag vessels.

Need: 46 U.S.C. 3306 authorizes the Coast Guard to promulgate regulations for the safety of personnel and property on board vessels. Various sections within parts 61 and 62 of Title 46 of the Code of Federal Regulations contain these rules.

Forms: None.

Respondents: Owners, operators, shipyards, designers, and manufacturers of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 67,275 hours to 50,550 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: May 20, 2025.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2025–10141 Filed 6–3–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**U.S. Citizenship and Immigration Services**

[CIS No. 2815–25; DHS Docket No. USCIS–2022–0005]

RIN 1615–ZB95

Termination of the Designation of Cameroon for Temporary Protected Status**AGENCY:** U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).**ACTION:** Notice.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is terminating the designation of Cameroon for Temporary Protected Status (TPS). The designation of Cameroon is set to expire on June 7, 2025. After reviewing country conditions and consulting with appropriate U.S. Government agencies, the Secretary determined that Cameroon no longer continues to meet the conditions for the designation for TPS, and termination of the TPS designation of Cameroon is required by statute. This termination is effective August 4, 2025. After August 4, 2025, nationals of Cameroon (and aliens having no nationality who last habitually resided in Cameroon) who have been granted TPS under Cameroon's designation will no longer have TPS.

DATES: The designation of Cameroon for TPS is terminated, effective at 11:59 p.m., local time, on August 4, 2025.

FOR FURTHER INFORMATION CONTACT: Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 800–375–5283.

SUPPLEMENTARY INFORMATION:**Table of Abbreviations**

CFR—Code of Federal Regulations
 DHS—U.S. Department of Homeland Security
 EAD—Employment Authorization Document
 FR—Federal Register
 FRN—Federal Register notice
 Government—U.S. Government
 INA—Immigration and Nationality Act
 Secretary—Secretary of Homeland Security
 TPS—Temporary Protected Status
 USCIS—U.S. Citizenship and Immigration Services
 U.S.C.—United States Code

What is Temporary Protected Status (TPS)?

The Immigration and Nationality Act (INA) authorizes the Secretary of Homeland Security, after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist. *See* INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1). The determination whether to designate any foreign state (or part thereof) for TPS is discretionary, and there is no judicial review of “any determination of the [Secretary] with respect to the designation, or termination or extension of a designation, of a foreign state” for TPS. *See* INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A). If the Secretary designates a country for TPS, she may grant TPS, in her discretion, to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in the designated foreign state). *See* INA sec. 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation. *See* INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the conditions in the foreign state continue to meet the specific statutory criteria for TPS designation, TPS will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. *See* INA sec. 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

TPS is a temporary immigration benefit granted to eligible nationals of a country designated for TPS under the INA, or to eligible aliens without nationality who last habitually resided in the designated country. During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to work and obtain an Employment Authorization Document (EAD) so long as they continue to meet the requirements of TPS. TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. The granting of TPS does not result in or lead to

lawful permanent resident status or any other immigration status.

To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(2), 8 U.S.C. 1254a(c)(2) and the implementing regulations at 8 CFR parts 244 and 1244. When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or been terminated), or any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid on the date TPS terminates.

Designation of Cameroon for TPS

Cameroon was initially designated for TPS on June 7, 2022, for a period of 18 months, on the basis of ongoing armed conflict and extraordinary and temporary conditions in Cameroon that prevented nationals of Cameroon from returning in safety.¹ Following the initial designation, DHS extended the designation of Cameroon and newly designated Cameroon for TPS for 18 months, beginning on December 8, 2023, and ending on June 7, 2025, based on ongoing armed conflict and extraordinary and temporary conditions.²

Secretary's Authority To Terminate the Designation of Cameroon for TPS

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation. *See* INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that foreign state no longer meets the conditions for the TPS designation, the Secretary terminates the designation, but such termination may not take effect earlier than 60 days after the date the **Federal Register** notice (FRN) of termination is published, or if later, the expiration of the most recent previous extension of the country designation. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B). The Secretary may determine the appropriate effective date of the termination and expiration of any TPS-related documentation, such as EADs, issued or renewed after the effective

¹ *See Designation of Cameroon for Temporary Protected Status*, 87 FR 34706 (June 7, 2022).

² *See Extension and Redesignation of Cameroon for Temporary Protected Status*, 88 FR 69945 (Oct. 10, 2023).

date of the termination. *See id.*; *see also* INA sec. 244(d)(3), 8 U.S.C. 1254a(d)(3) (providing the Secretary the discretionary “option” to allow for a certain “orderly transition” period if she determines it to be appropriate).

Reasons for the Secretary’s Termination of the TPS Designation for Cameroon

Consistent with INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A), after consulting with appropriate U.S. Government agencies, the Secretary reviewed country conditions in Cameroon and considered whether requiring the return of Cameroonian nationals (and aliens having no nationality who last habitually resided in Cameroon) to Cameroon poses a serious threat to their personal safety due to ongoing armed conflict. The Secretary also considered whether there are extraordinary and temporary conditions that prevent Cameroonian nationals from returning in safety, and whether despite any extraordinary and temporary conditions that may prevent their safe return, permitting Cameroonian nationals to remain temporarily in the United States is contrary to the national interest of the United States. Overall, while certain conditions that led to the initial designation of TPS for Cameroon may continue, they do not pose a serious threat to individual safety due to ongoing armed conflict and do not result in Cameroonians being unable to safely return.

Based on the Department’s review, the Secretary has determined the conditions supporting Cameroon’s June 7, 2022, designation for TPS on the basis of ongoing armed conflict and extraordinary and temporary conditions are no longer met. Cameroon is currently experiencing two major conflicts: (1) In the Far North region, the government is dealing with extremist insurgency groups, such as Boko Haram, near the Lake Chad area,³ and (2) in the Northwest and Southwest regions, an ongoing conflict persists between the Anglophone (English-speaking) separatists and the Francophone (French-speaking) central government of Cameroon.⁴ While these conflicts remain active, they are contained in limited regions that primarily impact

only three of the ten regions comprising Cameroon.⁵ As a result, Cameroonian aliens can return to the majority of areas in Cameroon that do not pose a serious threat to personal safety. Though crime is prevalent in some regions of Cameroon,⁶ the generalized criminal activity in those regions does not form a sufficient basis for extraordinary and temporary conditions for TPS.

Additionally, Cameroon has been regularly accepting the return of its nationals with final removal orders since it was designated for TPS.

The Secretary has determined that, even assuming there remain extraordinary and temporary conditions that prevent Cameroonian nationals from safely returning, termination of its TPS designation is required because it is contrary to the national interest to permit Cameroonian nationals (or aliens having no nationality who last habitually resided in Cameroon) to remain temporarily in the United States.⁷ By statute, the Secretary is prohibited from designating a country for TPS or extending a TPS designation on the basis of extraordinary and temporary conditions if she finds that “permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”⁸ “National interest” is not defined in the INA. However, it is an expansive standard that may encompass an array of broad considerations, including foreign policy, public safety (e.g., potential nexus to criminal gang membership), national security, migration factors (e.g., pull factors), immigration policy (e.g., enforcement prerogatives), and economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities).⁹ Determining whether

permitting a class of aliens to remain temporarily in the United States is contrary to the U.S. national interest therefore calls upon the Secretary’s expertise and discretionary judgment, informed by her consultations with appropriate U.S. Government agencies.

Separately, President Trump clearly articulated an array of policy imperatives bearing upon the national interest in his recent immigration and border-related executive orders and proclamations. In Executive Order 14159, President Trump underscored that enforcing the immigration laws “is critically important to the national security and public safety of the United States.”¹⁰ In furtherance of that objective, the President directed the Secretary, along with the Attorney General and Secretary of State, to promptly take all appropriate action, consistent with law, to rescind policies that led to increased or continued presence of illegal aliens in the United States.¹¹ Among the directed actions are to ensure that the TPS designations are consistent with the TPS statute and “are appropriately limited in scope and made for only so long as may be necessary to fulfill the textual requirements of that statute.”¹² The Department has reappraised the national interest factors and determined, in its discretion, that continuing to permit Cameroonian nationals (and aliens having no nationality who last habitually resided in Cameroon) to reside in the United States would be inconsistent with both INA 244 and E.O. 14159 in light of the Secretary’s determination that they may return in safety.

DHS estimates that there are approximately 5,200 nationals of Cameroon (and aliens having no nationality who last habitually resided

invokes broader economic and national-security considerations, and such determinations are firmly committed to the discretion of the Executive Branch—not to federal courts” (citing *Trump v. Hawaii*, 585 U.S. 667, 684–86 (2018)); *Flores v. Garland*, 72 F.4th 85, 89–90 (5th Cir. 2023) (same); *Brasil v. Sec’y, Dep’t of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (same); cf. *Matter of D–J*, 23 I&N Dec. 572, 579–81 (A.G. 2003) (recognizing that taking measures to stem and eliminate possible incentives for potential large-scale migration from a given country is “sound immigration policy” and an “important national security interest”); *Matter of Dhanasar*, 26 I&N Dec. 884, 890–91 (AAO 2016) (taking into account impact on U.S. workers in “national interest” assessments).

¹⁰ E.O. 14159, *Protecting the American People Against Invasion*, sec. 1, 90 FR 8443, 8443 (Jan. 20, 2025).

¹¹ *Id.*, sec. 16, 90 FR 8446.

¹² *Id.*, sec. 16(b), 90 FR 8446.

⁵ Cameroon is divided into 10 administrative regions: Adamaoua, Centre, East (Est), Far North (Extrême-Nord), Littoral, North (Nord), North-West (Nord-Ouest), West (Ouest), South (Sud), South-West (Sud-Ouest). World Factbook, United States Central Intelligence Agency, Cameroon, available at <https://www.cia.gov/the-world-factbook/countries/cameroon/> (last visited Apr. 22, 2025); *see also* Human Rights Watch, World Report 2024: Cameroon, available at <https://www.hrw.org/world-report/2024/country-chapters/cameroon> (last visited Apr. 7, 2025).

⁶ Cameroon Travel Advisory, U.S. Department of State, December 18, 2024, available at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/cameroon-travel-advisory.html> (last visited Mar. 19, 2025).

⁷ *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”).

⁸ *See* INA 244(b)(1), 8 U.S.C. 1254a(b)(1).

⁹ *See, e.g., Poursina v. USCIS*, 936 F.3d 868, 874 (9th Cir. 2019) (observing, in an analogous INA context, “that the ‘national interest’ standard

³ Curbing Feuds over Water in Cameroon’s Far North, International Crisis Group, April 25, 2024, available at <https://www.crisisgroup.org/africa/central-africa/cameroon/b197-curbing-feuds-over-water-camerouns-far-north> (last visited Feb. 3, 2025).

⁴ Human Rights Watch, World Report 2024: Cameroon, available at <https://www.hrw.org/world-report/2024/country-chapters/cameroon> (last visited Apr. 7, 2025).

in Cameroon) who hold TPS under Cameroon's designation.¹³

Effective Date of Termination of the Designation

The TPS statute provides that the termination of a country's TPS designation may not be effective earlier than 60 days after the FRN is published or, if later, the expiration of the most recent previous extension. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

The Secretary may determine the appropriate effective date of the termination and the expiration of any TPS-related documentation, such as EADs, for the purpose of providing for an orderly transition. *See* INA sec. 244(d)(3), 8 U.S.C. 1254a(d)(3). Given the Secretary's finding that continuing to permit Cameroonian nationals to remain temporarily in the United States is contrary to the U.S. national interest and that the conditions under INA section 244(b)(1)(A) and (b)(1)(C), 8 U.S.C. 1254a(b)(1)(A), (b)(1)(C), no longer continue to be met, the Secretary has determined that it is not appropriate to allow for a further transition period. Accordingly, the termination of the Cameroon TPS designation will be effective 60 days from the date of publication of this notice in the **Federal Register**.¹⁴

The Secretary has considered whether there are putative reliance interests in the Cameroon TPS designation, especially when considering whether to allow for an additional transition period similar to that allowed under certain previous TPS terminations. Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed, and TPS notices clearly notify aliens of the designations' expiration dates, and whether to allow for an orderly transition period is left to the Secretary's unfettered discretion. *See*

INA sec. 244(b)(3), (d)(3); 8 U.S.C. 1254a(b)(3), (d)(3).¹⁵

DHS recognizes that Cameroonian TPS beneficiaries continue to be employment authorized during the 60-day transition period.¹⁶ Accordingly, through this FRN, DHS automatically extends the validity of certain EADs previously issued under the TPS designation of Cameroon through August 4, 2025. Therefore, as proof of continued employment authorization through August 4, 2025, Cameroonian TPS beneficiaries can show their EADs that have the notation A-12 or C-19 under Category and a "Card Expires" date of June 7, 2025.

Notice of the Termination of the TPS Designation of Cameroon

By the authority vested in me as Secretary under INA section 244(b)(3), 8 U.S.C. 1254a(b)(3), I have reviewed, in consultation with the appropriate U.S. Government agencies, (a) conditions in Cameroon; (b) whether the return of its nationals (and aliens having no nationality who last habitually resided in Cameroon) would pose a serious threat to their personal safety due to ongoing armed conflict; (c) whether there are extraordinary and temporary conditions that would prevent its nationals (and aliens having no nationality who last habitually resided in Cameroon) from safely returning, and (d) whether permitting the nationals of Cameroon (and aliens having no nationality who last habitually resided in Cameroon) to remain temporarily in the United States is contrary to the

national interest of the United States. Based on my review, I have determined, in my discretion, that Cameroon no longer continues to meet the conditions for a designation for Temporary Protected Status (TPS) under INA section 244(b)(1)(A) or (C), 8 U.S.C. 1254a(b)(1)(A) or (C).

Accordingly, I order as follows:

(1) Pursuant to INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(1)(B), and considering INA section 244(d)(3), 8 U.S.C. 1254a(d)(3), the designation of Cameroon for TPS is terminated effective at 11:59 p.m., local time, on August 4, 2025.

(2) Information concerning the termination of TPS for nationals of Cameroon (and aliens having no nationality who last habitually resided in Cameroon) will be available at local USCIS offices upon publication of this Notice and through the USCIS Contact Center at 1-800-375-5283. This information will be published on the USCIS website at www.uscis.gov.

Kristi Noem,

Secretary of Homeland Security.

[FR Doc. 2025-10236 Filed 6-2-25; 4:15 pm]

BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040245; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 7, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Megan Fry, NAGPRA Coordinator, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email megan.fry@floridamuseum.ufl.edu.

¹³ As of April 7, 2025, approximately 200 of these nationals of Cameroon (and aliens having no nationality who last habitually resided in Cameroon) are also approved as Lawful Permanent Residents. Data queried by Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality April 2025.

¹⁴ *See* 8 CFR 244.19 ("Upon the termination of designation of a foreign state, those nationals afforded temporary Protected Status shall, upon the sixtieth (60th) day after the date notice of termination is published in the **Federal Register**, or on the last day of the most recent extension of designation by the [Secretary of Homeland Security], automatically and without further notice or right of appeal, lose Temporary Protected Status in the United States. Such termination of a foreign state's designation is not subject to appeal.").

¹⁵ DHS recognizes that certain previous TPS terminations allowed for an extended transition, especially in the case of TPS designations that had been extended numerous times over the course of many years. *See, e.g., Termination of the Designation of El Salvador for Temporary Protected Status*, 83 FR 2654 (Jan. 18, 2018) (nearly 17 years, with 18-month transition period); *Termination of the Designation of Sudan for Temporary Protected Status*, 82 FR 47228 (Oct. 11, 2017) (20 years, with 12-month orderly transition period); *Termination of the Designation of Sierra Leone Under the Temporary Protected Status Program; Extension of Employment Authorization Documentation*, 68 FR 52407 (Sept. 3, 2003) (nearly 6 years, with 6-month orderly transition period); *Six-Month Extension of Temporary Protected Status Benefits for Orderly Transition Before Termination of Liberia's Designation for Temporary Protected Status*, 81 FR 66059 (Sept. 26, 2016) (nearly 2 years, with 6-month orderly transition period). Those countries, however, generally had been designated for TPS for longer periods. At the same time, certain other TPS designations were terminated without allowing for an extended transition period. *See, e.g., Termination of Designation of Angola Under the Temporary Protected Status Program*, 68 FR 3896 (Jan. 27, 2003) (nearly 3 years, no orderly transition period); *Termination of Designation of Lebanon Under Temporary Protected Status Program*, 58 FR 7582 (Feb. 8, 1993) (2 years, no extended transition period).

¹⁶ *See* INA 244(a)(1)(B); *see also* 8 CFR 244.13(b).

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified from Floral Drive (8DU32), of Duval County, Florida. There are no associated funerary objects. The Ancestor was "Presented" to the FLMNH in 1957 by the Duval County Medical Examiner, Dr. Carl Wells. It was labelled as "One Indian Skeleton". No other information provided. There were no accompanying artifacts. The FLMNH undertook building wide fumigation with Vikane (sulfuryl fluoride) several times since this collection has entered the museum. No other exposure to potentially hazardous substances is known to FLMNH.

Cultural Affiliation

Based on the information available and the results of consultation cultural affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Seminole Tribe of Florida and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
 2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.
- Repatriation of the human remains described in this notice to a requestor

may occur on or after July 7, 2025. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10125 Filed 6-3-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040255; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 7, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Ms. Livia Taylor, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO-PMA-C, 1616 Capitol Avenue, Omaha, NE 68102, email livia.a.taylor@usace.army.mil.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District, and additional information on the determinations in this notice, including

the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at minimum, eight individuals, along with 1,411 associated funerary objects were removed from two sites: one in Sully County, SD and one in Walworth County, SD. Based upon a preponderance of the evidence, including Tribal oral history, archeological and geographical information, the Ancestors and funerary objects described in this Notice are consistent with cultural affiliation of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- The 1,411 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
 2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.
- Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 7, 2025. If

competing requests for repatriation are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10130 Filed 6–3–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040260;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Missouri Historical Society, St. Louis, MO

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Missouri Historical Society (MHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 7, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Brady Wolf, Missouri Historical Society, 225 S Skinker Blvd., St. Louis, MO 63105, email bwolf@mohistory.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the MHS, and additional information on the determinations in this notice, including the results of consultation, can be found

in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified. The 240 associated funerary objects are 141 lithics, 25 ceramic vessels, nine lots of ceramic sherds, 27 modified stones, six lots of shell beads, 25 partial lithics, and seven ceramic and stone pipes.

From 1906–1907 archaeologist Gerard Fowke performed a series of excavations across central and southern Missouri under the auspices of the St. Louis branch of the Archaeological Institute of America. During these excavations he disinterred several burials in Boone County, Missouri. Boone County burials excavated by Fowke include: Dawson Mounds (23BO09), Easley Mounds (23BO10), Baumhoefer Mounds (23BO11), Buescher Mounds (23BO12), and Shaw Mounds (23BO40). The ancestors and associated funerary objects taken from these mounds were transferred to the MHS at an unknown date and catalogued during a 1993 internal inventory. MHS records do not indicate the presence of any known hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The MHS has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 240 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 7, 2025. If competing requests for repatriation are received, the MHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The MHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10133 Filed 6–3–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040258;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Army Corps of Engineers, Omaha District, Omaha, NE

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District intends to carry out the disposition of human remains and associated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the human remains and associated funerary objects in this notice may occur on or after July 7, 2025. If no claim for disposition is received by June 4, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects.

ADDRESSES: Send written claims for disposition of the human remains and associated funerary objects in this notice to Ms. Livia Taylor, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO-PMA-D, 1616 Capitol Avenue, Omaha, NE 68102, email livia.a.taylor@usace.army.mil.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District, and additional information on the human remains and associated funerary objects in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual, along with 974 associated funerary objects were removed from a site in Campbell County, South Dakota during 1991 and 1992. Based upon a preponderance of the evidence, including Tribal oral history, archeological and geographical information, the Ancestors described in this Notice are consistent with cultural affiliation of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 974 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- The Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota has priority for disposition of the human remains and associated funerary objects described in this notice.

Claims for Disposition

Written claims for disposition of the human remains and associated funerary objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by June 4, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and

associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice may occur on or after July 7, 2025. If competing claims for disposition are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10131 Filed 6-3-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040264;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: The Field Museum, Chicago, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Field Museum intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 7, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Helen Robbins, The Field Museum, 1400 S Lake Shore Drive, Chicago, IL 60605, email hrobbins@fieldmuseum.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Field Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 42 cultural items from Coconino and Navajo Counties, Arizona have been requested for repatriation. These 42 unassociated funerary objects that are from five different accessions approved for repatriation consist of ceramics, beads, awls, miniatures, and a mortar. Between 1893 and 1901, twenty objects consisting of ceramics and a bead were removed by Mennonite missionary Heinrich Voth from several sites on the Hopi Reservation. George Dorsey removed one mortar from the Hopi site of Awatovi in 1899. Three objects consisting of two awls and a string of shell and stone beads were excavated by Jesse A. Burt in 1899-1900 from Homolovi I and II. During two separate excavations, Charles Owen removed eighteen objects from several sites on the Hopi reservation in 1901. Based on consultation, academic research, and Museum records, Homolovi I and II are affiliated with the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico. There is no known presence of any potentially hazardous substances used to treat any of the cultural items.

Determinations

The Field Museum has determined that:

- The 42 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice

and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 7, 2025. If competing requests for repatriation are received, the Field Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Field Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10134 Filed 6-3-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040265;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 7, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Doshia Dodd, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email *doshia.dodd@sonoma.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 899 lots of cultural items have been requested for repatriation from various archaeological sites near Kelseyville, Lake County, California.

The 16 lots of objects of cultural patrimony were removed from CA-LAK-382. The cultural items are flaked stone tools and debitage; and ground stone tools. The cultural items have been housed at Sonoma State University since 1973 under Accession number 73-23.

In 1974, at least 129 lots of objects of cultural patrimony were taken from CA-LAK-380 (the "Mostin" site) near Kelseyville, California. The exact count of individual items taken from this site is not recorded in existing documentation. The cultural items are flaked stone tools and debitage; a charmstone; and ground stone tools. The cultural items were donated by Don Branscomb, an amateur archaeologist, and have been housed at Sonoma State University since 1974 under Accession number 74-15.

The four lots of objects of cultural patrimony were removed from CA-LAK-380/381 (the "Mostin" site) near Kelseyville, California. The cultural items are flaked stone tools and debitage. The presence of these items within the collection's facility was discovered while reviewing documentation concerning the locations of sites in Lake County. The cultural items have been housed at Sonoma State University since 1988 under Accession number 88-13.

The 27 lots of objects of cultural patrimony were removed from CA-LAK-382. The cultural items have been housed at Sonoma State University since 1974 under Accession number 74-

07 and housed with cultural items from CA-LAK-380/381.

The 188 lots of objects of cultural patrimony were removed from surface collections around Kelseyville in Lake County, California, as a part of the Kelseyville Geothermal Survey. The cultural items are flaked stone tools and debitage; and historic-period items. The cultural items have been housed at Sonoma State University since 1976 under Accession number 76-09.

The 55 lots of objects of cultural patrimony were removed from CA-LAK-808, CA-LAK-809, CA-LAK-811, and CA-LAK-814 as a part of the Clearlake Shoreline Survey in Lake County, California. The cultural items are flaked stone tools and debitage; faunal bone tools; modified faunal bone; stone sample; and unmodified faunal bone. The cultural items have been housed at Sonoma State University since 1977 under Accession number 77-04.

The 52 lots of objects of cultural patrimony were removed from CA-LAK-1126, CA-LAK-1127, CA-LAK-1128, CA-LAK-1329, CA-LAK-1330, and CA-LAK-1181 as a part of the Union Oil Kelsey Creek Project in Lake County, California. The cultural items are flaked stone tools and debitage. The cultural items have been housed at Sonoma State University since 1983 under Accession number 83-01.

The 257 lots of objects of cultural patrimony were removed from CA-LAK-745 near Kelseyville, California. The cultural items are flaked stone tools and debitage; historic-period items; and unmodified faunal bone. The cultural items have been housed at Sonoma State University since 1984 under Accession number 84-10.

Two separate groups of objects of cultural patrimony were removed from CA-LAK-271 near Kelseyville, California. Six lots of cultural items are ground stone tools and faunal bone and have been housed at Sonoma State University since 1986 under Accession number 86-01. 154 lots of cultural items are flaked stone and ground stone tools. These cultural items were donated by Jim Dotta and have been housed at Sonoma State University since 1987 under Accession number 87-11.

The 11 lots of objects of cultural patrimony were removed from CA-LAK-20, CA-LAK-555, CA-LAK-1122, and CA-LAK-1243 as a part of the Geysers Survey Project in Lake County, California. The cultural items are flaked stone tools and debitage. The cultural items have been housed at Sonoma State University since 1990 under Accession number 90-81.

Based on records concerning the objects of cultural patrimony and the institution in which they are housed, there is no evidence of the objects of cultural patrimony being treated with hazardous substances.

Determinations

The Sonoma State University has determined that:

- The 899 lots of objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and Big Valley Band of Pomo Indians of the Big Valley Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 7, 2025. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10135 Filed 6-3-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040259; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: University of Missouri, Museum of Anthropology, Columbia, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Missouri, Museum of Anthropology has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 7, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Candace Sall, University of Missouri Museum of Anthropology, 1020 Lowry Street, Columbia, MO 65211, email nagpra@missouri.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Missouri, Museum of Anthropology, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 326 individuals have been identified. The 165 lots of the total 16,291 associated funerary objects are 10 lots of bifaces, one celt, 10 lots of debitage, eight lots of flake tools, three lots of drills, four lots of groundstone, three hammerstones, five lots of hematite, four lots of limestone, three lots of limonite or ochre, three lots of lithic cores, one mano, eight lots of projectile points or knives, one lot of unmodified quartz, five lots of sandstone, one lot of stone abraders, 10 lots of unmodified rocks, one historic ceramic fragment, three lots of clay pipes, nine lots of pottery sherds, one ceramic vessel, one

lot of antler tools, two lots of bone beads, nine lots of faunal fragments, seven lots of shell fragments, two lots of shell beads, three lots of crinoids, one lot of crinoid beads, four lots of gastropod or snail shells, one lead ball, four lots of metal fragments or nails, one glass bottle, one lot of glass fragments, six lots of seeds, five lots of charred wood, one lot of fossils, one mortuary blade, four lots of burned earth or daub, eight lots of charcoal fragments or samples, two lots of flotation samples, and eight lots of soil samples.

The individuals and associated funerary objects were removed from 12 sites in Boone and Howard counties, Missouri, on several occasions between 1935 and 1980, including Montgomery Site (23BO1), 23BO4, 23BO5, Triangulation Point Mound (23BO7), Gibb Mound (23BO8), Gordon Tract Site (also known as Hinkson Creek Site, 23BO303), Campsite Site (23BO378), 23BO960, the Demeter Collection (23BOUNPROV1), Don Bell Cave Site (23HD1), 23HD3, and Walter Site (23HD38).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The University of Missouri, Museum of Anthropology has determined that:

- The human remains described in this notice represent the physical remains of 326 individuals of Native American ancestry.
- The 165 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a clear connection between the human remains and associated funerary objects described in this notice and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that

the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 7, 2025. If competing requests for repatriation are received, the University of Missouri, Museum of Anthropology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Missouri, Museum of Anthropology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10132 Filed 6-3-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040252;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 7, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Ms. Livia Taylor, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO-PMA-D, 1616 Capitol Avenue,

Omaha, NE 68102, email livia.a.taylor@usace.army.mil.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at minimum, six individuals, along with four associated funerary objects were removed from Brule County, SD. Human remains representing, at minimum, one individual were removed from Buffalo County, SD. No associated funerary objects are present. Human remains representing, at minimum, four individuals, along with three associated funerary objects were removed from Campbell County, SD. Human remains representing, at minimum, two individuals, along with one associated funerary object were removed from Charles Mix County, SD. Human remains representing, at minimum, one individual, along with 33 associated funerary objects were removed from Corson County, SD. Human remains representing, at minimum, two individuals were removed from Gregory County, SD. No associated funerary objects are present. Human remains representing, at minimum, one individual were removed from Hughes County, SD. No associated funerary objects are present.

Human remains representing, at minimum, 15 individuals, along with 26 associated funerary objects were removed from Lyman County, SD. Human remains representing, at minimum, two individuals, along with two associated funerary objects were removed from Stanley County, SD.

Human remains representing, at minimum, five individuals, along with 99 associated funerary objects were removed from Sully County, SD. Human remains representing, at minimum, 12 individuals, along with 43 associated funerary objects were removed from Walworth County, SD.

Human remains representing, at minimum, two individuals were removed from an unknown provenience along the Missouri River. No associated funerary objects are present.

Based upon a preponderance of the evidence, including Tribal oral history, archeological and geographical

information, the Ancestors described in this Notice are consistent with cultural affiliation of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of 53 individuals of Native American ancestry.
- The 211 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 7, 2025. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10128 Filed 6–3–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0040247;
PPWOCRADN0–PCU00RP14.R50000]**

Notice of Inventory Completion: Robert S. Peabody Institute of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Robert S. Peabody Institute of Archaeology has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 7, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Ryan Wheeler, Robert S. Peabody Institute of Archaeology, 180 Main Street, Andover, MA 01810, email rwheeler@andover.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Robert S. Peabody Institute of Archaeology, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. The 22 associated funerary objects are 12 ceramic sherds and 10 shell beads. The human remains, sherds, and six shell beads were excavated from Cahokia Mounds (11–MS–2) in approximately

1921 by George Higgins. The remaining four shell beads were collected by Mrs. William J. Dow from Mounds in Madison County, IL and presented to the Department of Archaeology at Phillips Academy (now the Robert S. Peabody Institute of Archaeology). No hazardous substances are known to have been used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Robert S. Peabody Institute of Archaeology has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 22 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Kaw Nation, Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Nebraska; Quapaw Nation; Sac & Fox Nation, Oklahoma; Shawnee Tribe; and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 7, 2025. If competing requests for repatriation are received, the Robert S. Peabody Institute

of Archaeology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Robert S. Peabody Institute of Archaeology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10126 Filed 6–3–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0040250;
PPWOCRADN0–PCU00RP14.R50000]**

Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE, and University of North Dakota, Grand Forks, ND

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District and University of North Dakota, Grand Forks, ND have completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 7, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Ms. Livia Taylor, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO–PMA–D, 1616 Capitol Avenue, Omaha, NE 68102, email livia.a.taylor@usace.army.mil and Dr. Crystal Alberts, University of North Dakota, 276 Centennial Drive Stop 7209, Grand Forks, ND 58202, email crystal.alberts@und.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the

National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Omaha District and University of North Dakota, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at minimum, one individual, along with 130 associated funerary objects, were removed from a site in Sioux County, North Dakota; two associated funerary objects were removed from sites in Morton County, North Dakota; 192 associated funerary objects were removed from a site in Sioux County, North Dakota; three associated funerary objects were removed from a site in Corson County, South Dakota; 675 associated funerary objects were removed from a site in Hughes County, South Dakota; and 1,645 associated funerary objects were removed from a site in Walworth County, South Dakota.

Based upon a preponderance of the evidence, including Tribal oral history, archeological and geographical information, the associated funerary objects described in this Notice are consistent with cultural affiliation of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The U.S. Army Corps of Engineers, Omaha District and University of North Dakota have determined that:

- The human remains described in this notice represent the physical remains of a minimum of one individual of Native American ancestry.
- The 2,647 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 7, 2025. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-10127 Filed 6-3-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0040254; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE, and University of Tennessee, Knoxville, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Omaha District has completed an inventory of human remains and has determined that there is a cultural affiliation between the

human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 7, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Ms. Livia Taylor, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO-PMA-C, 1616 Capitol Avenue, Omaha, NE 68102, email livia.a.taylor@usace.army.mil and Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37921-6053, email nagpra@utk.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Omaha District, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at minimum, five individuals were removed from a site in Charles Mix County, South Dakota. No associated funerary objects are present. Based upon a preponderance of the evidence, including Tribal oral history, archeological and geographical information, the Ancestors described in this Notice are consistent with cultural affiliation of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. No known substances were used to treat the Ancestors described in this notice.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The U.S. Army Corps of Engineers, Omaha District has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- There is a connection between the human remains and associated funerary objects described in this notice and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 7, 2025. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Omaha District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Omaha District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–10129 Filed 6–3–25; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–741 and 731–TA–1718–1719 (Final)]

Paper File Folders From Cambodia and Sri Lanka; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–741 and 731–TA–1718–1719 (Final) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of

an industry in the United States is materially retarded, by reason of imports of paper file folders, provided for in subheading 4820.30.00 of the Harmonized Tariff Schedule of the United States, from Sri Lanka for which the Department of Commerce (“Commerce”) has preliminarily determined to be sold at less-than-fair-value, and from Cambodia for which Commerce has preliminarily determined have been subsidized by the Government of Cambodia but has preliminarily determined are not being and are not likely to be sold in the United States at less-than-fair-value.

DATES: May 29, 2025.

FOR FURTHER INFORMATION CONTACT:

Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as “file folders consisting primarily of paper, paperboard, pressboard, or other cellulose material, whether coated or uncoated, that has been folded (or creased in preparation to be folded), glued, taped, bound, or otherwise assembled to be suitable for holding documents. The scope includes all such folders, regardless of color, whether or not expanding, whether or not laminated, and with or without tabs, fasteners, closures, hooks, rods, hangers, pockets, gussets, or internal dividers. The term “primarily” as used in the first sentence of this scope means 50 percent or more of the total product weight, exclusive of the weight of fasteners, closures, hooks, rods, hangers, removable tabs, and similar accessories, and exclusive of the weight of the packaging. Subject folders have the following dimensions in their folded and closed position: lengths and widths of at least 8 inches and no greater than 17 inches, regardless of depth. The scope covers all varieties of folders, including but not limited to manila

folders, hanging folders, fastener folders, classification folders, expanding folders, pockets, jackets, and wallets.”¹

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Cambodia and Sri Lanka of paper file folders, and that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on October 21, 2024, by the Coalition of Domestic Folder Manufacturers, Hastings, Minnesota, and Naperville, Illinois.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Although Commerce has preliminarily determined that imports of paper file folders from Cambodia are not being and are not likely to be sold in the United States at less than fair value, for purposes of efficiency the Commission hereby waives rule 207.21(b)² so that the final phase of the investigation may proceed concurrently in the event that Commerce makes a final affirmative determination with respect to such imports.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission’s rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the

¹ For a complete definition of paper file folders, including exclusions and tariff treatment, see 90 FR 14110, March 28, 2025, and 90 FR 22694 and 22696, May 29, 2025.

² § 207.21(b) of the Commission’s rules provides that, where Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on July 22, 2025, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on August 5, 2025. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 31, 2025. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigation, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website

at <https://www.usitc.gov/calendarpad/calendar.html>.

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on August 1, 2025. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on August 4, 2025. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is 5:15 p.m. on July 29, 2025. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is 5:15 p.m. on August 12, 2025. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before 5:15 p.m. on August 12, 2025. On August 27, 2025, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before 5:15 p.m. on August 29, 2025, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates

upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: May 29, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–10107 Filed 6–3–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1352]

Certain Selective Thyroid Hormone Receptor-Beta Agonists, Processes for Manufacturing or Relating to Same, and Products Containing Same; Notice of Commission Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, in the above-captioned investigation by respondents Asclepis Pharma Inc. of Hangzhou, Zhejiang Province, China; Asclepis Pharmaceuticals Co. Ltd. of Shaoxing, Zhejiang Province, China; Asclepis Bioscience Co., Ltd. of Hangzhou, Zhejiang Province, China; and Gannex Pharma Co., Ltd. of Shanghai, China (collectively, “Corporate Respondents”), based on their misappropriation of certain asserted trade secrets. The

Commission has determined to issue a seven-year limited exclusion order (“LEO”) prohibiting the unlicensed entry into the United States of certain selective thyroid hormone receptor-beta agonists, processes for manufacturing or relating to same, and products containing same, imported by or on behalf of the Corporate Respondents, and a cease and desist order (“CDO”) against each of the Corporate Respondents. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT:

Houda Morad, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 9, 2023, based on a complaint, as supplemented, filed by Viking Therapeutics, Inc. (“Viking” or “Complainant”) of San Diego, California. 88 FR 8455–56 (Feb. 9, 2023). The complaint alleges a violation of section 337 of the Tariff Act, as amended, 19 U.S.C. 1337 (“section 337”), by way of the importation into the United States of certain selective thyroid hormone receptor-beta agonists, processes for manufacturing or relating to same, and products containing same by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry or prevent the establishment of a domestic industry. *Id.* The notice of investigation named the following respondents: (1) the Corporate Respondents; and (2) Jinzi Jason Wu (“Dr. Wu”) of Seattle, Washington (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigation (“OUI”) is also participating in the investigation. *Id.*

On September 22, 2023, the Commission granted a motion to intervene filed by Foster, Murphy, Altman & Nickel, PC for the “limited purpose of defending Foster Murphy and its attorneys’ interests in response to Complainant Viking Therapeutics,

Inc.’s Omnibus Motion for Sanctions.” See Order No. 37 (Aug. 28, 2023), *unreviewed by Comm’n Notice* (Sept. 22, 2023). Respondents’ former counsel, Rimón PC, also filed a motion to intervene on February 7, 2024, and the Chief Administrative Law Judge (“Chief ALJ”) granted that motion in part, allowing Rimón PC to participate as an intervenor to address the Chief ALJ’s sanctions decisions.

The Chief ALJ held an evidentiary hearing from November 13 to 16, 2023.

On October 3, 2024, the Chief ALJ issued a final initial determination (“FID”) finding a violation of section 337. Specifically, the FID finds that: (1) the Commission has statutory authority to conduct this investigation; (2) the asserted trade secrets are protectable; (3) Respondents misappropriated the asserted trade secrets; (4) Complainant has demonstrated both that a domestic industry exists and is in the process of being established; and (5) Respondents’ unfair acts have caused actual and threatened injury to Viking’s domestic industry and prevented the establishment of an industry. The FID also grants Complainant’s motion for sanctions under Commission Rule 210.33 (19 CFR 210.33) and imposes certain non-monetary and monetary sanctions against Respondents and/or their former counsel, Rimón PC.

The Chief ALJ also issued a recommended determination (“RD”) recommending, should the Commission find a violation of section 337, that the Commission issue: (1) a seven-year LEO against certain selective thyroid hormone receptor-beta agonists, processes for manufacturing or relating to same, and products containing same that are imported by or on behalf of Respondents; and (2) a CDO against each of the Respondents. The RD also recommends that the Commission impose a one hundred percent (100%) bond against covered articles imported by or on behalf of the Respondents during the period of Presidential review. Regarding the public interest, the RD finds that the statutory public interest factors do not weigh against the issuance of remedial orders.

On November 4, 2024, Complainant filed a statement on the public interest pursuant to Commission Rule 210.50 (19 CFR 210.50). Respondents did not submit a statement on the public interest pursuant to Commission Rule 210.50. In addition, the Commission did not receive any submissions from the public in response to its post-RD **Federal Register** notice. See 89 FR 82256–57 (Oct. 10, 2024).

On November 8, 2024, Respondents, Rimón PC, and OUI petitioned for

Commission review of the FID. On the same day, Complainant filed a contingent petition for review of the FID. More specifically, Respondents requested Commission review of the FID’s findings with respect to: (1) the Commission’s statutory authority over Dr. Wu, who is the Chief Executive Officer or President of each of the Corporate Respondents; (2) sanctions against Respondents and their former counsel, Rimón PC; (3) misappropriation of trade secrets; and (4) injury to a domestic industry. Rimón PC also petitioned for Commission review of the sanctions order against Respondents and their former counsel. Additionally, OUI petitioned for review of: (1) the Chief ALJ’s failure to issue an ID at the conclusion of the 100-day proceeding; (2) the FID’s findings regarding the existence and misappropriation of trade secrets; and (3) the FID’s findings regarding the existence and injury to a domestic industry. Lastly, Complainant contingently petitioned for review of the FID’s findings with respect to: (1) misappropriation of trade secrets; (2) existence of a domestic industry and injury thereto; and (3) sanctions against Respondents and their former counsel. On November 27, 2024, the parties filed responses to the petitions.

On February 12, 2025, the Commission issued a notice determining to review the FID in its entirety. See 90 FR 9910–13 (Feb. 19, 2025) (“the WTR Notice”). The WTR Notice also requested written submissions from the parties, interested government agencies, and any other interested parties on issues of remedy, the public interest, and bonding. *See id.* Additionally, the notice requested responses to certain public interest questions. *See id.* As directed in the WTR Notice, the parties filed written submissions concerning the issues of remedy, the public interest, and bonding on February 28, 2025, and replies thereto on March 7, 2025. The Commission did not receive any submissions from the public in response to the WTR Notice.

On April 3, 2025, the Commission issued a notice requesting supplemental briefing on whether the alleged unfair acts have caused substantial actual or threatened injury to Complainant’s domestic industry and/or prevented the establishment of such an industry (“Supplemental Notice”). As directed in the Supplemental Notice, the parties filed initial submissions on April 11, 2025, and replies thereto on April 18, 2025.

Having examined the record of this investigation, including the FID, the RD,

and the parties' submissions, the Commission has determined to affirm in part and reverse in part the FID's finding of a violation of section 337. Specifically, as explained in the Commission Opinion issued concurrently herewith, the Commission affirms with modification the FID's finding of a violation of section 337 by the Corporate Respondents and adopts the Chief ALJ's sanctions order against those respondents and their former counsel, Rimon PC. As to Dr. Wu, the Commission reverses the FID's finding of a violation of section 337 and vacates the sanctions order against him. More specifically, the Commission: (1) finds that it has statutory authority over this investigation including with respect to Dr. Wu, but finds insufficient evidence to establish liability by Dr. Wu in his personal capacity; (2) affirms with modification the FID's findings as to misappropriation of trade secrets by the Corporate Respondents; and (3) affirms with modification the FID's findings as to the domestic industry requirement and threat of injury thereto. The Commission takes no position on the FID's findings that Respondents' unfair acts have caused actual injury to Viking's domestic industry or prevented the establishment of such an industry. The Commission affirms all other findings in the FID that are not inconsistent with its opinion.

The Commission has determined that the appropriate remedy is a seven-year LEO prohibiting the unlicensed entry into the United States of certain selective thyroid hormone receptor-beta agonists, processes for manufacturing or relating to same, and products containing same, imported by or on behalf of the Corporate Respondents, and a CDO against each of the Corporate Respondents. The Commission has also determined that the public interest factors enumerated in subsections 337(d)(1) and (f)(1) (19 U.S.C. 1337(d)(1), (f)(1)) do not preclude the issuance of the LEO and CDOs. The Commission has further determined to set a bond during the period of Presidential review (19 U.S.C. 1337(j)) in the amount of one hundred percent (100%) of the entered value of the covered articles.

Accordingly, the investigation is terminated with a finding of a violation of section 337 by the Corporate Respondents.

The Commission's orders and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The Commission vote for this determination took place on May 29, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 29, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–10122 Filed 6–3–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1086]

Special Surveillance List of Chemicals, Products, Materials and Equipment Used in the Manufacture of Controlled Substances and Listed Chemicals

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice.

SUMMARY: The Controlled Substances Act provides for civil penalties for the distribution of a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, if that distribution was made with reckless disregard for the illegal uses to which such laboratory supply will be put. The term *laboratory supply* is defined as a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. The Drug Enforcement Administration is hereby publishing a notice to update the Special Surveillance List.

DATES: This notice is applicable June 4, 2025.

FOR FURTHER INFORMATION CONTACT:

Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

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

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA), as amended by the Comprehensive Methamphetamine Control Act of 1996 (MCA), provides for the publication of

a Special Surveillance List by the Attorney General.¹ The Special Surveillance List identifies laboratory supplies which are used in the manufacture of controlled substances and listed chemicals. The CSA defines “laboratory supply” as “a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals.”² The CSA provides for a civil penalty of not more than \$250,000 for the distribution of a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, if that distribution was made with “reckless disregard” for the illegal uses to which such a laboratory supply will be put.³ The CSA further states that, for purposes of 21 U.S.C. 842(a)(11), “there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.”⁴

The publication of the Special Surveillance List serves two purposes. First, it informs individuals and firms of the potential use of the items on the list in the manufacture of controlled substances and listed chemicals. Second, it reminds individuals and firms that civil penalties may be imposed on them if they distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, in violation of the CSA, with reckless disregard for the illegal uses to which such a laboratory supply will be put.⁵ The publication of the updated Special Surveillance List provides an increased level of public awareness and law enforcement control to prevent the diversion of laboratory supplies used for

¹ 21 U.S.C. 842(a).

² *Id.*

³ 21 U.S.C. 842(c)(2)(C). This civil monetary penalty has been adjusted for inflation. For penalties assessed after January 30, 2023, with respect to violations occurring after November 2, 2015, the maximum penalty is \$470,640. 88 FR 5776, 5780 (Jan. 30, 2023).

⁴ 21 U.S.C. 842(a).

⁵ 21 U.S.C. 842(a)(11).

the manufacture of listed chemicals and controlled substances.

In developing the updated Special Surveillance List, the Drug Enforcement Administration (DEA) consulted with Federal, State, local, and foreign law enforcement officials, forensic laboratory authorities, intelligence groups, drug signature and profiling programs, and international organizations. DEA examined clandestine laboratory seizure reports, drug signature and profiling reports, intelligence reports, and scientific literature for information regarding: (1) illicit drug production methods; (2) chemicals, materials, and equipment actually used in the clandestine production of controlled substances and listed chemicals; and (3) the role and importance of chemicals, materials, and equipment used in the synthesis of controlled substances and listed chemicals. The updated Special Surveillance List includes chemicals, materials, and equipment used in the manufacture, production, and distribution of synthetic drugs such as fentanyl, amphetamine, methamphetamine, PCP, LSD, ketamine, and other controlled substances and listed chemicals.

DEA is updating the Special Surveillance List by adding the following laboratory supplies to the existing Special Surveillance List:

Chemicals, Including Their Salts Whenever the Existence of Such Salts Is Possible

New Chemicals

(1-bromocyclopentyl)(2-chlorophenyl)methanone
(2-chlorophenyl)(cyclopentyl)methanone (2-chlorophenyl cyclopentyl ketone)
1-((2-chlorophenyl)(methylimino)methyl)cyclopentane-1-ol
1-chloro-2,4-dinitrobenzene
2-(1,3-benzodioxol-5-yl)-3-oxobutanoic acid and its esters (e.g. methyl 2-(1,3-benzodioxol-5-yl)-3-oxobutanoate)
4-anilino-1-benzylpiperidine; *N*-benzyl-4-anilinopiperidine
4-carbomethoxy 4-ANPP
4-nitro-1,2-phenylenediamine
diethyl 2-(2-phenylacetyl)malonate (DEPAPD)
N,N-diethylethylenediamine
isopropylidene 2-(3,4-methylenedioxyphenyl)acetyl malonate (IMDPAM)
norcarfentanil
1-boc-norcarfentanil
para-methyl boc-4-AP
4-piperidinol (4-hydroxypiperidine)
1-boc-4-piperidinol (*N*-boc-piperidinol)

In addition to the chemicals listed above, DEA is updating the listing of

ethyl-3-(1,3-benzodioxol-5-yl)-2-methyloxirane-2-carboxylate (3,4-MDP-2-P ethyl glycidate) to include other esters of 3-(1,3-benzodioxol-5-yl)-2-methyloxirane-2-carboxylic acid. DEA updates the listing of this chemical to read as follows:

3-(1,3-benzodioxol-5-yl)-2-methyloxirane-2-carboxylic acid (3,4-MDP-2-P glycidic acid; PMK glycidic acid) and its esters (e.g. ethyl-3-(1,3-benzodioxol-5-yl)-2-methyloxirane-2-carboxylate)

Materials

Furthermore, DEA is updating the Special Surveillance List to include the addition of materials to the existing Special Surveillance List. This addition includes, but is not limited to, materials such as binding, disintegrating, filling, flowing, and lubricating agents, also referred to as excipients, used for the illicit manufacture, production, or distribution of tablets, capsules, or pills. These materials have been linked to law enforcement encounters, intelligence reports, and investigations that involve illicit manufacture, production, or distribution of controlled substances in forms such as pills, tablets, and capsules, and counterfeit, fake, or imitation products of legitimate substances. The select excipients are being added to the Special Surveillance List for a deterrence purpose in the prevention of illicit manufacture, production or distribution of controlled substances and the potential reduction of counterfeit, fake, or imitation products.

New Materials

Products containing at least one of these listed materials, including premixed products, used in the illicit manufacture, production, or distribution of tablets, capsules, or pills.
dicalcium phosphate
magnesium stearate
microcrystalline cellulose
silicon dioxide
stearic acid

The Special Surveillance List continues to include all listed chemicals as specified in 21 CFR 1310.02(a) or (b). DEA is removing an individually listed chemical from the Special Surveillance List (*tert*-butyl 4-((4-fluorophenyl)amino)piperidine-1-carboxylate (*para*-fluoro 1-boc-4-AP)), given that this chemical has since been added to List I and is, therefore, automatically included as a laboratory supply. The phrase "all listed chemicals" includes all chemical mixtures and all over-the-counter (OTC) pharmaceutical products and dietary supplements which contain a listed

chemical, regardless of their dosage form or packaging and regardless of whether the chemical mixture, drug product or dietary supplement is exempt from regulatory controls. The following is the updated Special Surveillance List for laboratory supplies used in the manufacture of controlled substances and listed chemicals, including the additions and modifications listed above:

Special Surveillance List Published Pursuant to 21 U.S.C. 842(a)

Chemicals, Including Their Salts Whenever the Existence of Such Salts Is Possible

The Special Surveillance List of laboratory supplies which are used in the manufacture of controlled substances and listed chemicals includes all listed chemicals as specified in 21 CFR 1310.02(a) or (b). This includes all chemical mixtures and all over-the-counter (OTC) products and dietary supplements which contain a listed chemical, regardless of their dosage form or packaging and regardless of whether the chemical mixture, drug product or dietary supplement is exempt from regulatory controls. In addition, the Special Surveillance List includes the following:

(1-bromocyclopentyl)(2-chlorophenyl)methanone
(2-chlorophenyl)(cyclopentyl)methanone (2-chlorophenyl cyclopentyl ketone)
(2-nitroprop-1-en-1-yl)benzene (1-phenyl-2-nitropropene; P2NP)
1-((2-chlorophenyl)(methylimino)methyl)cyclopentane-1-ol
1-(4-bromophenyl)propan-1-one
1-(4-chlorophenyl)propan-1-one
1-(4-methylphenyl)propan-1-one
1,1'-carbonyldiimidazole
1,1-dichloro-1-fluoroethane (e.g., Freon 141B)
1-benzylpiperidin-4-one (*N*-benzyl-4-piperidone)
1-boc-4-piperidinol (*N*-boc-piperidinol)
1-boc-norcarfentanil
1-chloro-2,4-dinitrobenzene
1-chloro-*N*-methyl-1-phenylpropan-2-amine (chloroephedrine; chloropseudoephedrine)
1-phenylbutan-1-one
1-phenylpentan-1-one
1-phenylpropan-1-one
2-(1,3-benzodioxol-5-yl)-3-oxobutanoic acid and its esters (e.g. methyl 2-(1,3-benzodioxol-5-yl)-3-oxobutanoate)
2,5-dimethoxyphenethylamine
2-bromo-1-(4-chlorophenyl)propan-1-one
2-bromo-1-(4-methoxyphenyl)propan-1-one
2-bromo-1-(4-methylphenyl)propan-1-one
2-bromo-1-phenylpentan-1-one
2-bromo-1-phenylpropan-1-one
3-(1,3-benzodioxol-5-yl)-2-methyloxirane-2-carboxylic acid (3,4-MDP-2-P glycidic acid; PMK glycidic acid) and its esters (e.g. ethyl-3-(1,3-benzodioxol-5-yl)-2-methyloxirane-2-carboxylate)
3-methyl-3-phenyloxirane-2-carboxylic acid (BMK glycidic acid; P2P glycidic acid) and its esters (e.g., methyl 3-methyl-3-phenyloxirane-2-carboxylate (BMK methyl

glycidate); ethyl 3-methyl-3-phenyloxirane-2-carboxylate (BMK ethyl glycidate))
 3-oxo-2-phenylbutanoic acid and its esters (e.g., alpha-phenylacetoacetic acid; ethyl 3-oxo-2-phenylbutanoate (EAPA))
 4-anilino-1-benzylpiperidine; N-benzyl-4-anilinopiperidine
 4-carbomethoxy 4-ANPP
 4-nitro-1,2-phenylenediamine
 4-piperidinol (4-hydroxypiperidine)
 5-(2-nitroprop-1-en-1-yl)benzodioxole (3,4-methylenedioxyphenyl-2-nitropropene; 3,4-MDP2NP)
 ammonia gas
 ammonium formate
 azobisisobutyronitrile
 bromobenzene
 butane-1,4-diol (1,4-butanediol)
 cyclohexanone
 diethyl 2-(2-phenylacetyl)malonate (DEPADP)
 diethylamine and its salts
 N,N-diethylethylenediamine
 ethyl 3-oxo-4-phenylbutanoate
 formamide
 formic acid
 isopropylidene (2-(3,4-methylenedioxyphenyl)acetyl)malonate (IMDPAM)
 lithium aluminum hydride
 lithium metal
 magnesium metal (turnings)
 mercuric chloride
 methyl 2-(1,3-benzodioxol-5-yl)-3-oxobutanoate (MAMDPA; MDMAPA)
 N-methylformamide
 norcarfentanil
 organomagnesium halides (Grignard reagents) (e.g., ethylmagnesium bromide and phenylmagnesium bromide)
 ortho-toluidine
 para-methyl boc-4-AP
 phenethyl bromide ((2-bromoethyl)benzene)
 phenylethanolamine and its salts
 phosphorus pentachloride
 potassium dichromate
 propionyl chloride
 pyridine and its salts
 sodium borohydride
 sodium dichromate
 sodium metal
 sodium triacetoxymethylborohydride
 thioglycolic acid and its esters (e.g., methyl thioglycolate)
 thionyl chloride
 trichloromonofluoromethane (e.g., Freon-11, Carrene-2)
 trichlorotrifluoroethane (e.g., Freon 113)

Materials

Products containing at least one of these listed materials, including premixed products, used in the illicit manufacture, production, or distribution of tablets, capsules, or pills.

dicalcium phosphate
 magnesium stearate
 microcrystalline cellulose
 silicon dioxide
 stearic acid

Equipment

hydrogenators
 tableting machines, including punches and dies
 encapsulating machines

22 liter heating mantels

The Attorney General has delegated authority under the CSA and all subsequent amendments to the CSA to the Administrator of DEA pursuant to 28 CFR 0.100. The Special Surveillance List may be updated as needed to reflect changes in the chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals by publication of a notice in the **Federal Register**. DEA will disseminate the updated Special Surveillance List as widely as possible. In addition, the Special Surveillance List will be available on the DEA Diversion Control homepage at <https://www.dea diversion.usdoj.gov/>.

Regulatory Analyses

The updated Special Surveillance List applies to all individuals and firms which distribute the listed chemicals and laboratory supplies (chemicals, products, materials, or equipment) on the list. As noted above, the Special Surveillance List serves two purposes. First, it informs individuals and firms of the potential use of the items on the list in the manufacture of controlled substances and listed chemicals. Second, it reminds individuals and firms that civil penalties may be imposed on them if they distribute a laboratory supply to a person with reckless disregard for the illegal use to which such a laboratory supply will be put.

This update provides an increased level of law enforcement control to prevent the diversion of laboratory supplies used for the manufacture of listed chemicals and controlled substances. It does not impose any new regulatory burden on the public as there are no corresponding recordkeeping or reporting requirements of the laboratory supplies. However, it does impose potential civil penalties for the distribution of a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, if that distribution was made with reckless disregard for the illegal uses to which such laboratory supply will be put. This update fulfills the requirement imposed by Section 205 of the MCA that the Attorney General shall publish a Special Surveillance List which contains chemicals, products, materials, or equipment used in the manufacture of listed chemicals and controlled substances.

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on May 27, 2025, by Acting Administrator Robert J. Murphy. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–10087 Filed 6–3–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notice for Health Reimbursement Arrangements Integrated With Individual Health Insurance Coverage

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before July 7, 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: On June 21, 2018, the Department published the Definition of Employer under Section

3(5) of ERISA—Association Health Plans final rule. On August 3, 2018, the Department of Labor, HHS and the Treasury Department (the Departments) published the Short-Term, Limited-Duration Insurance final rule. These final rules remove the prohibition on integrating health reimbursement arrangements (HRAs) with individual health insurance coverage, if certain conditions are met. The final rules also set forth conditions under which certain HRAs are as limited excepted benefits. In addition, the Treasury Department and the IRS finalized rules regarding premium tax credit (PTC) eligibility for individuals offered coverage under an HRA integrated with individual health insurance coverage, and DOL finalized a safe harbor to provide HRA plan sponsors with assurance that the individual health insurance coverage that is integrated with an HRA would not become part of an ERISA plan if the conditions of the safe harbor are met. Finally, HHS finalized rules that provide a special enrollment period in the individual market for individuals who gain access to an HRA that is integrated with individual health insurance coverage or who are provided a qualified small employer health reimbursement arrangement (QSEHRA).

The following five information Collections are contained in the final rules: (1) Verification of Enrollment in Individual Coverage; (2) HRA Notice to Participants; (3) Notice to Participants that Individual Policy is not Subject to Title I of ERISA; (4) Participant Notification of Individual Coverage HRA of Cancelled or Discontinued Coverage; (5) Notice for Excepted Benefit HRAs. These information collections notify the HRA that participants are enrolled in individual health insurance coverage, help individuals understand the impact of enrolling in an HRA on their eligibility for the PTC, and help individuals understand that coverage is not subject to the rules and consumer protections of the Employee Retirement Income Security Act (ERISA). For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 9, 2024 (89 FR 56416).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and

clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL—EBSA.

Title of Collection: Notice for Health Reimbursement Arrangements Integrated with Individual Health Insurance Coverage.

OMB Control Number: 1210–0160.

Affected Public: Private sector.

Total Estimated Number of Respondents: 131,367.

Total Estimated Number of Responses: 1,415,083.

Total Estimated Annual Time Burden: 32,035 hours.

Total Estimated Annual Other Costs Burden: \$16,996.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–10089 Filed 6–3–25; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Disclosure of Medical Evidence

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-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 July 7, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, may require parties to exchange all medical information about the miner they develop in connection with a claim for benefits, including information parties do not intend to submit as evidence in the claim. BLBA regulations help protect a miner's health, assist unrepresented parties, and promote accurate benefit determinations. The potential parties to a BLBA claim include the benefits claimant, the responsible coal mine operator and its insurance carrier, and the Director of OWCP. Under BLBA, a party of a party's agent who receives medical information about the miner must send a copy to all other parties within 30 days after receipt or, if a hearing before an administrative law judge has already been scheduled, at least 20 days before the hearing. The exchanged information is entered into the record of the claim only if a party submits it into evidence. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 4, 2025 (90 FR 11191).

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–OWCP.

Title of Collection: Disclosure of Medical Evidence.

OMB Control Number: 1240–0054.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 6,797.

Total Estimated Number of Responses: 6,797.

Total Estimated Annual Time Burden: 1,135 hours.

Total Estimated Annual Other Costs Burden: \$16,041.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2025–10093 Filed 6–3–25; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities; Comment Request

AGENCY: National Center for Science and Engineering Statistics, National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Center for Science and Engineering Statistics (NCSES) within the National Science Foundation (NSF) has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and one comment was received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously

with the publication of this second notice. The full submission may be found at: <http://www.reginfo.gov/public/do/PRAMain>.

DATES: 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:

Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite E6300, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday. You also may obtain a copy of the information collection request from Ms. Plimpton.

SUPPLEMENTARY INFORMATION: NCSES 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.

Title of Collection: Higher Education Research and Development Survey.

OMB Approval Number: 3145–0100.

Summary of Collection: The Higher Education Research and Development (R&D) Survey (formerly known as the Survey of R&D Expenditures at Universities and Colleges) originated in fiscal year (FY) 1954 and has been conducted annually since FY 1972. The survey represents one facet of the higher education component of the NSF’s National Center for Science and Engineering Statistics (NCSES) statistical program authorized by the America COMPETES Reauthorization Act of 2010 § 505, codified in the National Science Foundation Act of 1950 (NSF Act), as amended, at 42 U.S.C. 1862. The collection also includes the Federally Funded Research and Development (FFRDC) R&D Survey, which has been conducted annually for all FFRDCs since 2001. Between 1953 and 2001, only FFRDCs administered by academic institutions were surveyed.

Use of the Information: The proposed project will continue the annual survey

cycle for three years. The Higher Education R&D Survey will provide continuity of statistics on R&D expenditures by source of funding, type of R&D (basic research, applied research, or development), and field of research, with separate data requested on research equipment by field. Further breakdowns are collected on funds passed through to subrecipients and funds received as a subrecipient, and on R&D expenditures by field from specific federal agency sources. The survey also requests total R&D expenditures funded from foreign sources, R&D within an institution’s medical school, clinical trial expenditures, R&D by type of funding mechanism (contracts vs. grants), and R&D by cost category (salaries, equipment, software, etc.). In addition, the survey requests headcounts and full-time equivalents of R&D personnel (researchers, R&D technicians, and R&D support staff).

Data are incorporated into a statutorily required biennial report on indicators of the state of science and engineering in the United States (42 U.S.C. 1863, Section (j)(1)). Data are also published in NSF’s annual publication series *Higher Education Research and Development*, available on the web at <http://www.nsf.gov/statistics/srvyherd/>.

The Federally Funded Research and Development Centers R&D Survey will also provide continuity of statistics on R&D expenditures by source of funding (federal, state and local, business, nonprofit, or other, and federal agency source), and type of R&D (basic research, applied research, or development). The FFRDC R&D Survey also collects headcounts and full-time equivalents of R&D personnel (researchers, R&D technicians, and R&D support staff).

Data are published in NSF’s annual publication series *FFRDC Research and Development Survey*, available on the web at <https://www.nsf.gov/statistics/srvyffrdc/>.

Expected respondents: The FY 2025 Higher Education R&D Survey will be administered to approximately 690 institutions. In addition, a shorter version of the survey asking for R&D expenditures by source of funding and broad field will be administered to approximately 250 institutions spending at least \$150 thousand but less than \$1 million on R&D in their previous fiscal year. A short population review screener is also administered to approximately 135 institutions before the survey cycle to identify potential eligible institutions not already in the survey frame. Finally, a survey requesting R&D expenditures by source of funds, cost categories, type of R&D,

and R&D personnel totals will be administered to the 42 Federally Funded Research and Development Centers.

Estimate of burden: The Higher Education R&D Survey is a fully automated web data collection effort and is handled primarily by administrators in university sponsored programs and accounting offices. Response to this voluntary survey has exceeded 95 percent each year. Response to the fully automated FFRDC R&D web survey is 100 percent each year.

The total annual calculated burden across all forms is 44,698 hours. The average burden estimate per survey cycle is 64 hours for the approximately 655 institutions reporting at least \$1 million in R&D expenditures, 8 hours for the approximately 260 institutions reporting at least \$150 thousand but less than \$1 million, 1 hour for the approximately 110 institutions in the population screener, and 14 hours for the 42 organizations completing the FFRDC R&D Survey.

Comments: As required by 5 CFR 1320.8(d), comments on the information collection activities as part of this study were solicited through publication of a 60-Day Notice in the **Federal Register** on March 30, 2022, at 90 FR 2034. One comment was received, to which we here respond. The comment came from the Bureau of Economic Analysis (BEA). They expressed strong support for the HERD and FFRDC surveys. NCSES is in regular contact with BEA about their data needs and sends annual data files to support their national income and product accounts (NIPAs), industry economic accounts (IEAs), and gross domestic product (GDP) by state estimates. In their comment, BEA noted the specific items used from each survey.

Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) 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 should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: May 30, 2025.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2025-10164 Filed 6-3-25; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m. ET, June 24, 2025.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW, Washington, DC 20594.

STATUS: The one item is open to the public.

MATTER TO BE CONSIDERED:

74446 *Aviation Investigation Report—In-Flight Separation of Left Mid Exit Door Plug, Alaska Airlines Flight 1282, Boeing 737 9, N704AL, Portland, Oregon, January 5, 2024*

CONTACT PERSON FOR MORE INFORMATION:

Candi Bing at (202) 590-8384 or by email at bingc@ntsb.gov.

Media Information Contact: Peter Knudson by email at peter.knudson@ntsb.gov or at (202) 314-6100.

The public may view it through a live or archived webcast by accessing a link under "Upcoming Events" on the NTSB home page at www.ntsbn.gov.

Schedule updates, including weather-related cancellations, are also available at www.ntsbn.gov.

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: May 30, 2025.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2025-10192 Filed 6-2-25; 11:15 am]

BILLING CODE 7533-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2023-0027]

NuScale Power, LLC; NuScale US460 Small Modular Reactor; Standard Design Approval

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a standard design approval (SDA) to NuScale Power, LLC (NuScale) for the NuScale US460 small modular reactor

(SMR) standard design. The SDA allows the NuScale US460 SMR standard design to be referenced in an application for a construction permit or operating license, or an application for a combined license or manufacturing license under NRC regulations.

DATES: The SDA was issued on May 29, 2025.

ADDRESSES: Please refer to NRC-2023-0027 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0027. 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 reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The NuScale Power Standard Design, Standard Design Approval is available in ADAMS under Accession No. ML25129A004.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Getachew Tesfaye, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-8013; email: Getachew.Tesfaye@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC has issued an SDA to NuScale, for the US460 NuScale SMR standard design under subpart E, "Standard Design Approvals," of title 10 of the *Code of Federal Regulations* (10 CFR) part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." This SDA allows the NuScale US460 SMR standard design to be referenced in an

application for a construction permit or operating license under 10 CFR part 50, “Domestic Licensing of Production and Utilization Facilities,” or an application for a combined license or manufacturing license under 10 CFR part 52. In addition, the NRC has issued the final safety evaluation report (FSER) (ADAMS Package Accession No. ML25086A073) that supports issuance of the SDA.

Issuance of this SDA signifies completion of the NRC staff’s technical review of the NuScale US460 SMR design. The NRC staff performed its technical review of the NuScale US460 SMR design control document in accordance with the standards set forth in 10 CFR 52.139, “Standards for Review of Applications.”

On the basis of its evaluation and independent analyses, as described in the FSER, the NRC staff concludes that NuScale’s application for standard design approval meets the applicable portions of 10 CFR 52.137, “Content of Applications; Technical Information,” and the review standards identified in 10 CFR 52.139.

Copies of the NuScale US460 SMR FSER and SDA have been placed in the NRC’s PDR. The PDR 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. ET, Monday through Friday, except Federal holidays.

Dated: May 29, 2025.

For the Nuclear Regulatory Commission.

Michele Sampson,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–10123 Filed 6–3–25; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103147; File No. SR–BOX–2025–15]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Rule 7165 Regarding In-Kind Exchange of Options Positions and ETF Shares and UIT Units

May 29, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,²

notice is hereby given that on May 15, 2025, BOX Exchange LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt Rule 7165 regarding In-Kind Exchange of Options Positions and ETF Shares and UIT Units. Specifically, the Exchange is proposing to adopt Rule 7165, which would permit positions in options listed on the Exchange to be transferred off the Exchange by a Participant in connection with transactions (a) to purchase or redeem creation units of ETF shares between an authorized participant and the issuer of such ETF shares or (b) to create or redeem units of a UIT between a broker-dealer and the issuer of such UIT units, which transfers would occur at the price used to calculate the net asset value (“NAV”) of such ETF shares or UIT units, respectively. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission’s Public Reference Room and also on the Exchange’s internet website at <https://rules.boxexchange.com/rulefilings>.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to adopt Rule 7165 regarding in-kind exchanges of options positions and exchange-traded fund (“ETF”) shares and unit investment trust (“UIT”) interests. The Exchange notes that this

filing is based on a proposal submitted by Cboe C2 Exchange, Inc. (“C2”) and approved by the Commission.³

Background

As discussed further below, the ability to effect “in kind” transfers is a key component of the operational structure of an ETF and a UIT. Currently, in general, ETFs and UITs can effect in-kind transfers with respect to equity securities and fixed-income securities. The in-kind process is a major benefit to ETF shareholders and UIT unit holders, enabling tax efficient addition and removal of assets from these investment vehicles. In-kind transfers protect ETF shareholders and UIT unit holders from the undesirable tax effects of frequent “creations and redemptions” (described below) and improve the overall tax efficiency of the products. However, currently, the BOX Rules do not provide for ETFs and UITs to effect in-kind transfers of options off of the Exchange, resulting in tax inefficiencies for the ETFs and UITs that hold them. As a result, the use of options by ETFs and UITs is substantially limited.

³ See Cboe C2 Exchange, Inc. (“C2”) Rule 6.9; see also Securities Exchange Act Release No. 89056 (June 12, 2020), 85 FR 36888 (June 18, 2020) (SR–C2–2020–006) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Chapter 6, Section G Regarding Off-Floor Transactions and Transfers). At this time, the Exchange is only proposing to add the ‘In-Kind Exchange of Options Positions and ETF Shares and UIT Interests’ rule. See also Cboe Exchange, Inc. (“CBOE”) Rule 6.9; see also Securities Exchange Act Release No. 87340 (October 17, 2019), 84 FR 56877 (October 23, 2019) (SR–CBOE–2019–048) (Order Approving on an Accelerated Basis a Proposed Rule Change, as Modified by Amendment Nos. 2 and 3, to Adopt Rule 6.9 (In-Kind Exchange of Options Positions and ETF Shares)). See also Nasdaq PHLX LLC (“Phlx”) Options 6, Section 7; see also Securities Exchange Act Release No. 87768 (December 17, 2019), 84 FR 70605 (December 23, 2019) (SR–Phlx–2019–53) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Adopt a New Rule 1059). In 2020, PHLX filed SR–Phlx–2020–03 to relocate the Phlx Rulebook into their new Rulebook Shell, Phlx Rule 1059 was relocated to Options 6, Section 7. See Securities Exchange Act Release No. 88213 (March 12, 2020), 85 FR 9859 (February 20, 2020) (SR–Phlx–2020–03) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Rules From Its Current Rulebook Into Its New Rulebook Shell). See also NYSE Arca, Inc. Rule 6.78A–O; see also Securities Exchange Act Release No. 95644 (August 31, 2022), 87 FR 54727 (August 31, 2022) (SR–NYSEARCA–2022–55) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Rule 6.78–O and Adopt New Rules Related Thereto and Delete Paragraph (d) to Rule 6.69–O). See also NYSE American, LLC Rule 997.3NY; see also Securities Exchange Act Release 95646 (August 31, 2022), 87 FR 54720 (August 31, 2022) (SR–NYSEAMER–2022–36) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Adopt New Rules 997NY, 997.1NY, 997.2NY and 997.3NY and Delete Paragraph (d) to Rule 957NY).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

Currently, BOX Rule 7160(a) permits existing positions in options listed on the Exchange of a Participant or person associated with the Participant or non-Participant or person associated with a non-Participant that are to be transferred on, from, or to the books of a Clearing Participant to be transferred off the Exchange if the transfer involves one or more of the following events: (1) pursuant to Rule 3000, an adjustment or transfer in connection with the correction of a bona fide error in the recording of a transaction or the transferring of a position to another account, provided that the original trade documentation confirms the error; (2) the transfer of positions from one account to another account where no change in ownership is involved (*i.e.*, accounts of the same Person⁴), provided the accounts are not in separate aggregation units or otherwise subject to information barrier or account segregation requirements; (3) the consolidation of accounts where no change in ownership is involved; (4) a merger, acquisition, consolidation, or similar non-recurring transaction for a Person; (5) the dissolution of a joint account in which the remaining Participant or person associated with the Participant assumes the positions of the joint account; (6) the dissolution of a corporation or partnership in which a former nominee of the corporation or partnership assumes the positions; (7) positions transferred as part of a Participants or person associated with the Participant's capital contribution to a new joint account, partnership, or corporation; (8) the donation of positions to a not-for-profit corporation; (9) the transfer of positions to a minor under the Uniform Gifts to Minors Act; or (10) the transfer of positions through operation of law from death, bankruptcy, or otherwise. At present, the list of limited circumstances in Rule 7160 that allows Participants to transfer their options positions off the Exchange does not include an exception for in-kind transfers.

The Exchange proposes to add a new circumstance under which off-Exchange transfers of options positions would be permitted to occur. Specifically, under proposed Rule 7165, positions in options listed on the Exchange would be permitted to be transferred off the Exchange by a Participant or Participant Organization in connection with

transactions (a) to purchase or redeem "creation units" of ETF shares between an "authorized participant"⁵ and the issuer⁶ of such ETF shares⁷ or (b) to create or redeem units of a UIT between a broker-dealer and the issuer⁸ of such UIT units, which transfers would occur at the price used to calculate the net asset value ("NAV") of such ETF shares or UIT units, respectively. This proposed new exception, although limited in scope, would have a significant impact in that it would help protect ETF shareholders and UIT holders from undesirable tax consequences and facilitate tax-efficient operations. The frequency with which ETFs and authorized participants, and UITs and sponsors, would rely on the proposed exception would depend upon such factors as the number of ETFs and UITs, respectively, holding options positions traded on the Exchange, the market demand for the shares of such ETFs and units of such UITs, the redemption activity of authorized participants and sponsors, respectively, and the investment strategies employed by such ETFs and UITs.

While the Exchange recognizes that, in general, the execution of options transactions on exchanges provides certain benefits, such as price discovery and transparency, based on the circumstances under which proposed Rule 7165 would apply, the Exchange does not believe that such benefits would be compromised. In this regard, as discussed more fully below, the Exchange notes that in conjunction with the creation and redemption process, positions would be transferred at a price(s) used to calculate the NAV of such ETF shares and UIT units. In addition, although options positions

⁵ The Exchange is proposing that, for purposes of proposed Rule 7165, the term "authorized participant" would be defined as an entity that has a written agreement with the issuer of ETF shares or one of its service providers, which allows the authorized participant to place orders for the purchase and redemption of creation units (*i.e.*, specified numbers of ETF shares). While an authorized participant may be a Participant and directly effect transactions in options on the Exchange, an authorized participant that is not a Participant may effect transactions in options on the Exchange through a Participant on its behalf.

⁶ The Exchange proposes that, for purposes of proposed Rule 7165, any issuer of ETF shares would be registered with the Commission as an open-end management investment company under the Investment Company Act of 1940 (the "1940 Act").

⁷ An ETF share is a share or other security traded on a national securities exchange and defined as an NMS stock, which includes interest in open-end management investment companies. See BOX Rule 5020.

⁸ The Exchange proposes that, for purposes of proposed Rule 7165, any issuer of UIT units would be a trust registered with the Commission as a unit investment trust under the 1940 Act.

would be transferred off of the Exchange, they would not be closed or "traded." Rather, they would reside in a different clearing account until closed in a trade on the Exchange or until they expire. Further, as discussed below, proposed Rule 7165 would be clearly delineated and limited in scope, given that the proposed exception would only apply to transfers of options effected in connection with the creation and redemption process.

ETFs

As described in further detail below, while ETFs do not sell and redeem individual shares to and from investors, they do sell large blocks of their shares to, and redeem them from, authorized participants in conjunction with what is known as the ETF creation and redemption process. Under the proposed exception, ETFs that hold options listed on the Exchange would be permitted to effect creation and redemption transactions with authorized participants on an "in-kind" basis, which is the process that may generally be utilized by ETFs for other asset types. This ability would allow such ETFs to function as more tax efficient investment vehicles to the benefit of investors that hold ETF shares. In addition, it may also result in transaction cost savings for the ETFs, which may be passed along to investors.

Due to their ability to effect in-kind transfers with authorized participants in conjunction with the creation and redemption process described below, ETFs have the potential to be significantly more tax-efficient than other pooled investment products, such as mutual funds.⁹ ETFs issue shares that may be purchased or sold during the day in the secondary market at market-determined prices. Similar to other types of investment companies, ETFs invest their assets in accordance with their investment objectives and investment strategies, and ETF shares represent interests in an ETF's underlying assets. ETFs are, in certain respects, similar to mutual funds in that they continuously offer their shares for sale. In contrast to mutual funds, however, ETFs do not sell or redeem

⁹ This summary of the ETF creation and redemption process is based largely on portions of the discussion set forth in Investment Company Act Release No. 33140 (June 28, 2018), 83 FR 37332 (July 31, 2018) (the "Proposed ETF Rule Release") in which the Commission proposed a new rule under the 1940 Act that would permit ETFs registered as open-end management investment companies that satisfy certain conditions to operate without the need to obtain an exemptive order. The proposed rule was adopted on September 25, 2019. See Investment Company Act Release No. 33646 (September 25, 2019).

⁴ For purposes of BOX Rule 7160, the term "Person" shall be defined as an individual, partnership (general or limited), joint stock company, corporation, limited liability company, trust or unincorporated organization, or any governmental entity or agency or political subdivision thereof.

individual shares. Rather, through the creation and redemption process referenced above, authorized participants have contractual arrangements with an ETF and/or its service provider (e.g., its distributor) purchase and redeem shares directly from that ETF in large aggregations known as “creation units.” In general terms, to purchase a creation unit of ETF shares from an ETF, in return for depositing a “basket” of securities and/or other assets identified by the ETF on a particular day, the authorized participant will receive a creation unit of ETF shares. The basket deposited by the authorized participant is generally expected to be representative of the ETF’s portfolio¹⁰ and, when combined with a cash balancing amount (i.e., generally an amount of cash intended to account for any difference between the value of the basket and the NAV of a creation unit), if any, will be equal in value to the aggregate NAV of the shares of the ETF comprising the creation unit. The NAV for ETF shares is represented by the traded price for ETFs holding options positions on days of creation or redemption, and an options pricing model on days in which creations and redemptions do not occur. After purchasing a creation unit, an authorized participant may then hold individual shares of the ETF and/or sell them in the secondary market. In connection with effecting redemptions, the creation process described above is reversed. More specifically, the authorized participant will redeem a creation unit of ETF shares to the ETF in return for a basket of securities and/or other assets (along with any cash balancing account).

The ETF creation and redemption process, coupled with the secondary market trading of ETF shares, facilitates arbitrage opportunities that are intended to help keep the market price of ETF shares at or close to the NAV per share of the ETF. Authorized participants play an important role because of their ability, in general terms, to add ETF shares to, or remove them from, the market. In this regard, if shares of an ETF are trading at a discount (i.e., below NAV per share), an authorized participant may purchase ETF shares in the secondary market, accumulate enough shares for a creation unit and then redeem them from the ETF in

exchange for the ETF’s more valuable redemption basket. Accordingly, the authorized participant will profit because it paid less for the ETF shares than it received for the underlying assets. The reduction in the supply of ETF shares available on the secondary market, together with the sale of the ETF’s basket assets, may cause the price of ETF shares to increase, the price of the basket assets to decrease, or both, thereby causing the market price of the ETF shares and the value of the ETF’s holdings to move closer together. In contrast, if the ETF shares are trading at a premium (i.e., above NAV per share), the transactions are reversed (and the authorized participant would deliver the creation basket in exchange for ETF shares), resulting in an increase in the supply of ETF shares which may also help to keep the price of the shares of an ETF close to the value of its holdings.

In comparison to other pooled investment vehicles, one of the significant benefits associated with an ETF’s in-kind redemption feature is tax efficiency. In this regard, by effecting redemptions on an in-kind basis (i.e., delivering certain assets from the ETF’s portfolio instead of cash), there is no need for the ETF to sell assets and potentially realize capital gains that would be distributed to shareholders. As indicated above, however, because the Rules currently do not allow ETFs to effect in-kind transfers of options off of the Exchange, ETFs that invest in options traded on the Exchange are generally required to substitute cash in lieu of such options when effecting redemption transactions with authorized participants. Because they must sell the options to obtain the requisite cash, such ETFs (and therefore, investors that hold shares of those ETFs) are not able to benefit from the tax efficiencies afforded by in-kind transactions.

An additional benefit associated with the in-kind feature is the potential for transaction cost savings. In this regard, by transacting on an in-kind basis, ETFs may avoid certain transaction costs they would otherwise incur in connection with purchases and sales of securities and other assets. Again, however, this benefit is not available today to ETFs with respect to their options holdings.

UITs

Although UITs operate differently than ETFs in certain respects, as described below, the anticipated potential benefits to UIT investors (i.e., greater tax efficiencies and transaction cost savings) from the proposed exemption would be similar as discussed below. Specifically, under the

1940 Act,¹¹ a UIT is an investment company organized under a trust indenture or similar instrument that issues redeemable securities, each of which represents an undivided interest in a unit of specified securities.¹² A UIT’s investment portfolio is relatively fixed, and, unlike an ETF, a UIT has a fixed life (a termination date for the trust is established when the trust is created). Similar to other types of investment companies (including ETFs), UITs invest their assets in accordance with their investment objectives and investment strategies, and UIT units represent interests in a UIT’s underlying assets. Like ETFs, UITs do not sell or redeem individual shares, but instead, through the creation and redemption process, a UIT’s sponsor (a broker-dealer) may purchase and redeem shares directly from the UIT’s trustee in aggregations known as “units.” A broker-dealer purchases a unit of UIT shares from the UIT’s trustee by depositing a basket of securities and/or other assets identified by the UIT. These transactions are largely effected by “in-kind” transfers, or the exchange of securities, non-cash assets, and/or other non-cash positions. The basket deposited by the broker-dealer is generally expected to be representative of the UIT’s units and will be equal in value to the aggregate NAV of the shares of the UIT comprising a unit.¹³ The UIT then issues units that are publicly offered and sold. Unlike ETFs, UITs typically do not continuously offer their shares for sale, but rather, make a one-time or limited public offering of only a specific, fixed number of units like a closed-end fund (i.e., the primary period, which may range from a single day to a few months). Similar to the process for ETFs, UITs allow investor-owners of units to redeem their units back to the UIT’s trustee on a daily basis and, upon redemption, such investor-owners are entitled to receive the

¹¹ 15 U.S.C. 80a–4(2).

¹² The Exchange also notes that, though a majority of ETFs are structured as open-ended funds, some ETFs are structured as UITs, and currently represent a significant amount of assets within the ETF industry. These include, for example, SPDR S&P 500 ETF Trust (“SPY”) and PowerShares QQQ Trust, Series 1 (“QQQ”).

¹³ The NAV is an investment company’s total assets minus its total liabilities. UITs must calculate their NAV at least once every business day, typically after market close. See § 270.2a–4(c), which provides that any interim determination of current net asset value between calculations made as of the close of the New York Stock Exchange on the preceding business day and the current business day may be estimated so as to reflect any change in current net asset value since the closing calculation on the preceding business day. This, however, is notwithstanding the requirements of § 270.2a–4(a), which provides for other events that would trigger computation of a UIT’s NAV.

¹⁰ Under certain circumstances, however, and subject to the provisions of its exemptive relief from various provisions of the 1940 Act obtained from the Commission, an ETF may substitute cash and/or other instruments in lieu of some or all of the ETF’s portfolio holdings. For example, today, positions in options traded on the Exchange would be generally substituted with cash.

redemption price at the UIT's NAV. While UITs provide for daily redemptions directly with the UIT's trustee, UIT sponsors frequently maintain a secondary market for units, also like that of ETFs, and will buy back units at the applicable redemption price per unit. To satisfy redemptions, a UIT typically sells securities and/or other assets, which results in negative tax implications and an incurrence of trading costs borne by remaining unit holders.

Proposed Rule

The Exchange believes that it is appropriate to permit off-Exchange transfers of options positions in connection with the creation and redemption process and recognizes that the prevalence and popularity of ETFs have increased greatly. Currently, ETFs serve both as popular investment vehicles and trading tools and, as discussed above, the creation and redemption process, along with the arbitrage opportunities that accompany it, are key ETF features. Although ETFs and UITs operate differently in certain respects, the ability to effect in-kind transfers is also significant for UITs. As described above, UITs and ETFs are situated in substantially the same manner; the key differences being a UIT's fixed duration, and that a UIT generally makes a one-time public offering of only a specific, fixed number of units. Negative tax implication and trading costs for remaining unit holders would be mitigated by allowing a UIT sponsor or another broker-dealer to receive an in-kind distribution of options upon redemption. Accordingly, the Exchange believes that providing for an additional, narrow circumstance to make it possible for ETFs and UITs that invest in options to effect creations and redemptions on an in-kind basis is justified.

The Exchange submits that its proposal is clearly delineated and limited in scope and not intended to facilitate "trading" options off of the Exchange. In this regard, the proposed circumstance would be available solely in the context of transfers of options positions effected in connection with transactions to purchase or redeem creation units of ETF shares between ETFs and authorized participants,¹⁴ and

units of UITs between UITs and sponsors. As a result of this process, such transfers would occur at the price(s) used to calculate the NAV of such ETF shares and UIT units (as discussed above), which removes the need for price discovery on an Exchange for pricing these transfers. Moreover, as described above, ETFs and authorized participants, and UITs and sponsors, are not seeking to effect the opening or closing of new options positions in connection with the creation and redemption process. Rather, the options positions would reside in a different clearing account until closed in a trade on the Exchange or until they expire. The proposed transfers, while occurring between two different parties, will occur off the Exchange and will not be considered transactions. While the prices of options transactions effected on the Exchange are disseminated to OPRA, back-office transfers of options positions in clearing accounts held at OCC (in accordance with OCC Rules)¹⁵ are not disseminated to OPRA or otherwise publicly available, as they are considered position transfers, rather than executions. The Exchange believes that price transparency is important in the options markets. However, the Exchange expects any transfers pursuant to the proposed rule will constitute a minimal percentage of the total average daily volume of options. Today, the trading of ETFs and UITs that invest in options is substantially limited on the Exchange, primarily because the current rules do not permit ETFs or UITs to effect in-kind transfers of options off the Exchange. The Exchange continues to expect that any impact this proposal could have on price transparency in the options market is minimal because proposed Rule 7165 is limited in scope and is intended to provide market participants with an efficient and effective means to transfer options positions under clearly delineated, specified circumstances. Additionally, as noted above, the NAV for ETF and UIT transfers will generally be based on the disseminated closing price for an options series on the day of a creation or redemption, and thus the price (although not the time or quantity of the transfer) at which these transfers will generally be effected will be publicly

redemption process is of central importance to the arbitrage mechanism." See Proposed ETF Rule Release at 83 FR 37348.

¹⁵ OCC has informed the Exchange that it has the operational capabilities to effect the proposed position transfers. All transfers pursuant to proposed Rule 7165 would be required to comply with OCC rules.

available.¹⁶ Further, the Exchange generally expects creations or redemptions to include corresponding transactions by the authorized participant that will occur on an exchange and be reported to OPRA.¹⁷ Therefore, the Exchange expects that any impact the proposed rule change could have on price transparency in the options market would be de minimis.

Other than the transfers covered by the proposed rule, transactions involving options, whether held by an ETF or an authorized participant, or a UIT or a sponsor would be fully subject to all applicable trading Rules.¹⁸ Accordingly, the Exchange does not believe that the proposed new exception would compromise price discovery or transparency.

Further, the Exchange believes that providing an additional exception to make it possible for ETFs and UITs that invest in options to effect creations and redemptions on an in-kind basis is justified because, while the proposed exception would be limited in scope, the benefits that may flow to ETFs that hold options and their investors may be significant. Specifically, the Exchange expects such ETFs and UITs and their investors would benefit from increased tax efficiencies and potential transaction cost savings. By making such ETFs and UITs more attractive to both current and prospective investors, the proposed rule change would enable them to compete more effectively with other ETFs and UITs that, due to their particular portfolio holdings, may effect in-kind creations and redemptions without restriction.

¹⁶ If there is no disseminated closing price, the ETF or UIT would price according to a pricing model or procedure as described in the fund's prospectus.

¹⁷ The Exchange notes that for in-kind creations, an authorized participant will acquire the necessary options positions in an on-exchange transaction that will be reported to OPRA. For in-kind redemptions, the Exchange generally expects that an authorized participant will acquire both the shares necessary to effect the redemption and an options position to offset the position that it will receive as proceeds for the redemption. Such an options position would likely be acquired in an on-exchange transaction that would be reported to OPRA. Such transactions are generally identical to the way that creations and redemptions work for equities and fixed income transactions—while the transfer between the authorized participant and the fund is not necessarily reported, there are generally corresponding transactions that would be reported, providing transparency into the transactions.

¹⁸ As indicated above, the operation of the arbitrage mechanism accompanying the creation and redemption process generally contemplates ongoing interactions between authorized participants and the market in transactions involving both ETF shares and the assets comprising an ETF's creation/redemption basket.

¹⁴ See *supra* note 5. The term "authorized participant" is specific and narrowly defined. As noted in the Proposed ETF Rule Release, the requirement that only authorized participants of an ETF may purchase creation units from (or sell creation units to) an ETF "is designed to preserve an orderly creation unit issuance and redemption process between ETFs and authorized participants." Furthermore, an "orderly creation unit issuance and

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,¹⁹ in general, and Section 6(b)(5) of the Act,²⁰ in particular, proposed Rule 7165 to permit off-Exchange transfers in connection with the in-kind ETF and UIT creation and redemption process will promote just and equitable principles of trade and help remove impediments to and perfect the mechanism of a free and open market and a national market system, as it would permit ETFs and UITs that invest in options traded on the Exchange to utilize the in-kind creation and redemption process that is available for ETFs and UITs that invest in equities and fixed-income securities. This process represents a significant feature of the ETF and UIT structure generally, with advantages that distinguish ETFs and UITs from other types of pooled investment vehicles. In light of the associated tax efficiencies and potential transaction cost savings, the Exchange believes the ability to utilize an in-kind process would make such ETFs and UITs more attractive to both current and prospective investors and enable them to compete more effectively with other ETFs and UITs that, based on their portfolio holdings, may effect in-kind creations and redemptions without restriction. In addition, the Exchange believes that because it would permit ETFs and UITs that invest in options traded on the Exchange to benefit from tax efficiencies and potential transaction cost savings afforded by the in-kind creation and redemption process, which benefits the Exchange expects would generally be passed along to investors that hold ETF shares and UIT units, the proposed rule change would protect investors and the public interest.

Moreover, the Exchange submits that the proposed exception is clearly delineated and limited in scope and not intended to facilitate “trading” options off the Exchange. Other than the transfers covered by the proposed exception, transactions involving options, whether held by an ETF or an authorized participant, or a UIT or a sponsor, would be fully subject to the applicable trading Rules. Additionally, the transfers covered by the proposed exception would occur at a price(s) used to calculate the NAV of the applicable ETF shares or UIT units, which removes the need for price discovery on the Exchange. Accordingly, the Exchange does not believe that the proposed rule

change would compromise price discovery or transparency.

Currently, the Exchange Rules do not allow ETFs or UITs to effect in-kind transfers of options off of the Exchange, resulting in tax inefficiencies for ETFs and UITs that hold them. As a result, the use of options by ETFs and UITs is substantially limited. While the proposed exception would be limited in scope, the Exchange believes the benefits that may flow to ETFs and UITs that hold options and their investors may be significant. Specifically, the Exchange expects that such ETFs and UITs and their investors could benefit from increased tax efficiencies and potential transaction cost savings. By making such ETFs and UITs more attractive to both current and prospective investors, the proposed rule change would enable them to compete more effectively with other ETFs and UITs, and other investment vehicles, that, due to their particular portfolio holdings, may effect in-kind creations and redemptions without restriction. This may lead to further development of ETFs and UITs that invest in options, thereby fostering competition and resulting in additional choices for investors, which ultimately benefits the marketplace and the public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would provide market participants with an efficient and effective means to transfer positions under the specified circumstances.

The Exchange does not believe the proposed rule change regarding off-floor in-kind transfers will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Utilizing the proposed exception would be voluntary. Proposed Rule 7165 would provide market participants with an efficient and effective means to transfer positions as part of the creation and redemption process for ETFs and UITs under specified circumstances. The proposed exception would enable all ETFs and UITs that hold options to enjoy the benefits of in-kind creations and redemptions already available to other ETFs and UITs (and to pass these benefits along to investors). The proposed rule change would apply in the same manner to all authorized participants and sponsor broker-dealers that choose to use the proposed process.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As indicated above, it is intended to provide an additional clearly delineated and limited circumstance in which options positions can be transferred off an exchange. Further, the Exchange believes the proposed rule change will eliminate a significant competitive disadvantage for ETFs and UITs that invest in options. Furthermore, as indicated above, in light of the significant benefits provided (e.g., tax efficiencies and potential transaction cost savings), the proposed exception may lead to further development of ETFs and UITs that invest in options, thereby fostering competition and resulting in additional choices for investors, which ultimately benefits the marketplace and the public. Lastly, the Exchange notes that the proposed rule change is based on C2 Rule 6.9.²¹ As such, the Exchange believes that its proposal enhances fair competition between markets by providing for additional listing venues for ETFs that hold options to utilize the in-kind transfers proposed herein.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act²² and Rule 19b-4(f)(6) thereunder.²³ Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act²⁴ and subparagraph (f)(6) of Rule 19b-4 thereunder.²⁵

²¹ See *supra* note 3.

²² 15 U.S.C. 78s(b)(3)(A)(iii).

²³ 17 CFR 240.19b-4(f)(6).

²⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days

¹⁹ 15 U.S.C. 78f(b).

²⁰ 15 U.S.C. 78f(b)(5).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-BOX-2025-15 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-BOX-2025-15. 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-BOX-2025-15 and should be submitted on or before June 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

J. Matthew DeLesDernier,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0769]

Proposed Collection; Comment Request; Extension: Rule 139b

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that the Securities and Exchange Commission (the "Commission"), in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3501 *et seq.*) ("PRA"), is soliciting comments on the collection of information associated with the Rule 139b (17 CFR 230.139b) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) ("Securities Act") that was adopted by the Commission on November 30, 2018.¹ The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

As directed by the Fair Access to Investment Research Act of 2017 (Pub. L. 115-66, 131 Stat. 1196 (2017) (the "FAIR Act")), the Commission adopted rule 139b under the Securities Act to extend the safe harbor under rule 139 to a "covered investment fund research report." Specifically, rule 139b provides a safe harbor to a broker-dealer who publishes or distributes in the regular course of its business research reports concerning one or more "covered investment fund(s)" while participating in the distribution of a covered investment fund's securities.

In the Adopting Release, the Commission adopted the provision that rule 139b include a standardized performance disclosure requirement. The Commission believes that standardized performance presentation is an appropriate requirement because investors tend to consider fund performance a significant factor in evaluating or comparing investment companies, and the requirement addresses potential investor confusion if a communication were not easily recognizable as research as opposed to an advertising prospectus or supplemental sales literature. Rule 139b requires that research reports about open-end funds that include performance information must present it in accordance with paragraphs (d), (e), and (g) of rule 482. Rule 139b also requires that research reports about closed-end funds that include performance information must present it in accordance with instructions to item 4.1(g) of Form N-2. Performance measures calculated by broker-dealers are not required to be kept confidential and there is no mandatory retention period. The Commission anticipates that compliance with these performance measures for each fund discussed in a research report, and for which the performance measures apply, would increase compliance costs for broker-dealers seeking to publish or distribute a covered investment fund research report.

It is difficult to provide estimates of the burdens and costs for those broker-dealers that will include performance information in a rule 139b research report. As discussed in the Adopting Release, this is difficult to estimate because current data collected does not reflect the affiliate exclusion, does not include the entire universe of covered investment funds, and it is uncertain what percentage of communications currently filed as rule 482 advertising prospectuses (or rule 34b-1 supplemental sales materials) will instead be published in reliance of rule 139b, as covered investment fund research reports.² For purposes of the PRA, we estimate that 10% of the rule 482 and rule 34b-1 communications currently filed by broker-dealers with FINRA (approximately 50,909 in 2024) could be considered as rule 139b covered investment fund research reports. We estimate that broker-dealers will publish annually 5,091 (10% of 50,909) covered investment fund research reports. Moreover, we assume for purposes of the PRA that all

prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has satisfied this requirement.

²⁶ 17 CFR 200.30-3(a)(12).

¹ See Release No. 33-10580 (Nov. 30, 2018) [83 FR 64180 (Dec. 13, 2018)] ("Adopting Release"). Rule 139b became effective on January 14, 2019.

² See Adopting Release, *supra* note 1, n. 413 and accompanying paragraph.

estimated rule 139b research reports will include fund performance information. We further estimate that 1,030 broker-dealers would likely be respondents to the collection of information with a frequency of 4.9 responses per year.³ Additionally, we estimate that each research report will require 3 hours of ongoing internal burden hours by a broker-dealers' personnel to comply with the rule 139b collection of information requirements, which for each broker-dealer is estimated to be 14.7 internal burden hours.⁴ Accordingly, we estimate that the standardized performance presentation requirements will result in an average 14.7 annual hour burden per broker-dealer.

In sum, we estimate that rule 139b's requirements will impose a total annual internal hour burden of 15,141 hours on broker-dealers.⁵ We do not think there is an external cost burden associated with this collection of information.

This information collection is subject to the PRA and responses to this collection of information requirement would not be mandatory for broker-dealers seeking to rely upon rule 139b, but would be necessary for those broker-dealers that would like to provide performance information in their covered investment fund research reports. Responses to the information collections will not be kept confidential.

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.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (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, electronic collection techniques or other forms of information technology.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549 and send it by email to PaperworkReductionAct@sec.gov by August 4, 2025.

Dated: May 29, 2025.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–10096 Filed 6–3–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103145; File No. SR–NYSENAT–2025–12]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt NYSE Rule 4530

May 29, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that on May 16, 2025, NYSE National, Inc. (“NYSE National” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt New York Stock Exchange (“NYSE”) Rule 4530 (Reporting Requirements) without substantive change, and make certain conforming changes. 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.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt the text of NYSE Rule 4530 (Reporting Requirements) without substantive change, and make certain conforming changes. NYSE Rule 4530 was in turn based on Financial Industry Regulatory Authority, Inc. (“FINRA”) Rule 4530.

Background and Proposed Rule Change

NYSE Rule 4530 requires member organizations to promptly report to the NYSE specified events, such as statutory disqualifications and quarterly statistical and summary information regarding written customer complaints, and to file with the Exchange copies of certain criminal actions, civil complaints and arbitration claims. The NYSE uses this information for regulatory purposes to identify and initiate investigations of firms, offices and associated persons that may pose potential regulatory or other risks.

The NYSE adopted the text of FINRA Rule 4530 in 2011 to replace comparable provisions in its legacy reporting Rule 351.⁴ In 2024, the NYSE incorporated certain amendments previously made by FINRA into NYSE Rule 4530.⁵ The NYSE version of FINRA

⁴ See Securities Exchange Act Release No. 100168 (May 17, 2024), 89 FR 45712 (May 23, 2024) (SR–NYSE–2024–28). FINRA Rule 4530, adopted in 2010, was modeled after NYSE Rule 351(a)–(d) and NASD Rule 3070. See Securities Exchange Act Release No. 63260 (November 5, 2010), 75 FR 69508 (November 12, 2010) (SR–FINRA–2010–034). See also Securities Exchange Act Release No. 64560 (May 27, 2011), 76 FR 32246 (June 3, 2011) (SR–FINRA–2011–024).

⁵ See Securities Exchange Act Release No. 64785 (June 30, 2011), 76 FR 39946 (July 7, 2011) (SR–NYSE–2011–27). See generally Securities Exchange Act Release No. 68701 (January 18, 2013), 78 FR 5532 (January 25, 2013) (SR–FINRA–2013–006) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to FINRA Rule 4530).

Continued

³ From information provided by FINRA, for the period January 1, 2024 through December 31, 2024, there were an aggregate of 50,909 filings that were coded either as Rule 482 or Rule 34b1 filings (40,984 Rule 484 filings and 9,925 Rule 34b–1 filing); furthermore, the Commission estimates that for the period January 1, 2024 through December 31, 2024, there were 5,091 covered investment fund research reports/1,030 broker-dealers = 4.9 annual responses per broker-dealer.

⁴ 4.9 annual responses per broker-dealer × 3 internal burden hours = 14.7 annual internal burden hours per broker-dealer.

⁵ 14.7 annual internal burden hours × 1,030 broker-dealers.

Rule 4530 is substantially the same except for conforming changes reflecting the NYSE's membership and an extra Supplementary Material adding a definition of "person associated with a member organization," which the Exchange would retain with conforming changes to reflect its membership. The Exchange's affiliate NYSE American LLC also has adopted FINRA Rule 4530.

The Exchange proposes to adopt the text of NYSE Rule 4530 as NYSE National Rule 11.4530, with certain technical changes. For consistency with Exchange rules and to reflect the Exchange's current membership, the Exchange proposes to change all references to "member organization" or "member organizations" to "ETP Holder"⁶ or "ETP Holders." In addition, the Exchange would use "Person Associated with an ETP Holder," "Associated Person of an ETP Holder" and "Associated Person" interchangeably in the proposed Rule consistent with the definition in Rule 1.1(x).⁷ The text of proposed Rule 11.4530 is otherwise identical to NYSE Rule 4530. The Exchange does not currently have a comparable rule.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Section 6(b)(5),⁹ in particular, because it is designed to promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule change supports the objectives of the Act by providing greater harmonization between Exchange rules and the rules of its

affiliates and FINRA of similar purpose, resulting in less burdensome and more efficient regulatory compliance. In particular, ETP Holders that are also NYSE or FINRA members are already subject to Rule 4530 requirements and are currently reporting the information required by that rule to the NYSE or FINRA but are not reporting any of this information to the Exchange.¹⁰

Adopting NYSE Rule 4530 would promote just and equitable principles of trade by requiring the same reporting regime for affiliated exchanges. To the extent the Exchange has proposed changes that differ from the NYSE version of the proposed rule, such changes relate to the Exchange's membership structure and do not change the substance of the proposed rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather to achieve greater consistency between the Exchange's rules and the rules of its affiliate and FINRA concerning regulatory reporting.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act¹¹ and Rule 19b-4(f)(6) thereunder.¹² Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative

prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹³ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁴ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁵ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSENAT-2025-12 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-NYSENAT-2025-12. 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/>

(Reporting Requirements)); Securities Exchange Act Release No. 74953 (May 13, 2015), 80 FR 28740 (May 19, 2015) (SR-FINRA-2015-011) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Reporting Requirements of FINRA Rule 4530(a)(1)(H)).

⁶ An "ETP" refers to an Equity Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange. See Rule 1.1(h). An "ETP Holder" means an Exchange-approved holder of an ETP. See *id.* at (h).

⁷ Rule 1.1(x) provides the terms "Person Associated with an ETP Holder," "Associated Person of an ETP Holder" or "Associated Person" means any partner, officer, director, or branch manager of an ETP Holder (or any Person occupying a similar status or performing similar functions), any Person directly or indirectly controlling, controlled by, or under common control with an ETP Holder, or any employee of such ETP Holder, except that any Person Associated with an ETP Holder whose functions are solely clerical or ministerial shall not be included in the meaning of such terms.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ In fact, all Exchange ETP Holders are either FINRA members or NYSE member organizations. The Exchange believes that the membership overlap mitigates the previous absence of a comparable Exchange rule because ETP Holders would have reported all information required by proposed Rule 4530 to a responsible self-regulatory organization. Nonetheless, as noted above, the proposed rule would provide beneficial harmonization between Exchange rules and the rules of its affiliates and FINRA of similar purpose, resulting in less burdensome and more efficient regulatory compliance.

¹¹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹² 17 CFR 240.19b-4(f)(6).

¹³ 17 CFR 240.19b-4(f)(6).

¹⁴ 17 CFR 240.19b-4(f)(6)(iii).

¹⁵ 15 U.S.C. 78s(b)(2)(B).

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-NYSENAT-2025-12 and should be submitted on or before June 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-10117 Filed 6-3-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103153; File No. SR-CboeBYX-2025-014]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a Small Retail Broker Hosted Solutions Program and To Update the Existing Eligibility Requirements for the Small Retail Brokerage Distribution Program for the Cboe One Summary Feed and BYX Top Data

May 29, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 19, 2025, Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule

change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") proposes to introduce a Small Retail Broker Hosted Solutions Program and to update the existing eligibility requirements for the Small Retail Brokerage Distribution Program for the Cboe One Summary Feed and BYX Top Data Feed. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/BYX/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 adopt a Small Retail Broker Hosted Solutions Program (the "Program") for BYX Top Data and Cboe One Summary Data (collectively, the "Applicable Feeds").³ This Program will provide fee waivers and lower data costs for both (i) Small Retail Brokers (as defined herein) that provide the Applicable Feeds to other Small Retail Brokers via its hosted solutions (the "Hosting Small Retail Broker Distributor") and (ii) the Small Retail Brokers that receive this data

from a Hosting Small Retail Broker Distributor as set forth herein.

Further, the Exchange proposes to increase the allowed maximum Non-Professional Data User subscriber count for the existing Small Retail Broker Program for Cboe One Summary Feed and BYX Top Data Feed.

By way of background, the Exchange currently offers the BYX Top Data Feed, which is a data feed that offers top-of-book quotations and last sale information based on orders entered into the Exchange's System. The BYX Top Data Feed benefits investors by facilitating their prompt access to real-time top-of-book information contained in BYX Top Data. The Exchange's affiliated equities exchanges (*i.e.*, Cboe EDGA, Inc. ("EDGA"), Cboe BZX Exchange, Inc. ("BZX"), and Cboe EDGX Exchange, Inc. ("EDGX") (collectively, "Affiliates" and together with the Exchange, "Cboe Equities Exchanges") also offer similar top-of-book data feeds. Particularly, each of the Exchange's Affiliates offer top-of-book quotation and last sale information based on their own quotation and trading activity that is substantially similar to the information provided by the Exchange through the BYX Top Data Feed. Additionally, the Exchange also offers Cboe One Summary Data Feed that disseminates, on a real-time basis, the aggregate BBO of all displayed orders for securities traded on BYX and its affiliated equities exchanges and also contains individual last sale information for the BYX and its affiliated equities exchanges. The Cboe One Summary Data Feed is created using the data from the Exchange and its Affiliates' Top data feeds.

Currently, the Exchange offers a Small Retail Broker Distribution Program⁴ for both Applicable Data Feeds. This program provides a discounted Distribution Fee of \$250/month for BYX Top Data Feed and \$3,500/month for Cboe One Summary Data Feed as well as a discounted Data Consolidation Fee⁵ of \$350/month for Cboe One Summary Data for eligible participants.⁶ Participants of the existing Small Retail Broker Distribution Program must be an External Distributor that meets the following criteria: (i) Distributor is a broker-dealer distributing the Applicable Feed to Non-Professional Data Users with whom the broker-dealer has a brokerage relationship; (ii) At least 90% of the Distributor's total subscriber

⁴ See Cboe BYX Equities Fee Schedule.

⁵ This fee reflects the value of the aggregation and consolidation function the Exchange performs in creating the Cboe One Summary Feed.

⁶ See Cboe BYX Equities Fee Schedule.

¹⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Exchange initially submitted the proposed rule change on May 8, 2025 (SR-CboeBYX-2025-011). On May 19, 2025, the Exchange withdrew that filing and submitted this filing.

population must consist of Non-Professional subscribers, inclusive of any subscribers not receiving the Applicable Feed; and (iii) Distributor distributes the Applicable Feed to no more than 5,000 Non-Professional Data Users (the Exchange notes that it is proposing to increase this to 10,000 Non-Professional Data Users for Cboe One Summary Data Feed and BYX Top Data Feed as described further herein).⁷ The Exchange introduced this program to allow small retail brokers that purchase top of book market data from the Exchange to benefit from discounted fees for access to such market data. The Small Retail Broker Distribution Program reduces the distribution and consolidation fees paid by small broker-dealers that operate a retail business. In turn, the Small Retail Broker Distribution Program is intended to increase retail investor access to real-time U.S. equity quote and trade information, and allow the Exchange to better compete for this business with competitors⁸ that offer similar optional products.⁹

The Exchange now proposes to create a new Program based on the proposed eligibility criteria for Small Retail Brokers to specifically support Small Retail Brokers who are operating platforms on behalf of other Small Retail Brokers. Based on customer feedback, there are Small Retail Brokers who would like to provide this data via a hosted solution as a White Label Service¹⁰ to other Small Retail Brokers, who then provide this data to their retail clients (an "External Hosted Subscriber").¹¹ Unfortunately, under the existing structure, while the Small Retail Broker may be eligible for the discounted Distribution Fee (and for Cboe One Summary, the discounted

Data Consolidation Fee), the External Hosted Subscriber must also pay the Distribution Fee (and for Cboe One Summary, the Data Consolidation Fee), in addition to the standard Professional and Non-Professional User fees. Therefore, the existing fee structure does not allow for any additional benefits for Hosting Small Retail Broker Distributors for providing the valuable service of operating platforms that External Hosted Subscribers may use for their clients.

Of further note, the Hosting Small Retail Broker is responsible for reporting its External Hosted Subscribers and their users, and ultimately the Hosting Small Retail Broker is responsible for payment of all data fees for both its External Hosted Subscribers and itself. While the Exchange is not privy to pass-through costs between Hosting Small Retail Brokers and the External Hosted Subscribers, the Hosting Small Retail Broker is ultimately charged Distribution Fees (in addition to the other applicable fees) for the (i) Applicable Feed to the External Hosted Subscriber and (ii) Applicable Feed to the External Hosted Subscriber's end users, despite the Hosting Small Retail Broker managing the application for the External Hosted Subscriber's users. This proposed Program is intended to provide relief for the overall charges that a Hosting Small Retail Broker incurs based on operating a platform that allows an External Hosted Subscriber's retail users to receive data.

Under the proposed program, a Hosting Small Retail Broker providing the data to at least one External Hosted Subscriber would be eligible for a credit of its Distribution Fee (a credit of \$250/month for BYX Top Data Feed and a credit of \$3,500/month for Cboe One Summary Feed) that it is normally responsible for under the existing Small Retail Broker Program. Additionally, the External Hosted Subscriber shall also receive a waiver of the Distribution Fee (a credit of \$250/month for BYX Top Data Feed and a credit of \$3,500/month for Cboe One Summary Feed). The External Hosted Subscriber will also receive a waiver of the Data Consolidation Fee for the Cboe One Summary Data (a credit of \$350/month) and in lieu of paying the Non-Professional User fees, it shall be a set monthly fee of \$100 for BYX Top and \$850 for Cboe One Summary Data.¹²

The Professional User fees shall remain the same. Once an External Hosted Subscriber exceeds the Non-Professional Data User maximum (no more than 10,000 Non-Professional Data Users for Cboe One Summary Data and BYX Top Data), the External Hosted Subscriber shall no longer be eligible for the program and will be required to directly license with the Exchange for the Applicable Feed.¹³

In addition to the changes set forth above, the Exchange also proposes to modify the existing Small Retail Broker Program for Cboe One Summary Feed and BYX Top Feed to increase the number of Non-Professional Data User maximum from 5,000 to 10,000 to be consistent with the proposed threshold for External Hosted Subscribers. As previously discussed, the Exchange proposes to also use the cap of 10,000 Non-Professional Data Users for the proposed Program. The Exchange proposes to increase this in support of increased participation across both retail and investor markets in order to facilitate the growth of smaller retail brokers on a global scale.

As mentioned above, the existing fee structure makes it costly for both Hosting Small Retail Broker Distributors and its External Hosted Subscribers to provide data to the External Hosted Subscribers retail clients as Distribution Fees are incurred on both Small Retail Brokers. With this fee proposal, the Exchange hopes to make its data more widely accessible for retail users who receive their data from External Hosted Subscribers.

The purpose of the proposed rule change is to (i) further increase the competitiveness of the Exchange's top of book market data products compared to competitor offerings that may currently be cheaper for firms with a limited subscriber base that do not yet have the scale to take advantage of the lower subscriber fees offered by the Exchange and (ii) provide additional incentives for Hosting Small Retail Broker Distributors to provide hosted solution services for other Small Retail Brokers in order to make data more widely available to retail investors. In turn, the Exchange believes that this change may benefit market participants and investors by spurring additional

Professional = \$2,500 and \$2,500 - 850 = \$1,650) for Cboe One Summary Feed.

¹³ The Exchange notes that it will include a clarifying note in its Fee Schedule to specify that in the event a Hosting Small Retail Broker Distributor joins this program mid-month, that its fees shall be prorated for the month based on the initial date of the subscription; however, the External Hosted Subscriber's fees shall not be prorated.

⁷ *Id.*

⁸ Such as NYSE Arca BBO feed or Nasdaq Basic.

⁹ See Securities Exchange Act Release No. 88221 (February 14, 2020), 85 FR 9904 (February 20, 2020) (SR-CboeBYX-2020-007).

¹⁰ A "White Label Service" is a type of hosted display solution in which an External Distributor hosts or maintains a website or platform on behalf of the External Hosted Subscriber. The service allows the External Distributor to make the applicable data (i.e., Cboe One Summary or BYX Top Data) available on a platform that is branded with the External Hosted Subscriber, or co-branded with the External Hosted Subscriber and the External Distributor. The External Distributor maintains control of the application's data, entitlements and display.

¹¹ An External Hosted Subscriber of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product from an External Distributor through a hosted display solution where the External Hosted Subscriber's Users are hosted by the External Distributor and data is distributed for display use only to one or more Users outside the External Hosted Subscriber's own entity. The Exchange proposes to add this definition into its Fee Schedule.

¹² As the Program is capped at 10,000 users for Cboe One Summary Feed and 10,000 for BYX Top Data Feed, this equates to a maximum savings of \$150 (10,000 Users × 0.025/Non-Professional User = \$250 and \$250 - 100 = \$150) for BYX Top Data Feed and \$1,650 (10,000 Users × 0.25/Non-

competition and increasing the accessibility of the Exchange's top of book data. The Exchange notes that at least one other exchange has a similar offering. For example, the New York Stock Exchange has a Redistribution Fee Waiver for NYSE Trades, for which redistributors of data may have their redistribution fee waived so long as they provide the data to at least one data feed recipient and reports such data feed recipient or recipients to the Exchange.¹⁴

Without the proposed pricing discounts, the Exchange believes that (i) prospective customers may not be interested in purchasing top of book data from the Exchange, and may instead purchase such data from other national securities exchanges or the SIPs, potentially at a higher cost than would be available pursuant to the proposed program and (ii) that Hosting Small Retail Broker Distributors are not incentivized to make the Applicable Feeds available via a hosted solution for retail investors of its External Hosted Subscribers. Similar to the existing Small Retail Broker Program previously introduced, the Exchange believes that this Program will continue to increase competition for such market data, and that enhanced competition could help to further reduce data fees as providers compete for subscribers, as well as help diversify the availability and quality of data offerings available to retail investors through their Hosting Small Retail Broker Distributors. Ultimately, the Exchange believes that it is critical that it be allowed to compete by offering attractive pricing to customers as increasing the availability of such products ensures continued competition with alternative offerings. Such competition may be constrained when competitors are impeded from offering alternative and cost-effective solutions to customers.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,¹⁵ in general, and furthers the objectives of Section 6(b)(4),¹⁶ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.¹⁷ Specifically,

the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,¹⁸ which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, and in particular retail investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are sixteen registered national securities exchanges that trade U.S. equities and offer associated top of book market data products to their customers. The national securities exchanges also compete with the SIPs for market data customers. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁹ The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for its proprietary top of book data offerings.

Making alternative data products available to market participants ultimately ensures increased competition in the marketplace, and constrains the ability of exchanges to

charge prohibitive fees. In the event that a market participant views one exchange's top of book data fees as more or less attractive than the competition they can, and frequently do, switch between competing products. In fact, the competitiveness of the market for such top of book data products is one of the primary factors animating this proposed rule change, which is designed to allow the Exchange to further compete for this business. As mentioned above, at least one other Exchange provides a similar waiver for redistribution of market data.²⁰

The Exchange notes that the Applicable Feeds are distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make these data products available. Distributors (including vendors) and Users can therefore discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Further, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

The Commission has long stressed the need to ensure that the equities markets are structured in a way that meets the needs of ordinary investors. For example, the Commission's strategic plan for fiscal years 2018–2022 touts "focus on the long-term interests of our Main Street investors" as the Commission's number one strategic goal.²¹ The Program would be consistent with the Commission's stated goal of improving the retail investor experience in the public markets. Furthermore, national securities exchanges commonly charge reduced fees and offer market structure benefits to retail investors, and the Commission has consistently held that such incentives are consistent with the Act. The Exchange believes that the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.

The Exchange proposes that the proposed waivers for the Applicable Feeds only apply to Hosting Small Retail Broker Distributors and its External Hosted Subscribers for three reasons. The first is that the Hosting Small Retail Broker Distributors

¹⁴ See Securities Exchange Act Release No. 90407 (November 12, 2020), 85 FR 73570 (November 18, 2020) (SR-NYSE-2020-91).

¹⁵ 15 U.S.C. 78f.

¹⁶ 15 U.S.C. 78f(b)(4).

¹⁷ 15 U.S.C. 78k-1.

¹⁸ See 17 CFR 242.603.

¹⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

²⁰ See supra note 10.

²¹ See U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf.

undertake the operation of the platform of which the ultimate retail investors view the data provided by the External Hosted Subscriber. The Hosting Small Retail Broker Distributor maintains control of the application's data, entitlements and display. In comparison, to the existing Small Retail Broker Program, eligible participants have no such obligations and are eligible for this only by meeting the requirements and externally distributing the data (which may be directly to retail investors). In order to incentivize the Hosting Small Retail Broker Distributors to undergo this challenge, the Exchange believes it is not unfairly discriminatory to provide a waiver of the Distribution Fee for the Hosting Small Retail Broker, as opposed to the standard discounted Distribution Fee it would normally pay under the Small Retail Broker Program.

Next, by creating this program, the Exchange is further able to reach additional retail investors. By waiving Distribution Fees for both the Hosting Small Retail Broker Distributor and its External Hosted Subscriber, both parties are incentivized to work together to provide data to retail investors. Finally, as mentioned previously, the Hosting Small Retail Broker is responsible for the fees and reporting for both its activity and its External Hosted Subscriber. This means that under the existing program, if a Hosting Small Retail Broker has one External Hosted Subscriber, the Hosting Small Retail Broker is receiving a bill for two Distribution Fees, two Data Consolidation fees and the cost of both its and its External Hosted Subscriber's Professional Users and Non-Professional Users. Through this program, the fees will not be a deterrent for Hosting Small Retail Brokers and External Hosted Subscribers to establish platforms that reach a wider scope of retail investors.

Furthermore, while this Program would be effectively limited to smaller firms in accordance with the proposed eligibility requirements, the Exchange does not believe that this limitation makes the fees inequitable or unfairly discriminatory. The Exchange notes that large broker-dealers and/or vendors that distribute the Exchange's data products to a sizeable number of investors benefit from the current fee structure, which includes lower subscriber fees and Enterprise licenses. Due to lower subscriber fees, distributors that provide Applicable Data Feeds to more than the proposed capped amounts of Users permitted under either the Small Retail Broker Program or this Program already enjoy cost savings compared to competitor products. The Program, in addition to the existing Small Retail

Broker Program, would therefore continue to ensure that small retail brokers that distribute top of book data to their retail investor customers could also benefit from reduced pricing, and would aid in increasing the competitiveness of the Exchange's data products for this key segment of the market.

The Exchange believes that the proposed cap of 10,000 for the Cboe One Summary Data Feed and BYX Top Data Feed for this Program, as well as increasing this cap to 10,000 for the Cboe One Summary Data Feed and BYX Top Data Feed for the Small Retail Broker Program is reasonable and not unfairly discriminatory as the Exchange believes it is in the best interest of all market participants to more broadly expand this in support of inclusion for more retail investors by participation in both programs by small retail brokers on a global scale.

Distribution Fee Waiver

The Exchange believes that the Distribution Fee Waivers for both the External Hosted Subscriber and the Hosting Small Retail Broker Distributor are reasonable as they represent a significant cost reduction for the Hosting Small Retail Broker Distributor to provide a hosted solution for the External Hosted Subscriber, to ultimately provide the data to the External Hosted Subscriber's retail investors. While the existing fee structure does provide a benefit of a discounted waiver for Small Retail Brokers that externally distribute the data, these discounted Distribution Fees are still incurred by both the External Hosted Subscriber and the Hosting Small Retail Broker Distributor. In an attempt to alleviate these costs, and make this data more available to retail investors, the Exchange proposes to waive the Distribution Fees for both the Hosting Small Retail Broker Distributor and the External Hosted Subscriber. With this Program, the Exchange believes it will increase market accessibility and data to investors on a global scale. Exchange Hosted Subscribers may not have the infrastructure or technical capabilities to offer market data and/or execution services to its retail investors. Through waiving these fees for the External Hosted Subscriber, the Exchange hopes to reach a broader scale of retail investors globally. Further, as discussed above, the Exchange also believes it is appropriate and not unfairly discriminatory to limit this specific credit to the External Hosted Subscriber and the Hosting Small Retail Broker Distributor given the development and

maintenance the Hosting Small Retail Broker Distributor undergoes to provide this data to the External Hosted Subscriber's end users.

Data Consolidation Fee Waiver

The Exchange believes it is reasonable to not charge the External Hosted Subscriber the Data Consolidation Fee for Cboe One Summary Data for the duration of the time that they are eligible for this program. As previously discussed, the waiver of fees for the External Hosted Subscriber is intended to make this data more available to retail investors. The Exchange also believes it is appropriate and not unfairly discriminatory to limit this specific credit to the External Hosted Subscriber because, as described above, the Exchange believes by alleviating some of the barriers to entry, that Exchange Hosted Subscribers are able to bring this data and execution services to their retail investors. Of further note, the Exchange believes it is reasonable to maintain this cost for the Hosting Small Retail Broker Distributor as the Hosting Small Retail Broker Distributor is the party receiving this data from the Exchange where it is consolidated for the benefit of the Hosting Small Retail Broker Distributor.

Fixed Cost of Non-Professional Users

The Exchange believes it is reasonable to set a fixed cost for Non-Professional Users fees for External Hosted Subscribers by charging a flat, fixed cost instead of charging per user to allow for additional savings. Under this structure, the External Hosted Subscriber shall still be responsible by paying the standard per User fee of a Professional Users under the Applicable Feed. The Exchange does not believe this is unfairly discriminatory as the program is based around making the Applicable Feeds available for Non-Professional Users. The Exchange also notes that it has taken a similar approach here to the NYSE Per User Access Fee, which sets a fixed cost where the data is used only for display purposes.²²

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by: (i) Competition among

²² See NYSE Proprietary Market Data Pricing Guide, April 1, 2025.

exchanges that offer similar data products to their customers; and (ii) the existence of inexpensive real-time consolidated data disseminated by the SIPs. Top of book data is disseminated by both the SIPs and the sixteen equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the cheapest top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce the cost of top of book data provided by Hosting Small Retail Broker Distributors to its External Hosted Subscribers, and in turn, their retail investors. The Exchange believes that this would facilitate greater access to such data, ultimately benefiting the retail investors that are provided access to such market data.

The Exchange does not believe that this price reduction would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. Indeed, as explained in the basis section of this proposed rule change, the Exchange's decision to (i) waive the Distribution Fee for the Hosting Small Retail Broker and the External Hosted Subscriber and (ii) waiving the Consolidation Fee (when applicable) for the External Hosted Subscriber and (iii) setting a fixed cost for the Non-Professional Users for the External Hosted Subscriber is itself a competitive response to different fee structures available on competing markets. The Exchange therefore believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers. The Exchange also believes that the proposed reduction in fees the Hosting Small Retail Broker and the External Hosted Subscriber would not cause any unnecessary or inappropriate burden on intramarket competition. Although the proposed fee discount would be largely limited to small retail broker subscribers, larger broker-dealers and vendors can already purchase top of book data from the Exchange at prices that represent a

significant cost savings when compared to competitor products that combine higher subscriber fees with lower fees for distribution. In light of the benefits already provided to this group of subscribers, the Exchange believes that additional discounts to small retail brokers would increase rather than decrease competition among broker-dealers that participate on the Exchange. Furthermore, as discussed earlier in this proposed rule change, the Exchange believes that offering pricing benefits to brokers that represent retail investors facilitates the Commission's mission of protecting ordinary investors, and is therefore consistent with the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and paragraph (f) of Rule 19b-4²⁴ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBYX-2025-014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f).

Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBYX-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-CboeBYX-2025-014 and should be submitted on or before June 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁵

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-10118 Filed 6-3-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0107]

Proposed Collection; Comment Request; Extension: Form T-4—Application for Exemption

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995

²⁵ 17 CFR 200.30-3(a)(12).

(44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form T-4 (17 CFR 269.4) is a form used by an issuer to apply for an exemption under Section 304(c) (15 U.S.C. 77ddd (c)) of the Trust Indenture Act of 1939 (77 U.S.C. 77aaa *et seq.*). We estimate that Form T-4 takes approximately 5 hours per response to prepare and is filed by approximately 3 respondents annually. We estimate that 20% of the 5 burden hours (1 hour per response) is prepared by the filer for a total annual reporting burden of 3 hours (1 hour per response × 3 responses annually). We estimate that 80% of the 5 burden hours (4 hours per response) is carried by outside professionals retained by the filer to assist in the preparation of the form, at an estimated cost of \$600 per hour, for a total annual cost burden of \$7,200 (4 hours per response × \$600 per hour × 3 responses annually).

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.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC’s estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (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, electronic collection techniques or other forms of information technology.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549 and send it by email to PaperworkReductionAct@sec.gov by August 4, 2025.

Dated: May 29, 2025.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–10095 Filed 6–3–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103150; File No. SR–PEARL–2025–24]

Self-Regulatory Organizations; MIAx PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAx Pearl Equities Fee Schedule To Amend the Fees for Ports

May 29, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 22, 2025, MIAx PEARL, LLC (“MIAx Pearl” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule (the “Fee Schedule”) applicable to the Exchange’s equities trading platform (“MIAx Pearl Equities”³) to amend the fees for three types of ports, FIX, MEO, and FXD, each of which are described below. Specifically, the Exchange proposes to eliminate the tiered pricing structure by no longer providing a certain number of FIX and MEO ports for free and subject each purchased FIX and MEO port to the same fee. Likewise, the Exchange proposes to no longer provide all FXD ports for free and subject each purchased FXD port to the same fee as the Exchange charges for each FIX and MEO port. As a result of these changes, the Exchange also proposes to amend the Fee Schedule to remove the defined term “Waiver Period”⁴ as there will no longer be any fees subject to a Waiver

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ All references to the “Exchange” in this filing refer to MIAx Pearl Options. Any references to the equities trading facility of MIAx PEARL, LLC will specifically be referred to as “MIAx Pearl Equities.”

⁴ The term “Waiver Period” means, for each applicable fee, the period of time from the initial effective date of the MIAx Pearl Equities Fee Schedule until such time that MIAx Pearl has an effective fee filing establishing the applicable fee. MIAx Pearl Equities will issue a Regulatory Circular announcing the establishment of an applicable fee that was subject to a Waiver Period at least fifteen (15) days prior to the termination of the Waiver Period and effective date of any such applicable fee. See the Definitions section of the Fee Schedule.

Period upon the effectiveness of this filing. As described more fully below, the proposed fees described herein for each FIX, MEO and FXD port are comparable to, or lower than, the fees charged by other exchanges for similar port connectivity.

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/us-options/pearl-options/rule-filings> at MIAx Pearl’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the fees for three types of ports, FIX, MEO, and FXD, each of which are described below. Specifically, the Exchange proposes to eliminate the tiered pricing structure by no longer providing a certain number of FIX and MEO ports for free and subject each purchased FIX and MEO port to the same fee. Likewise, the Exchange also proposes to no longer provide all FXD ports for free and subject each purchased FXD port to the same fee as each FIX and MEO port. As a result of these changes, the Exchange also proposes to amend the Fee Schedule to remove the defined term “Waiver Period” as there will no longer be any fees subject to a Waiver Period upon the effectiveness of this filing. As described more fully below, the proposed fees described herein for each FIX, MEO and FXD port are comparable to, or lower than, the fees charged by other exchanges for similar port connectivity.

The Exchange offers Equity Members⁵ three types of ports: (i) FIX ports;⁶ (ii)

⁵ The term “Equity Member” means a Member authorized by the Exchange to transact business on MIAx PEARL Equities. See Exchange Rule 1901.

⁶ The term “FIX Port” means a FIX port that allows Equity Members to send orders and other

MEO ports;⁷ and (iii) FXD ports.⁸ FIX ports allow Equity Members to send orders and other messages using the FIX Order Interface.⁹ The FIX Order Interface is a gateway connection to the Exchange and allows Equity Members to use the industry standard FIX protocol with MIAx Pearl Equities specific extensions for the transmission of orders and other messages to and from the Exchange.¹⁰ The FIX Order Interface validates incoming orders and forwards them to the appropriate matching engine. Executions and cancellation notifications are provided through each FIX Order Interface to Equity Members through their FIX ports.¹¹

MEO ports provide Equity Members with order entry capabilities to all Exchange matching engines using the Exchange's proprietary binary MEO Interface protocol. The MEO Interface will route an order to the appropriate matching engine based on the security. Equity Members have flexibility in setting up MEO ports to cater to their architecture.¹²

FXD ports allow Equity Members and clearing firms to receive real-time order activities of firms' orders over the MEO and FOI Interfaces.¹³ The Exchange offers two types of FXD ports: (1) Standard FIX Drop port; and (2) FIX Order by Order Drop port.¹⁴ Standard FIX Drop ports will only send trade information, including execution reports and trade cancel/correct

messages. FIX Order by Order Drop ports will send all order activities including execution reports, trade cancel/correct messages, and optionally order rejects.¹⁵

The Exchange currently provides the first five (5) FIX and MEO ports, respectively, for free and all FXD ports for free. The Exchange charges the following separate monthly fees for FIX and MEO ports: \$450 per port per month for the 6th port and for each port thereafter utilized by an Equity Member. FIX and MEO Ports are counted separately for the tiers in the monthly Port Fee Table in section 2)d) of the Fee Schedule. As a new exchange entrant, the Exchange chose to offer a limited number of FIX, MEO, and FXD ports for free to encourage market participants to trade on the Exchange and experience, among things, the quality of the Exchange's technology and trading functionality. This practice is not uncommon. New exchanges often do not charge fees or charge lower fees for certain products and services, such as ports, to attract order flow to an exchange, and later amend their fees to reflect the true value of those products or services, absorbing all costs to provide those products or services in the meantime. Allowing new exchange entrants time to build and sustain market share through various pricing incentives before increasing non-transaction fees encourages market entry and fee parity, which promotes competition among exchanges. It also enables new exchanges to mature their markets and allow market participants to trade on the new exchanges without fees serving as a potential barrier to attracting memberships and order flow.¹⁶

¹⁵ *Id.*

¹⁶ See Securities Exchange Act Release No. 90651 (December 11, 2020), 85 FR 81971 (December 17, 2020) (SR-PEARL-2020-33). See also, e.g., Securities Exchange Act Release No. 94894 (May 11, 2022), 87 FR 29987 (May 17, 2022) (SR-BOX-2022-17) (stating, "[t]he Exchange established this lower (when compared to other options exchanges in the industry) Participant Fee in order to encourage market participants to become Participants of BOX. . ."). See also Securities Exchange Act Release No. 90076 (October 2, 2020), 85 FR 63620 (October 8, 2020) (SR-MEMX-2020-10) (proposal to adopt the initial fee schedule and stating that "[u]nder the initial proposed Fee Schedule, the Exchange proposes to make clear that it does not charge any fees for membership, market data products, physical connectivity or application sessions."). MEMX's market share increased and then MEMX established numerous non-transaction fees, including fees for membership, market data, and connectivity. See Securities Exchange Act Release Nos. 93927 (January 7, 2022), 87 FR 2191 (January 13, 2022) (SR-MEMX-2021-19) (establishing membership fees); 96430 (December 1, 2022), 87 FR 75083 (December 7, 2022) (SR-MEMX-2022-32) and 95936 (September 27, 2022), 87 FR 59845 (October 3, 2022) (SR-MEMX-2022-

MIAx Pearl Equities has been in operation for over four and a half years and the original tiered pricing scheme has outlived its utility. Therefore, similar to other exchanges, the Exchange now proposes to eliminate the tiered pricing structure by no longer providing the first five (5) FIX and MEO ports, respectively, for free and will now charge \$450 per FIX and MEO port per month. The Exchange also proposes to no longer provide FXD ports for free and will now charge \$450 per FXD port per month, which is the same rate the Exchange proposes to charge for each FIX and MEO port.¹⁷

As a result of the above proposed changes, the Exchange will no longer offer any products or services that are subject to a fee waiver period. Therefore, the Exchange proposes to amend the Definitions section and Section 2)d) of the Fee Schedule to remove all references to the "Waiver Period." The Exchange issued an alert and Regulatory Circular publicly announcing the proposed changes on April 9, 2025.¹⁸ The proposed changes subject to this proposal are immediately effective.¹⁹

2. Statutory Basis

The Exchange believes that the proposed fee changes are consistent with the provisions of Section 6(b)²⁰ of the Act in general, and furthers the objectives of Section 6(b)(4)²¹ of the Act, in particular, in that they are designed to provide for the equitable allocation of reasonable dues, fees and

26) (establishing connectivity fees). See also, e.g., Securities Exchange Act Release No. 88211 (February 14, 2020), 85 FR 9847 (February 20, 2020) (SR-NYSE-NAT-2020-05) (establishing market data fees for the NYSE National exchange after initially providing market data for free).

¹⁷ Since the Exchange will no longer offer any ports for free, the Exchange proposes to remove the following sentence below the Port Fee Table in Section 2)d) of the Fee Schedule, "MEO and FIX ports are counted separately for the tiers in the able." The purpose of this change is to remove rule text that will no longer apply. Since each FIX, MEO and FXD port will be charged the same rate of \$450 per port per month, there are no longer any tiers to count for purposes of determining whether Equity Members receive certain ports for free.

¹⁸ See Fee Change Alert, MIAx Pearl Equities—May 1, 2025 Port Fee Changes (dated April 9, 2025), available at <https://www.miaxglobal.com/alert/2025/04/09/miax-pearl-equities-may-1-2025-port-fee-changes> and MIAx Pearl Equities Exchange Regulatory Circular 2025-05 (dated April 9, 2025), available at https://www.miaxglobal.com/sites/default/files/circular-files/MIAx_Pearl_Equities_RC_2025_05.pdf.

¹⁹ The Exchange initially filed this proposal on April 30, 2025. See Securities Exchange Act Release No. 103043 (May 14, 2025), 90 FR 21520 (May 20, 2025) (SR-PEARL-2025-19). On May 22, 2025, the Exchange withdrew SR-PEARL-2025-19 and refiled this proposal.

²⁰ 15 U.S.C. 78f.

²¹ 15 U.S.C. 78f(b)(4).

messages using the FIX protocol (also referred to as the FIX Order Interface, defined herein). See the Definitions section of the Fee Schedule.

⁷ See the Definitions section of the Fee Schedule.

⁸ The term "FIX Drop Port" or "FXD" means a messaging interface that provides real-time order activities of firms' MEO and FOI orders. See the Definitions section of the Fee Schedule. Standard FIX Drop ports only send trade information and include Execution Reports and Trade Cancel/Correct messages. See MIAx Pearl Equities Exchange User Manual, updated January 2025, at page 10, available at https://www.miaxglobal.com/miax_pearl_equities_user_manual_jan_2025.pdf (the "User Manual"). FIX Order by Order Drop ports send all order activities, including all Execution Reports, Trade Cancel/Correct messages, and optionally order rejects. *Id.* The term "Equities Market Maker" shall mean an Equity Member that acts as a Market Maker in equity securities, pursuant to Chapter XXVI of the Exchange's Rules. See Exchange Rule 1901. The term "Equities Order Entry Firm", "Order Entry Firm", or "OEF", shall mean those Equity Members representing orders as agent on MIAx Pearl Equities and those non-Equity Market Maker Members conducting proprietary trading. *Id.*

⁹ See the Definition section of the Fee Schedule.

¹⁰ See MIAx Pearl Equities FAQ, modified February 2025, at page 8, available at https://www.miaxglobal.com/miax_pearl_equities_faq_feb_2025.pdf (the "MIAx Pearl Equities FAQ").

¹¹ See *id.*

¹² See MIAx Pearl Equities FAQ, *supra* note 10.

¹³ See the Definitions section of the Fee Schedule.

¹⁴ See MIAx Pearl Equities FAQ, *supra* note 10, at page 9.

other charges among the Exchange's Equity Members and other persons using its facilities. Additionally, the Exchange believes that the proposal is consistent with the objectives of Section 6(b)(5) ²² of the Act in that the changes are designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to a free and open market and national market system, and, in general, protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposed Fees Are Reasonable and Comparable to the Port Fees Charged by Other Exchanges for Similar Ports

The proposed port fees are comparable to those of other equities exchanges with similar market share. Based on publicly-available information, no single exchange had more than approximately 14–15% of the equities market share for the month of March 2025,²³ and the Exchange compared the fees proposed herein to the fees charged by other equities exchanges with similar market share. A more detailed discussion of the comparison follows.

FIX and MEO Port Fees

The proposed FIX and MEO port fees for Equity Members that utilize 1 to 5 ports are the same as currently charged

by the Exchange for Equity Members that utilize 6 or more FIX or MEO ports (with each type of port counted separately). The proposed fees are also lower than the port fees charged by the equities markets of Cboe BYX Exchange, Inc. ("BYX Equities"), Cboe EDGA Exchange, Inc. ("EDGA Equities"), NYSE Texas, Inc. ("NYSE Texas"), and Nasdaq BX, Inc. ("Nasdaq BX") for their ports that provide similar functionality. Further, BYX Equities, EDGA Equities, NYSE Texas, and Nasdaq BX all have comparable market share to the Exchange, as summarized below. The Exchange also notes that it proposes to eliminate the tiered pricing structure and now charge a single flat fee per port for all ports, similar to each of the exchanges described below.

Exchange	Equities market share (March 2025) (%)	FIX port fees ("logical")	MEO port fees ("logical" or "OUCH")
MIAX Pearl Equities	1.02	\$450	\$450
BYX Equities	0.75	^d \$550	^e \$550
EDGA Equities	0.69	^f \$550	^g \$550
NYSE Texas	0.31	^h \$455	ⁱ \$455
Nasdaq BX	0.27	^j \$500	^k \$500

^a BYX Equities, EDGA Equities and NYSE Texas use the term "Logical" when describing their ports with similar functionality as the Exchange's FIX Ports.

^b BYX Equities, EDGA Equities and NYSE Texas use the term "Logical" when describing their ports with similar functionality as the Exchange's MEO Ports.

^c Nasdaq BX uses the term/name "OUCH" when describing their ports with similar functionality as the Exchange's MEO Ports.

^d See BYX Equities Fee Schedule, Logical Port Fees section, *available at BYX Equities Fee Schedule* (last visited April 9, 2025).

^e See *id.*

^f See EDGA Equities Fee Schedule, Logical Port Fees section, *available at EDGA Equities Fee Schedule* (last visited April 9, 2025).

^g See *id.*

^h See NYSE Texas Fee Schedule, Section D.1 Port Charges—Logical Connections, *available at https://www.nyse.com/publicdocs/nyse/markets/nyse-texas/NYSE_Texas_Fee_Schedule.pdf* (last visited April 9, 2025).

ⁱ See *id.*

^j See BX Equity Rules, Equity 7 Pricing Schedule, Section 115 Ports and other Services, *available at https://listingcenter.nasdaq.com/rulebook/bx/rules/BX%20Equity%207* (last visited April 9, 2025).

^k See *id.*

A more detailed discussion of the comparison follows.

BYX Equities and EDGA Equities. BYX Equities, with a market share of approximately 0.75%, and EDGA Equities, with a market share of approximately 0.69%, have comparable market share to the Exchange (approximately 1.02%), and charge higher fees (\$550 per port per month compared to the Exchange's proposal of \$450 per port per month) for each Logical Port than the Exchange proposes to charge for each FIX and MEO Port. The BYX Equities and EDGA Equities Logical Ports include, among other

types, FIX ²⁴ and Binary Order Entry ("BOE") ²⁵ ports, which are used for order entry for BYX Equities and EDGA Equities,²⁶ similar to the Exchange's FIX and MEO ports.

NYSE Texas. NYSE Texas, with a market share of approximately 0.31%, has a comparable market share to the Exchange (approximately 1.02%), and charges slightly higher fees (\$455 per port per month compared to the Exchange's proposal of \$450 per port per month) for each NYSE Texas Logical Port than the Exchange proposes to charge for each FIX and MEO port. The NYSE Texas Logical Ports include

access to NYSE Texas via both FIX and binary protocols, which are used for order entry for NYSE Texas, similar to the Exchange's FIX and MEO ports. NYSE Texas assesses a Logical Port charge for each participant that connects to the exchange. Unlike the Exchange,²⁷ NYSE Texas assesses a separate port charge for each port connected to the main trading system and for each back-up connection.

Nasdaq BX. Nasdaq BX, with a market with a market share of approximately 0.27%, has a comparable market share to the Exchange (approximately 1.02%), and charges higher fees (\$500 per port

²² 15 U.S.C. 78f(b)(5).

²³ See the Market Share section of the Exchange's website, *available at https://www.miaxglobal.com/company/data/market-share* (last visited April 5, 2025).

²⁴ FIX Ports are the industry standard order entry ports utilized by the Cboe family of exchanges,

similar to the Exchange's FIX Ports. *See, generally*, Cboe Titanium U.S. Equities FIX Specification, Version 2.9.39 (March 31, 2025), *available at* Cboe FIX Specification (last visited April 9, 2025).

²⁵ BOE Ports are the proprietary order entry protocol for the Cboe family of exchanges, similar to the Exchange's MEO Ports. *See, generally*, Cboe Titanium Cboe U.S. Equities Binary Order Entry

Specification, Version 2.4.43 (March 31, 2025), *available at* Cboe BOE Specification (last visited April 9, 2025).

²⁶ See Securities Exchange Act Release No. 100436 (June 26, 2024), 89 FR 54947, footnote 4 (July 2, 2024) (SR–CboeBYX–2024–023).

²⁷ See Fee Schedule, Section 2(d).

per month compared to the Exchange's proposal of \$450 per port per month) for each OUCH and FIX Trading Port.

OUCH is Nasdaq BX's proprietary port for order entry and receiving status updates,²⁸ while FIX is Nasdaq BX's standard format port for order entry,²⁹ similar to the Exchange's MEO and FIX

ports, respectively. Nasdaq BX's OUCH and FIX Ports can be used by Nasdaq BX market makers and order entry firms.³⁰

FXD Port Fees

The proposed FXD port fees are the same as currently charged by the Exchange for Equity Members that utilize the Exchange's FIX and MEO

ports. The proposed FXD port fees are also lower than the port fees charged by BYX Equities and EDGA Equities for their ports that provide similar functionality. Further, BYX Equities and EDGA Equities have comparable market share to the Exchange, as summarized in the table below.

Exchange	Equities market share (March 2025) (%)	FXD port fees ("Logical")
MIAX Pearl Equities	1.02	\$450
BYX Equities	0.75	¹ 550
EDGA Equities	0.69	^m 550

¹ See BYX Equities Fee Schedule, Logical Port Fees section, available at *BYX Equities Fee Schedule* (last visited April 9, 2025).

^m See EDGA Equities Fee Schedule, Logical Port Fees section, available at *EDGA Equities Fee Schedule* (last visited April 9, 2025).

A more detailed discussion of the comparison follows.

BYX Equities and EDGA Equities. BYX Equities, with a market share of approximately 0.75%, and EDGA Equities, with a market share of approximately 0.69%, have comparable market share to the Exchange (approximately 1.02%), and charge higher fees for each Logical Ports (including drop copy) than the Exchange proposes to charge for each FXD port. Similar to the Exchange, BYX Equities and EDGA Equities offer two types of FIX Drop ports (Standard FIX Drop and Order by Order FIX Drop). Both port types do not accept orders. Their purpose is to provide real time information about order flow and may be configured to send order flow based on various combinations of information relating to specific member firms, clearing member participant identification ("MPIDs") and/or sessions, similar to the Exchange's FXD ports.³¹

Each of the above examples of other exchanges' port fees support the proposition that the Exchange's proposed Port fees are comparable to those of other exchanges and therefore reasonable.

The Proposed Fees Are Equitably Allocated

Overall. The Exchange believes that its proposed fees are reasonable, equitable, and not unfairly discriminatory because they are designed to align fees with services provided. The Exchange believes that the proposed port fees are allocated fairly and equitably among all Equity

Members as the proposed price is the same for each type of port that may be utilized.

The Exchange believes that the proposed fees are equitably allocated because they will apply uniformly to all Equity Members that choose to utilize FIX, MEO and/or FXD ports. Any market participant that chooses to utilize a FIX, MEO and/or FXD port will be subject to the same fee for each port, regardless of what type of business they operate, and the decision to utilize one or more types of ports is based on objective differences in port usage among different Equity Members, which are still ultimately in the control of any particular Equity Member.

As noted above, the proposed port fee pricing is comparable to, or lower than, the port fees charged by other exchanges for their ports that provide similar functionality.³² The Exchange also notes that its proposal to eliminate the tiered pricing structure for FIX and MEO ports to begin charging a single flat fee per port for all ports is also equitably allocated because each Equity Member will be subject to the same flat fee for each port they choose to utilize.

For all of the foregoing reasons, the Exchange believes that the proposed fees for the market data feeds are equitably allocated.

The Proposed Port Fees Are Not Unfairly Discriminatory

The Exchange believes the proposed fees are not unfairly discriminatory because there is no difference in the application of any of the proposed port fees among Equity Members. The Exchange believes that the proposed

fees are not unfairly discriminatory because they would apply to all Equity Members that choose to utilize FIX, MEO and/or FXD ports. Any Equity Member that chooses to utilize the Exchange's ports will be subject to the same pricing, regardless of what type of business they operate. The Exchange also notes that its proposal to eliminate the tiered pricing structure for FIX and MEO ports to begin charging a single flat fee per port for all ports is not unfairly discriminatory because each Equity Member will be subject to the same flat fee for each port they choose to utilize.

For all of the foregoing reasons, the Exchange believes that the proposed fees for the Exchange's market data feeds are not unfairly discriminatory.

* * * * *

The Exchange believes its proposal to remove all references to the Waiver Period promotes just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes will provide greater clarity to Equity Members and the public regarding the Exchange's Fee Schedule by remove references to fee waivers that will no longer apply upon the effectiveness of this rule filing. With this proposed rule change, the Exchange will no longer provide any products or services that would be subject to a fee waiver period. Removing such references from the Fee Schedule will remove impediments to a free and open market and national market system because they will attempt to avoid potential investor confusion and ensure

²⁸ See Nasdaq OUCH Overview, available at <https://www.nasdaqtrader.com/Trader.aspx?id=OUCH> (last visited April 14, 2025).

²⁹ See Nasdaq FIX Overview, available at <https://www.nasdaqtrader.com/Trader.aspx?id=FIX> (last visited April 14, 2025).

³⁰ See *supra* notes 28 and 29.

³¹ See *supra* notes 24 and 25.

³² See BYX Equities Fee Schedule, Logical Port Fees section, available at *BYX Equities Fee Schedule* (last visited April 9, 2025) and EDGA

Equities Fee Schedule, Logical Port Fees section, available at *EDGA Equities Fee Schedule* (last visited April 9, 2025).

the Fee Schedule includes only terms that are applicable to its products and services.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,³³ the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange does not believe that the proposed port fees place certain market participants at a relative disadvantage to other market participants because, as noted above, the proposed fees are the same for each type of port and the proposed amounts are comparable to, or lower than, the port fees charged by other exchanges with comparable market share for their ports with similar functionality. Accordingly, the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition. The Exchange believes that the proposed fees neither favor nor penalize one or more categories of market participants in a manner that would impose an undue burden on competition.

The Exchange believes its proposal to remove all references to the Waiver Period will have no impact on competition as those changes are not designed to address any competitive issue but rather are designed to provide added clarity to the Fee Schedule since the Exchange will no longer offer any non-transaction fees for free. The proposed changes would apply uniformly to all market participants and do not favor certain categories of market participants in a manner that would impose an undue burden on competition.

Inter-Market Competition

The Exchange does not believe the proposed fees place an undue burden on competition on other exchanges that is not necessary or appropriate. In particular, market participants are not forced to utilize a particular type of port and other exchanges, with comparable market share, offer ports with similar functionality for comparable pricing.

In addition, the Exchange does not believe the proposal to remove all references to the Waiver Period will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to provide clarity to the Fee

Schedule. The Exchange does not believe that the proposal will harm another exchange's ability to compete. Accordingly, the Exchange does not believe the proposal imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,³⁴ and Rule 19b-4(f)(2)³⁵ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-PEARL-2025-24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-PEARL-2025-24. 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-PEARL-2025-24 and should be submitted on or before June 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁶

J. Matthew DeLesDernier,
Deputy Secretary.

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BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103146; File No. SR-NYSEARCA-2025-36]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt NYSE Rule 4530

May 29, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on May 27, 2025, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been

³⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

³³ 15 U.S.C. 78f(b)(8).

³⁴ 15 U.S.C. 78s(b)(3)(A)(ii).

³⁵ 17 CFR 240.19b-4(f)(2).

prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt New York Stock Exchange ("NYSE") Rule 4530 (Reporting Requirements) without substantive change, and make certain conforming changes. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt the text of NYSE Rule 4530 (Reporting Requirements) without substantive change, and make certain conforming changes. NYSE Rule 4530 was in turn based on Financial Industry Regulatory Authority, Inc. ("FINRA") Rule 4530.

Background and Proposed Rule Change

NYSE Rule 4530 requires member organizations to promptly report to the NYSE specified events, such as statutory disqualifications and quarterly statistical and summary information regarding written customer complaints, and to file with the Exchange copies of certain criminal actions, civil complaints and arbitration claims. The NYSE uses this information for regulatory purposes to identify and initiate investigations of firms, offices and associated persons that may pose potential regulatory or other risks.

The NYSE adopted the text of FINRA Rule 4530 in 2011 to replace comparable provisions in its legacy

reporting Rule 351.⁴ In 2024, the NYSE incorporated certain amendments previously made by FINRA into NYSE Rule 4530.⁵ The NYSE version of FINRA Rule 4530 is substantially the same except for conforming changes reflecting the NYSE's membership and an extra Supplementary Material adding a definition of "person associated with a member organization," which the Exchange would retain with conforming changes to reflect its membership. The Exchange's affiliate NYSE American LLC also has adopted FINRA Rule 4530.

The Exchange proposes to adopt the text of NYSE Rule 4530 as NYSE Arca Rule 11.13.4530, with certain technical changes. For consistency with Exchange rules and to reflect the Exchange's current membership, the Exchange proposes to change all references to "member organization" or "member organizations" to "ETP Holder and OTP Firm,"⁶ "ETP Holder or OTP Firm" or the plural of these phrases. The text of proposed Rule 11.13.4530 is otherwise identical to NYSE Rule 4530.

The Exchange does not have a similarly comprehensive reporting rule. Rule 11.13 (Disciplinary Action By Other Organizations) requires every ETP Holder and OTP Firm to promptly

⁴ See Securities Exchange Act Release No. 100168 (May 17, 2024), 89 FR 45712 (May 23, 2024) (SR-NYSE-2024-28). FINRA Rule 4530, adopted in 2010, was modeled after NYSE Rule 351(a)-(d) and NASD Rule 3070. See Securities Exchange Act Release No. 63260 (November 5, 2010), 75 FR 69508 (November 12, 2010) (SR-FINRA-2010-034). See also Securities Exchange Act Release No. 64560 (May 27, 2011), 76 FR 32246 (June 3, 2011) (SR-FINRA-2011-024).

⁵ See Securities Exchange Act Release No. 64785 (June 30, 2011), 76 FR 39946 (July 7, 2011) (SR-NYSE-2011-27). See generally Securities Exchange Act Release No. 68701 (January 18, 2013), 78 FR 5532 (January 25, 2013) (SR-FINRA-2013-006) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to FINRA Rule 4530 (Reporting Requirements)); Securities Exchange Act Release No. 74953 (May 13, 2015), 80 FR 28740 (May 19, 2015) (SR-FINRA-2015-011) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Reporting Requirements of FINRA Rule 4530(a)(1)(H)).

⁶ An "ETP Holder" means a sole proprietorship, partnership, corporation, limited liability company or other organization in good standing that is a registered broker-dealer and has been issued an Equity Trading Permit ("ETP") by the Exchange. See Rules 1.1(n) & (o). "OTP" means an Options Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities. "OTP Firm" means a sole proprietorship, partnership, corporation, limited liability company, or other organization in good standing that holds an OTP or upon whom an individual OTP Holder has conferred trading privileges on the Exchange's Trading Facilities. An OTP Firm must be a registered broker-dealer pursuant to Section 15 of the Act. An OTP Firm has status as a "member" of the Exchange, as that term is defined in Section 3 of the Act. See Rule 1.1(o). By way of comparison, FINRA uses the term "member" in its rules and NYSE uses the term "member organization."

notify the Exchange in writing of any disciplinary action, including the basis therefore, taken by any national securities exchange or association, clearing corporation, commodity futures market or government regulatory body against the ETP Holder or OTP Firm or its associated persons, and shall similarly notify the Exchange of any disciplinary action taken by the ETP Holder or OTP Firm itself against any of its associated persons involving suspension, termination, the withholding of commissions or imposition of fines in excess of \$2,500.00, or any other significant limitation on activities. Given the overlap between the two rules and the more comprehensive requirements of proposed Rule 11.13.4530, the Exchange proposes to delete the heading and text of the current rule.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5),⁸ in particular, because it is designed to promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule change supports the objectives of the Act by providing greater harmonization between Exchange rules and the rules of its affiliates and FINRA of similar purpose, resulting in less burdensome and more efficient regulatory compliance. In particular, ETP Holders or OTP Firms that are also NYSE or FINRA members are already subject to Rule 4530 requirements and are currently reporting the information required by that rule to the NYSE or FINRA but not to the Exchange. Harmonizing these rules by adopting NYSE Rule 4530 would promote just and equitable principles of trade by requiring the same reporting regime for affiliated exchanges. To the extent the Exchange has proposed changes that differ from the NYSE version of the proposed rule, such changes relate to the Exchange's membership structure and do not change the substance of the proposed rules.

Further, the Exchange believes that deleting current Rule 11.13, whose subject matter overlaps with the proposed rule, would increase the clarity and transparency of the Exchange's rules and remove impediments to and perfect the

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public could more easily navigate and understand the Exchange rules. The Exchange believes that the proposed change would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather to achieve greater consistency between the Exchange's rules and the rules of its affiliate and FINRA concerning regulatory reporting.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁹ and Rule 19b-4(f)(6) thereunder.¹⁰ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)¹¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹² the Commission may designate a shorter time if such action is consistent with the

protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹³ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-36 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-2025-36. 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-2025-36 and should be submitted on or before June 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-10113 Filed 6-3-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103148; File No. SR-ICC-2025-005]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to ICC's Treasury Operations Policies and Procedures

May 29, 2025.

I. Introduction

On April 2, 2025, ICE Clear Credit LLC ("ICC") 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 revise its Treasury Operations Policies & Procedures (the "Treasury Policy") ("Proposed Rule Change"). The Proposed Rule Change was published for comment in the **Federal Register** on April 16, 2025.³ The Commission has not received any comments on the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Description of the Proposed Rule Change

ICC is registered with the Commission as a clearing agency for the purpose of

¹⁴ 17 CFR 200.30-3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 102814 (Apr. 10, 2025), 90 FR 16015 (Apr. 16, 2025) (File No. SR-ICC-2025-005) ("Notice").

⁹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

¹³ 15 U.S.C. 78s(b)(2)(B).

clearing CDS contracts,⁴ which means that it interposes itself as the buyer to every seller and the seller to every buyer for these types of financial transactions. As a clearing agency, one of ICC's functions is to manage risks inherent to the clearance and settlement of securities transactions. Because ICC is obligated to perform on the contracts it clears, even where one of its Clearing Participants defaults, one such risk to which ICC is exposed is credit risk in the form of exposure to a Clearing Participant's trading activities. ICC manages such credit risk, in part, by collecting collateral from its Clearing Participants, both in the form of margin and in the form of a guaranty fund. Among other things, ICC's Treasury Department manages these daily cash and collateral requirements and movements in connection with ICC's daily clearing process.

ICC proposes to amend its Treasury Policy, which includes the policies and procedures that ICC uses to support its Treasury Department. Specifically, ICC proposes to formally describe its existing intraday margin call procedures in the Treasury Policy, which are designed to be consistent with the requirements of Rule 17Ad-22(e)(6)(ii).⁵ ICC's proposed changes to the Treasury Policy would not change its current margin call practices, but rather ensure they are fully documented and described in the Treasury Policy.

A. Description of ICC's Intraday Margin Call Procedures

ICC proposes to add a description of its current intraday margin call procedures in a new appendix to the Treasury Policy, entitled "Appendix 6: Intraday Margin Call Procedures" ("Appendix 6"). Appendix 6 would describe the conditions and procedures for three categories of intraday margin calls that ICC recognizes: Non-routine Intraday Margin Calls, Selective Intraday Margin Calls, and Discretionary Margin Calls.⁶

For Non-routine Intraday Margin Calls, Part B of Appendix 6 would describe the steps that ICC currently follows prior to and during the margin call process. Appendix 6.B states that

ICC executes a Non-routine Intraday Margin Call if the market suddenly becomes highly volatile and the observed price/spread level changes increase the risk exposure of ICC to certain Clearing Participants. For example, ICC notes that such a call is triggered if a certain percentage of the value of collateral on deposit has eroded due to the observed intraday unrealized losses.⁷ Appendix 6.B lists the following steps: (1) the ICC Risk Department uses its intraday system to capture intraday prices and revalue Clearing Participant portfolios to estimate unrealized profit/loss; (2) the Risk Department compares the unrealized profit/loss to the collected Initial Margin ("IM") requirement; (3) an initial warning process is triggered if any Clearing Participant's IM erodes by a specified early warning percentage; (4) the ICC Risk Department identifies risk factors associated with the affected Clearing Participant's greatest unrealized losses, and confirms the viability of all adverse price changes in light of the Clearing Participant's portfolio; (5) the senior Risk Department staff begins a continuous intraday monitoring process, if not already begun; (6) the intraday margin call execution process is triggered if any Clearing Participant's Initial Margin erodes by a specific percentage threshold and lasts for more than a specified length of time, prior to a specific time of day;⁸ and (7) if the erosion level exceeds a specific threshold after a specific time of day, the ICC Chief Risk Officer ("CRO") or the CRO's designee has the discretion to make intraday margin calls based on various market condition considerations.⁹

⁷ *Id.*

⁸ Appendix 6.B further describes the intraday margin call execution process. The CRO or CRO's designee informs the Treasury Department by email to execute the call; the email will contain the Clearing Participant name(s) and amount(s) of the increase of the USD IM required amount; and Senior Management, Compliance, and Client Support Services will be copied on the email communication. Furthermore, with respect to Non-routine Intraday Margin Calls, the amount of the call will be consistent with the level of IM erosion and the remaining time until the end-of-day price discovery process. Finally, the Treasury Department will enter the amount of the intraday margin call in its system, which may result (depending on current funds on deposit for the affected Clearing Participant) in the issuance of a direct debit message instructing the Clearing Participant's designated bank to direct debit any margin payable. Clearing Participants will have up to one hour to pay the intraday margin call after the issuance of the direct debit message. *Id.*

⁹ Appendix 6.B further states that in the event the CRO or the CRO's designee foregoes initiating an intraday margin call, the decision will be communicated to Senior Management and a formal document will be created that outlines the reasons for not proceeding with the intraday margin call. *Id.*

For Selective Intraday Margin Calls, ICC proposes for Part C of Appendix 6 to describe the steps that ICC currently follows prior to and during the call process. ICC considers executing a Selective Intraday Margin Call when intraday changes in Clearing Participant position sizes can lead to an insufficient level of collateralization. Appendix 6.C states that, in such cases, the ICC Risk Department will determine the increased IM amount by estimating the IM requirements for the new positions as they were guaranteed by ICC at the start of the trading day, and by following the first two steps from Appendix 6.B (*i.e.*, revaluing Clearing Participant portfolios to estimate unrealized profit/loss and comparing such unrealized profit/loss to the collected IM requirement, excluding concentration charges). Appendix 6.C further notes that, in connection with Selective Intraday Margin Calls, the Risk Department will follow the same internal notification process as described in Appendix 6.B for Non-routine Intraday Margin Calls.

For Discretionary Margin Calls, ICC proposes for Part D of Appendix 6 to describe the steps that ICC currently follows prior to and during the margin call process. Appendix 6.D states that Discretionary Margin Calls are intraday margin calls to Clearing Participants whose previously posted margin, in the CRO's judgment, does not provide proper risk protection. ICC considers using Discretionary Margin Calls where there is a fast deterioration of the creditworthiness of a Clearing Participant, and/or adverse market conditions that could lead to significant losses that may result in the default of a Clearing Participant. Appendix 6.D further notes that the Risk Department will follow the same internal notification process as described in Appendix 6.B, for Non-routine Intraday Margin Calls.

B. Additional References and Updates

The Proposed Rule Change would add language to Section IV.A.4 ("Non-Routine Settlement Procedures and Timeline") of ICC's Treasury Policy. The new language would generally refer to ICC's process for monitoring the adequacy of collected IM on an intraday basis and would also note that ICC may issue intraday margin calls to Clearing Participant(s) whose margin on deposit does not provide prior risk protection. The new language would also provide a cross-reference to the intraday margin call procedures in new Appendix 6.

Additionally, the Proposed Rule Change would update Section X ("Revision History") of the Treasury

⁴ Capitalized terms not otherwise defined herein have the meanings assigned to them in ICC's Clearing Rules or the Treasury Policy, as applicable.

⁵ 17 CFR 240.17Ad-22(e)(6)(ii).

⁶ Proposed Appendix 6.A notes that ICC also recognizes a fourth category of intraday margin call, the Routine Intraday Margin Call, which is meant to be executed at one or more pre-specified times during the day, assuming that prices and positions are updated. However, ICC does not perform this type of intraday margin call because ICC does not execute the end-of-day price discovery process on an intraday basis. See Notice at 16015.

Policy to include a brief description of the proposed changes to the Treasury Policy.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.¹⁰ 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 ['SRO'] that proposed the rule change."¹¹ 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,¹² and any failure of an SRO 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 Exchange Act and the applicable rules and regulations.¹³ Moreover, "unquestioning reliance" on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.¹⁴

After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act¹⁵ and Rule 17Ad-22(e)(6)(ii)¹⁶ thereunder, as described in detail below.

A. Consistency With Section 17A(b)(3)(F) of the Act

Under Section 17A(b)(3)(F) of the Act, ICC's rules, among other things, must be "designed to promote the prompt and accurate clearance and settlement of securities transactions" ¹⁷ Based on a review of the record, and for the reasons discussed below, the Proposed

Rule Change is consistent with Section 17A(b)(3)(F).

ICC proposes to update its Treasury Policy to include a description of its already-existing procedures for intraday margin calls. By formally documenting the procedures in its Treasury Policy, ICC further supports ICC's ability to, and increases the likelihood that its Risk Department will, apply the correct intraday margin call procedure as appropriate depending on the circumstances and the applicable intraday margin call category. This will support and improve ICC's overall risk management, which in turn supports the public's confidence in ICC's approach to risk management and could encourage more participants to clear transactions at ICC. Therefore, the update to ICC's Treasury Policy is consistent with promoting the prompt and accurate clearance and settlement of securities transactions.

Accordingly, the Proposed Rule Change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.¹⁸

B. Consistency With Rule 17Ad-22(e)(6)(ii)

Rule 17Ad-22(e)(6)(ii) requires ICC to "establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [c]over, if the covered clearing agency provides central counterparty services, its credit exposures to its participants by establishing a risk-based margin system that, at a minimum . . . [m]arks participant positions to market and collects margin (including variation margin or equivalent charges if relevant) at least daily; . . . [m]onitors intraday exposures on an ongoing basis; . . . [i]ncludes the authority and operational capacity to make intraday margin calls, as frequently as circumstances warrant, including the following circumstances: . . . [w]hen risk thresholds specified by the covered clearing agency are breached; or . . . [w]hen the products cleared or markets served display elevated volatility; and . . . [d]ocuments when the covered clearing agency determines not to make an intraday call pursuant to its written policies and procedures" ¹⁹ Based on a review of the record, and for the reasons discussed below, the Proposed Rule Change is consistent with Rule 17Ad-22(e)(6)(ii).

ICC's intraday margin call procedures, which the Proposed Rule Change would add to the Treasury Policy, are consistent with the requirements set

forth in Rule 17Ad-22(e)(6)(ii). New Appendix 6 includes descriptions of various intraday margin call categories that ICC recognizes, and the procedures that ICC follows for each category. Specifically, Appendix 6 notes that ICC recognizes four different categories of intraday margin calls, and the appendix further describes specific procedures for the three categories of intraday margin calls that are pertinent to ICC's operations. For each of these three categories, ICC monitors intraday exposures on an ongoing basis to capture intraday prices and re-value Clearing Participant portfolios to estimate the unrealized profit/loss, and then compares the unrealized profit/loss to the collected IM requirement, excluding funds attributed to the concentration changes. Appendix 6 further describes ICC's authority and operational capacity to make intraday margin calls, including in circumstances when certain risk thresholds such as erosion levels are breached, or when ICC's cleared products or served markets display elevated volatility. Appendix 6 also states that ICC will create a formal document outlining reasons for not proceeding with an intraday margin call in the event the CRO or CRO's designee decides not to do so despite specific risk thresholds being breached.

Accordingly, the Proposed Rule Change is consistent with the requirements of Rule 17Ad-22(e)(6)(ii).²⁰

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, Section 17A(b)(3)(F) of the Act²¹ and Rule 17Ad-22(e)(6)(ii).²²

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR-ICC-2025-005) be, and hereby is, approved.²³

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.²⁴

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-10121 Filed 6-3-25; 8:45 am]

BILLING CODE 8011-01-P

²⁰ *Id.*

²¹ 15 U.S.C. 78q-1(b)(3)(F).

²² 17 CFR 240.17ad-22(e)(6)(ii).

²³ In approving the proposed rule change, the Commission considered the proposal's impacts on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

²⁴ 17 CFR 200.30-3(a)(12).

¹⁰ 15 U.S.C. 78s(b)(2)(C).

¹¹ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

¹² *Id.*

¹³ *Id.*

¹⁴ *Susquehanna Int'l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017).

¹⁵ 15 U.S.C. 78q-1(b)(3)(F).

¹⁶ 17 CFR 240.17ad-22(e)(6)(ii).

¹⁷ 15 U.S.C. 78q-1(b)(3)(F).

¹⁸ *Id.*

¹⁹ 17 CFR 240.17ad-22(e)(6)(ii).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35617]

Deregistration Under Section 8(f) of the Investment Company Act of 1940

May 30, 2025.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice of Applications for Deregistration under Section 8(f) of the Investment Company Act of 1940.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of May 2025. A copy of each application may be obtained via the Commission’s website by searching for the applicable file number listed below, or for an applicant using the Company name search field, on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/companysearch.html>. You may also call the SEC’s Office of Investor Education and Advocacy at (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretarys-Office@sec.gov and serving the relevant applicant 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 SEC by 5:30 p.m. on June 24, 2025, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary at Secretarys-Office@sec.gov.

ADDRESSES: The Commission: Secretarys-Office@sec.gov.

FOR FURTHER INFORMATION CONTACT: Shawn Davis, Assistant Director, at (202) 551–6413 or Chief Counsel’s Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel’s Office, 100 F Street NE, Washington, DC 20549–8010.

CPG Cooper Square International Equity, LLC [File No. 811–23590]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On September 27, 2025, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of \$44,294 incurred in connection with the liquidation were paid by the applicant.

Filing Dates: The application was filed on February 13, 2025 and amended on May 13, 2025.

Applicant’s Address: 660 Fifth Avenue, Level 15, New York, New York 10103.

Eaton Vance Unit Trust—Series 1 [File No. 811–23099]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On November 9, 2017, February 9, 2018, March 13, 2018, May 9, 2018, June 12, 2018, August 9, 2018, September 12, 2018, November 9, 2018, December 10, 2018, February 8, 2019, March 8, 2019, and May 9, 2019, applicant made a liquidating distribution to its shareholders, based on net asset value. No expenses were incurred in connection with the liquidation.

Filing Date: The application was filed on March 6, 2025.

Applicant’s Address: One Post Office Square, Boston, Massachusetts 02109.

Endowment PMF Master Fund, L.P. [File No. 811–22940]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 15, 2025, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of \$1,256,515 incurred in connection with the liquidation were paid by the applicant’s investment adviser. Applicant also has retained cash in the amount of \$864,088 for the purpose of paying outstanding liabilities.

Filing Date: The application was filed on April 16, 2025.

Applicant’s Address: 712 West 34th Street, Suite 201, Austin, Texas 75705.

Funds for Institutions Series [File No. 811–05149]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 23, 2020, October 27, 2020, August 7, 2020, August 11, 2020, February 12, 2020, and February 13, 2020, applicant made a liquidating distribution to its shareholders based on net asset value.

Expenses of \$198,000 incurred in connection with the liquidation were paid by the applicant’s investment adviser, and/or their affiliates.

Filing Dates: The application was filed on June 27, 2022 and amended on March 13, 2025.

Applicant’s Address: 60 State Street, Boston, Massachusetts 02109.

Macquarie Energy Transition Infrastructure Fund, LLC [File No. 811–23974]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on January 15, 2025 and amended on May 21, 2025.

Applicant’s Address: 660 Fifth Avenue, Level 15, New York, New York 10103.

Ready Assets Government Liquidity Fund [File No. 811–02556]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 5, 2021, and February 9, 2021, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$99,000 incurred in connection with the liquidation were paid by the applicant’s investment adviser, and/or their affiliates.

Filing Dates: The application was filed on June 27, 2022 and amended on March 13, 2025.

Applicant’s Address: 100 Bellevue Parkway, Wilmington, Delaware 19809.

Retirement Series Trust [File No. 811–03310]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 7, 2020, and August 11, 2020, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$43,000 incurred in connection with the liquidation were paid by the applicant’s investment adviser, and/or their affiliates.

Filing Dates: The application was filed on June 27, 2022 and amended on March 13, 2025.

Applicant’s Address: 100 Bellevue Parkway, Wilmington, Delaware 19809.

Stone Ridge Trust IV [File No. 811–23105]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an

investment company. On April 24, 2025, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of \$1,820 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on May 13, 2025.

Applicant's Address: 1 Vanderbilt Avenue, 65th Floor, New York, New York, 10017.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-10181 Filed 6-3-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103152; File No. SR-CboeBZX-2025-071]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a Small Retail Broker Hosted Solutions Program and To Update the Existing Eligibility Requirements for the Small Retail Brokerage Distribution Program for the Cboe One Summary Feed

May 29, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 19, 2025, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") proposes to introduce a Small Retail Broker Hosted Solutions Program and to update the existing eligibility requirements for the Small Retail Brokerage Distribution Program for the Cboe One Summary Feed. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's

website (http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 adopt a Small Retail Broker Hosted Solutions Program (the "Program") for Cboe One Summary Data (collectively, the "Applicable Feed").³ This Program will provide fee waivers and lower data costs for both (i) Small Retail Brokers (as defined herein) that provide the Applicable Feed to other Small Retail Brokers via its hosted solutions (the "Hosting Small Retail Broker Distributor") and (ii) the Small Retail Brokers that receive this data from a Hosting Small Retail Broker Distributor as set forth herein.

Further, the Exchange proposes to increase the allowed maximum Non-Professional Data User subscriber count for the existing Small Retail Broker Program for Cboe One Summary Feed.

By way of background, the Exchange currently offers the BZX Top Data Feed, which is a data feed that offers top-of-book quotations and last sale information based on orders entered into the Exchange's System. The BZX Top Data Feed benefits investors by facilitating their prompt access to real-time top-of-book information contained in BZX Top Data. The Exchange's affiliated equities exchanges (*i.e.*, Cboe EDGA, Inc. ("EDGA"), Cboe BYX Exchange, Inc. ("BYX"), and Cboe EDGX Exchange, Inc. ("EDGX") (collectively, "Affiliates" and together with the Exchange, "Cboe Equities

Exchanges") also offer similar top-of-book data feeds. Particularly, each of the Exchange's Affiliates offer top-of-book quotation and last sale information based on their own quotation and trading activity that is substantially similar to the information provided by the Exchange through the BZX Top Data Feed. Additionally, the Exchange also offers Cboe One Summary Data Feed that disseminates, on a real-time basis, the aggregate BBO of all displayed orders for securities traded on BZX and its affiliated equities exchanges and also contains individual last sale information for the BZX and its affiliated equities exchanges. The Cboe One Summary Data Feed is created using the data from the Exchange and its Affiliates' Top data feeds.

Currently, the Exchange offers a Small Retail Broker Distribution Program⁴ for the Applicable Feed. This program provides a discounted Distribution Fee of \$3,500/month for Cboe One Summary Data Feed as well as a discounted Data Consolidation Fee⁵ of \$350/month for Cboe One Summary Data for eligible participants.⁶ Participants of the existing Small Retail Broker Distribution Program must be an External Distributor that meets the following criteria: (i) Distributor is a broker-dealer distributing the Applicable Feed to Non-Professional Data Users with whom the broker-dealer has a brokerage relationship; (ii) At least 90% of the Distributor's total subscriber population must consist of Non-Professional subscribers, inclusive of any subscribers not receiving the Applicable Feed; and (iii) Distributor distributes the Applicable Feed to no more than 5,000 Non-Professional Data Users (the Exchange notes that it is proposing to increase this to 10,000 Non-Professional Data Users as described further herein).⁷ The Exchange introduced this program to allow small retail brokers that purchase top of book market data from the Exchange to benefit from discounted fees for access to such market data. The Small Retail Broker Distribution Program reduces the distribution and consolidation fees paid by small broker-dealers that operate a retail business. In turn, the Small Retail Broker Distribution Program is intended to increase retail investor access to real-time U.S. equity quote and trade information, and allow the Exchange to better compete for this business with

⁴ See Cboe BZX Equities Fee Schedule.

⁵ This fee reflects the value of the aggregation and consolidation function the Exchange performs in creating the Cboe One Summary Feed.

⁶ See Cboe BZX Equities Fee Schedule.

⁷ *Id.*

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Exchange initially submitted the proposed rule change on May 8, 2025 (SR-CboeBZX-2025-065). On May 19, 2025, the Exchange withdrew that filing and submitted this filing.

competitors⁸ that offer similar optional products.⁹

The Exchange now proposes to create a new Program based on the proposed eligibility criteria for Small Retail Brokers to specifically support Small Retail Brokers who are operating platforms on behalf of other Small Retail Brokers. Based on customer feedback, there are Small Retail Brokers who would like to provide this data via a hosted solution as a White Label Service¹⁰ to other Small Retail Brokers, who then provide this data to their retail clients (an "External Hosted Subscriber").¹¹ Unfortunately, under the existing structure, while the Small Retail Broker may be eligible for the discounted Distribution Fee and the discounted Data Consolidation Fee, the External Hosted Subscriber must also pay the Distribution Fee and the Data Consolidation Fee, in addition to the standard Professional and Non-Professional User fees. Therefore, the existing fee structure does not allow for any additional benefits for Hosting Small Retail Broker Distributors for providing the valuable service of operating platforms that External Hosted Subscribers may use for their clients.

Of further note, the Hosting Small Retail Broker is responsible for reporting its External Hosted Subscribers and their users, and ultimately the Hosting Small Retail Broker is responsible for payment of all data fees for both its External Hosted Subscribers and itself. While the Exchange is not privy to pass-through costs between Hosting Small Retail Brokers and the External Hosted Subscribers, the Hosting Small Retail Broker is ultimately charged Distribution Fees (in addition to the other applicable fees) for the (i) Applicable Feed to the External Hosted

Subscriber and (ii) Applicable Feed to the External Hosted Subscriber's end users, despite the Hosting Small Retail Broker managing the application for the External Hosted Subscriber's users. This proposed Program is intended to provide relief for the overall charges that a Hosting Small Retail Broker incurs based on operating a platform that allows an External Hosted Subscriber's retail users to receive data.

Under the proposed program, a Hosting Small Retail Broker providing the data to at least one External Hosted Subscriber would be eligible for a credit of its Distribution Fee (a credit of \$3,500/month for Cboe One Summary Feed) that it is normally responsible for under the existing Small Retail Broker Program. Additionally, the External Hosted Subscriber shall also receive a waiver of the Distribution Fee (a credit of \$3,500/month for Cboe One Summary Feed). The External Hosted Subscriber will also receive a waiver of the Data Consolidation Fee (a credit of \$350/month) and in lieu of paying the Non-Professional User fees, it shall be a set monthly fee \$850 for Cboe One Summary Data.¹² The Professional User fees shall remain the same. Once an External Hosted Subscriber exceeds the Non-Professional Data User maximum (no more than 10,000 Non-Professional Data Users for Cboe One Summary Data), the External Hosted Subscriber shall no longer be eligible for the program and will be required to directly license with the Exchange for the Applicable Feed.¹³

In addition to the changes set forth above, the Exchange also proposes to modify the existing Small Retail Broker Program for Cboe One Summary Feed to increase the number of Non-Professional Data User maximum from 5,000 to 10,000 to be consistent with the proposed threshold for External Hosted Subscribers. As previously discussed, the Exchange proposes to also use the cap of 10,000 Non-Professional Data Users for the proposed Program. The Exchange proposes to increase this in support of increased participation across both retail and investor markets in order to facilitate the growth of smaller retail brokers on a global scale.

¹² As the Program is capped at 10,000 users for Cboe One Summary Feed this equates to a maximum, savings of \$1,650 (10,000 Users $\times$ 0.25/ Non-Professional = \$2,500 and \$2,500 – 850 = \$1,650) for Cboe One Summary Feed.

¹³ The Exchange notes that it will include a clarifying note in its Fee Schedule to specify that in the event a Hosting Small Retail Broker Distributor joins this program mid-month, that its fees shall be prorated for the month based on the initial date of the subscription; however, the External Hosted Subscriber's fees shall not be prorated.

As mentioned above, the existing fee structure makes it costly for both Hosting Small Retail Broker Distributors and its External Hosted Subscribers to provide data to the External Hosted Subscribers retail clients as Distribution Fees are incurred on both Small Retail Brokers. With this fee proposal, the Exchange hopes to make its data more widely accessible for retail users who receive their data from External Hosted Subscribers.

The purpose of the proposed rule change is to (i) further increase the competitiveness of the Exchange's top of book market data products compared to competitor offerings that may currently be cheaper for firms with a limited subscriber base that do not yet have the scale to take advantage of the lower subscriber fees offered by the Exchange and (ii) provide additional incentives for Hosting Small Retail Broker Distributors to provide hosted solution services for other Small Retail Brokers in order to make data more widely available to retail investors. In turn, the Exchange believes that this change may benefit market participants and investors by spurring additional competition and increasing the accessibility of the Exchange's top of book data. The Exchange notes that at least one other exchange has a similar offering. For example, the New York Stock Exchange has a Redistribution Fee Waiver for NYSE Trades, for which redistributors of data may have their redistribution fee waived so long as they provide the data to at least one data feed recipient and reports such data feed recipient or recipients to the Exchange.¹⁴

Without the proposed pricing discounts, the Exchange believes that (i) prospective customers may not be interested in purchasing top of book data from the Exchange, and may instead purchase such data from other national securities exchanges or the SIPs, potentially at a higher cost than would be available pursuant to the proposed program and (ii) that Hosting Small Retail Broker Distributors are not incentivized to make the Applicable Feed available via a hosted solution for retail investors of its External Hosted Subscribers. Similar to the existing Small Retail Broker Program previously introduced, the Exchange believes that this Program will continue to increase competition for such market data, and that enhanced competition could help to further reduce data fees as providers compete for subscribers, as well as help

¹⁴ See Securities Exchange Act Release No. 90407 (November 12, 2020), 85 FR 73570 (November 18, 2020) (SR-NYSE-2020-91).

⁸ Such as NYSE Arca BBO feed or Nasdaq Basic.

⁹ See Securities Exchange Act Release No. 88218 (February 14, 2020), 85 FR 9827 (February 20, 2020) (SR-CboeBZX-2020-014).

¹⁰ A "White Label Service" is a type of hosted display solution in which an External Distributor hosts or maintains a website or platform on behalf of the External Hosted Subscriber. The service allows the External Distributor to make the applicable data (i.e., Cboe One Summary Data) available on a platform that is branded with the External Hosted Subscriber, or co-branded with the External Hosted Subscriber and the External Distributor. The External Distributor maintains control of the application's data, entitlements and display.

¹¹ An External Hosted Subscriber of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product from an External Distributor through a hosted display solution where the External Hosted Subscriber's Users are hosted by the External Distributor and data is distributed for display use only to one or more Users outside the External Hosted Subscriber's own entity. The Exchange proposes to add this definition into its Fee Schedule.

diversify the availability and quality of data offerings available to retail investors through their Hosting Small Retail Broker Distributors. Ultimately, the Exchange believes that it is critical that it be allowed to compete by offering attractive pricing to customers as increasing the availability of such products ensures continued competition with alternative offerings. Such competition may be constrained when competitors are impeded from offering alternative and cost-effective solutions to customers.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,¹⁵ in general, and furthers the objectives of Section 6(b)(4),¹⁶ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act.¹⁷ Specifically, the proposed rule change supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets, and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. In addition, the proposed rule change is consistent with Rule 603 of Regulation NMS,¹⁸ which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory.

In adopting Regulation NMS, the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee change would further broaden the availability of U.S. equity market data to investors, and in particular retail investors, consistent with the principles of Regulation NMS.

The Exchange operates in a highly competitive environment. Indeed, there are sixteen registered national securities exchanges that trade U.S. equities and offer associated top of book market data

products to their customers. The national securities exchanges also compete with the SIPs for market data customers. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁹ The proposed fee change is a result of the competitive environment, as the Exchange seeks to amend its fees to attract additional subscribers for its proprietary top of book data offerings.

Making alternative data products available to market participants ultimately ensures increased competition in the marketplace, and constrains the ability of exchanges to charge prohibitive fees. In the event that a market participant views one exchange’s top of book data fees as more or less attractive than the competition they can, and frequently do, switch between competing products. In fact, the competitiveness of the market for such top of book data products is one of the primary factors animating this proposed rule change, which is designed to allow the Exchange to further compete for this business. As mentioned above, at least one other Exchange provides a similar waiver for redistribution of market data.²⁰

The Exchange notes that the Applicable Feed is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make these data products available. Distributors (including vendors) and Users can therefore discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Further, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

The Commission has long stressed the need to ensure that the equities markets are structured in a way that meets the needs of ordinary investors. For example, the Commission’s strategic plan for fiscal years 2018–2022 touts

“focus on the long-term interests of our Main Street investors” as the Commission’s number one strategic goal.²¹ The Program would be consistent with the Commission’s stated goal of improving the retail investor experience in the public markets. Furthermore, national securities exchanges commonly charge reduced fees and offer market structure benefits to retail investors, and the Commission has consistently held that such incentives are consistent with the Act. The Exchange believes that the Program is consistent with longstanding precedent indicating that it is consistent with the Act to provide reasonable incentives to retail investors that rely on the public markets for their investment needs.

The Exchange proposes that the proposed waivers for the Applicable Feed only apply to Hosting Small Retail Broker Distributors and its External Hosted Subscribers for three reasons. The first is that the Hosting Small Retail Broker Distributors undertake the operation of the platform of which the ultimate retail investors view the data provided by the External Hosted Subscriber. The Hosting Small Retail Broker Distributor maintains control of the application’s data, entitlements and display. In comparison, to the existing Small Retail Broker Program, eligible participants have no such obligations and are eligible for this only by meeting the requirements and externally distributing the data (which may be directly to retail investors). In order to incentivize the Hosting Small Retail Broker Distributors to undergo this challenge, the Exchange believes it is not unfairly discriminatory to provide a waiver of the Distribution Fee for the Hosting Small Retail Broker, as opposed to the standard discounted Distribution Fee it would normally pay under the Small Retail Broker Program.

Next, by creating this program, the Exchange is further able to reach additional retail investors. By waiving Distribution Fees for both the Hosting Small Retail Broker Distributor and its External Hosted Subscriber, both parties are incentivized to work together to provide data to retail investors. Finally, as mentioned previously, the Hosting Small Retail Broker is responsible for the fees and reporting for both its activity and its External Hosted Subscriber. This means that under the existing program, if a Hosting Small Retail Broker has one External Hosted

¹⁵ 15 U.S.C. 78f.

¹⁶ 15 U.S.C. 78f(b)(4).

¹⁷ 15 U.S.C. 78k–1.

¹⁸ See 17 CFR 242.603.

¹⁹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

²⁰ See supra note 10.

²¹ See U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf.

Subscriber, the Hosting Small Retail Broker is receiving a bill for two Distribution Fees, two Data Consolidation fees and the cost of both its and its External Hosted Subscriber's Professional Users and Non-Professional Users. Through this program, the fees will not be a deterrent for Hosting Small Retail Brokers and External Hosted Subscribers to establish platforms that reach a wider scope of retail investors.

Furthermore, while this Program would be effectively limited to smaller firms in accordance with the proposed eligibility requirements, the Exchange does not believe that this limitation makes the fees inequitable or unfairly discriminatory. The Exchange notes that large broker-dealers and/or vendors that distribute the Exchange's data products to a sizeable number of investors benefit from the current fee structure, which includes lower subscriber fees and Enterprise licenses. Due to lower subscriber fees, distributors that provide the Applicable Data Feed to more than the proposed capped amounts of Users permitted under either the Small Retail Broker Program or this Program already enjoy cost savings compared to competitor products. The Program, in addition to the existing Small Retail Broker Program, would therefore continue to ensure that small retail brokers that distribute top of book data to their retail investor customers could also benefit from reduced pricing, and would aid in increasing the competitiveness of the Exchange's data products for this key segment of the market.

The Exchange believes that the proposed cap of 10,000 for the Cboe One Summary Data Feed for this Program, as well as increasing this cap to 10,000 for the Cboe One Summary Data Feed for the Small Retail Broker Program is reasonable and not unfairly discriminatory as the Exchange believes it is in the best interest of all market participants to more broadly expand this in support of inclusion for more retail investors by participation in both programs by small retail brokers on a global scale.

Distribution Fee Waiver

The Exchange believes that the Distribution Fee Waivers for both the External Hosted Subscriber and the Hosting Small Retail Broker Distributor are reasonable as they represent a significant cost reduction for the Hosting Small Retail Broker Distributor to provide a hosted solution for the External Hosted Subscriber, to ultimately provide the data to the External Hosted Subscriber's retail investors. While the existing fee

structure does provide a benefit of a discounted waiver for Small Retail Brokers that externally distribute the data, the discounted Distribution Fees are still incurred by both the External Hosted Subscriber and the Hosting Small Retail Broker Distributor. In an attempt to alleviate these costs, and make this data more available to retail investors, the Exchange proposes to waive the Distribution Fees for both the Hosting Small Retail Broker Distributor and the External Hosted Subscriber. With this Program, the Exchange believes it will increase market accessibility and data to investors on a global scale. Exchange Hosted Subscribers may not have the infrastructure or technical capabilities to offer market data and/or execution services to its retail investors. Through waiving these fees for the External Hosted Subscriber, the Exchange hopes to reach a broader scale of retail investors globally. Further, as discussed above, the Exchange also believes it is appropriate and not unfairly discriminatory to limit this specific credit to the External Hosted Subscriber and the Hosting Small Retail Broker Distributor given the development and maintenance the Hosting Small Retail Broker Distributor undergoes to provide this data to the External Hosted Subscriber's end users.

Data Consolidation Fee Waiver

The Exchange believes it is reasonable to not charge the External Hosted Subscriber the Data Consolidation Fee for Cboe One Summary Data for the duration of the time that they are eligible for this program. As previously discussed, the waiver of fees for the External Hosted Subscriber is intended to make this data more available to retail investors. The Exchange also believes it is appropriate and not unfairly discriminatory to limit this specific credit to the External Hosted Subscriber because, as described above, the Exchange believes by alleviating some of the barriers to entry, that Exchange Hosted Subscribers are able to bring this data and execution services to their retail investors. Of further note, the Exchange believes it is reasonable to maintain this cost for the Hosting Small Retail Broker Distributor as the Hosting Small Retail Broker Distributor is the party receiving this data from the Exchange where it is consolidated for the benefit of the Hosting Small Retail Broker Distributor.

Fixed Cost of Non-Professional Users

The Exchange believes it is reasonable to set a fixed cost for Non-Professional Users fees for External Hosted

Subscribers by charging a flat, fixed cost instead of charging per user to allow for additional savings. Under this structure, the External Hosted Subscriber shall still be responsible by paying the standard per User fee of a Professional Users under the Applicable Feed. The Exchange does not believe this is unfairly discriminatory as the program is based around making the Applicable Feed available for Non-Professional Users. The Exchange also notes that it has taken a similar approach here to the NYSE Per User Access Fee, which sets a fixed cost where the data is used only for display purposes.²²

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment, and its ability to price these data products is constrained by: (i) Competition among exchanges that offer similar data products to their customers; and (ii) the existence of inexpensive real-time consolidated data disseminated by the SIPs. Top of book data is disseminated by both the SIPs and the sixteen equities exchanges. There are therefore a number of alternative products available to market participants and investors. In this competitive environment potential subscribers are free to choose which competing product to purchase to satisfy their need for market information. Often, the choice comes down to price, as broker-dealers or vendors look to purchase the cheapest top of book data product, or quality, as market participants seek to purchase data that represents significant market liquidity. In order to better compete for this segment of the market, the Exchange is proposing to reduce the cost of top of book data provided by Hosting Small Retail Broker Distributors to its External Hosted Subscribers, and in turn, their retail investors. The Exchange believes that this would facilitate greater access to such data, ultimately benefiting the retail investors that are provided access to such market data.

The Exchange does not believe that this price reduction would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges and data vendors are free to lower their prices to better compete with the Exchange's offering. Indeed, as

²² See NYSE Proprietary Market Data Pricing Guide, April 1, 2025.

explained in the basis section of this proposed rule change, the Exchange's decision to (i) waive the Distribution Fee for the Hosting Small Retail Broker and the External Hosted Subscriber and (ii) waiving the Consolidation Fee (when applicable) for the External Hosted Subscriber and (iii) setting a fixed cost for the Non-Professional Users for the External Hosted Subscriber is itself a competitive response to different fee structures available on competing markets. The Exchange therefore believes that the proposed rule change is pro-competitive as it seeks to offer pricing incentives to customers to better position the Exchange as it competes to attract additional market data subscribers. The Exchange also believes that the proposed reduction in fees the Hosting Small Retail Broker and the External Hosted Subscriber would not cause any unnecessary or inappropriate burden on intramarket competition. Although the proposed fee discount would be largely limited to small retail broker subscribers, larger broker-dealers and vendors can already purchase top of book data from the Exchange at prices that represent a significant cost savings when compared to competitor products that combine higher subscriber fees with lower fees for distribution. In light of the benefits already provided to this group of subscribers, the Exchange believes that additional discounts to small retail brokers would increase rather than decrease competition among broker-dealers that participate on the Exchange. Furthermore, as discussed earlier in this proposed rule change, the Exchange believes that offering pricing benefits to brokers that represent retail investors facilitates the Commission's mission of protecting ordinary investors, and is therefore consistent with the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²³ and paragraph (f) of Rule 19b-4²⁴ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-071 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-2025-071. 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-2025-071 and should be submitted on or before June 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁵

J. Matthew DeLesDernier,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103151; File No. SR-ICC-2025-007]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICE Clear Credit Recovery Plan and the ICE Clear Credit Wind-Down Plan

May 29, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,¹ and Rule 19b-4,² notice is hereby given that on May 19, 2025, ICE Clear Credit LLC ("ICE Clear Credit" or "ICC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to revise its (i) Recovery Plan (the "Recovery Plan"), and (ii) the Wind-Down Plan (the "Wind-Down Plan") (collectively, the "Plans").³

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared

²⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Capitalized terms used but not defined herein have the meanings specified in the Rules.

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b-4(f).

summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICC proposes revising the Recovery Plan and the Wind-Down Plan, which serve as plans for the recovery and orderly wind-down of ICC necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses, consistent with Securities and Exchange Commission ("SEC" or the "Commission") Rule 17Ad-22(e)(3)(ii)⁴ and SEC Rule 17Ad-26.⁵ ICC proposes to make such changes effective following Commission approval of the proposed rule change. The proposed rule change is described in detail as follows.

ICC Recovery Plan

Consistent with the regulations applicable to ICC, the Recovery Plan is designed to establish ICC's actions to maintain its viability as a going concern to address any uncovered credit loss, liquidity shortfall, capital inadequacy, or business, operational or other structural weakness that threatens ICC's viability. The proposed amendments reflect and relate to changes that impacted ICC in the past year, including changes necessary to comply with new regulatory requirements. The proposed changes described below include revisions to ICC's governance structure. In addition, the proposed changes update the description of ICC's clearing services, service providers and ICC's management of risks from relationships with service providers for core services. Finally, ICC proposes general updates and edits to the Plans intended to promote clarity and to ensure that the information provided is current. In Section I. and throughout the document, the proposed changes specify that the information provided in the amended Recovery Plan is current as of December 31, 2024, unless otherwise stated.

ICC proposes revisions to the Recovery Plan to add references to various new regulatory requirements that were finalized in 2024. Most notably, ICC proposes to add references to SEC Rule 17Ad-26⁶ which sets out the requirements for the recovery and wind-down plans of covered clearing agencies such as ICC. ICC proposes to update Section III. 'Regulatory Requirements for the Recovery Plan' of

the Recovery Plan to add a summary of new SEC Rule 17Ad-26. In addition to the summary in Section III. of the Recovery Plan, ICC proposes to add references to SEC Rule 17Ad-26 throughout the Recovery Plan, including to Sections I., II., V., VII., VIII., and IX.

In addition, ICC proposes revisions to the Recovery Plan to add references to new SEC Rule 17Ad-25 which lays out certain requirements for clearing agency boards of directors and conflicts of interest.⁷ Primarily, proposed re-titled Section V. 'Clearing Services & Service Providers' of the Recovery Plan contains references to SEC Rule 17Ad-25(a), SEC Rule 17Ad-26(a)(i) and (ii), and SEC Rule 17Ad-26(b), as they relate to requirements for a clearing agency's management of risks from relationships with service providers for core services⁸ (described in greater detail below). In addition, ICC proposes to add a reference to SEC Rule 17Ad-25 in Section IV. of the Recovery Plan in the list of applicable regulations related to evaluating the independence of managers of ICC's Board.

With respect to governance structure changes, ICC proposes to update the Recovery Plan to reflect that ICC added a Board level Nominating Committee in 2024.⁹ Such change to ICC's governance structure is required under SEC Rule 17Ad-25(c).¹⁰ With the addition of the Nominating Committee, ICC proposes to add Sub-Section IV.C.3.vi. 'Nominating Committee' to the Recovery Plan to add a description of the Nominating Committee. The proposed new sub-section describes the role of the Nominating Committee, which is to assist the Board in (i) identifying and attracting highly qualified individuals to serve as members of the Board; (ii) evaluating the individuals nominated to the Board by the Risk Committee; and (iii) evaluating and providing recommendations to the Board on whether members of the Board qualify as independent under applicable independence standards. The proposed new sub-section also provides a description of the composition of the Nominating Committee (*i.e.*, a minimum of three (3) members, all of which are members of the Board, a majority of which meet the independence standards, and one member is appointed as chairperson). Members of the Nominating Committee shall be appointed by the Board, subject to the

written consent of ICC's parent entity.¹¹ In addition, ICC proposes to revise Section IV.C. 'Management/Governance' of the Recovery Plan to add a reference to the Nominating Committee's role in evaluating the independence of members of the Board.

In addition, ICC proposes to update the Recovery Plan to reflect that the composition of the Risk Committee changed in 2024.¹² Specifically, two (2) additional Risk Committee seats were added which increased the size of the Risk Committee from twelve (12) members to fourteen (14) members. The two (2) additional Risk Committee seats are for representatives of customers of Clearing Participants, as required under applicable Commodity Futures Trading Commission ("CFTC") regulations.¹³ As a result, ICC proposes to revise Section IV.C. 'Management/Governance' of the Recovery Plan to reference the new size and composition of the Risk Committee.

Furthermore, ICC proposes to update the Recovery Plan to reflect that ICC added a Risk Advisory Working Group to ICC's governance structure in 2024.¹⁴ The addition of the Risk Advisory Working Group to ICC's governance structure is required under applicable CFTC regulations.¹⁵ With the addition of the Risk Advisory Working Group, ICC proposes to add Sub-Section IV.C.2.ii. 'Risk Advisory Working Group' to the Recovery Plan to add a description of the Risk Advisory Working Group. The proposed new sub-section describes the role of the Risk Advisory Working Group, which is a forum to seek risk-based input from a broad array of market participants regarding all matters that could materially affect the risk profile of ICC. The proposed new sub-section also provides a description of the composition of the Risk Advisory Working Group which is chaired by the ICC Chief Risk Officer and includes a minimum of two (2) members who are representatives of Clearing Participants and a minimum of two (2) members who are representatives of customers of Clearing Participants. Members of the Risk Advisory Working Group are appointed by the ICC President, subject to the approval of the Risk Committee. In addition to the summary in proposed new Sub-Section IV.C.2.ii of the

¹¹ ICC's sole member and parent entity is ICE US Holding Company L.P. ("ICE US Holding").

¹² See Exchange Act Release No. 100876 (August 29, 2024), 89 FR 72538 (September 5, 2024) (SR-ICC-2024-009).

¹³ 17 CFR 39.24(b)(11).

¹⁴ See Exchange Act Release No. 100876 (August 29, 2024), 89 FR 72538 (September 5, 2024) (SR-ICC-2024-009).

¹⁵ 17 CFR 39.24(b)(12).

⁷ 17 CFR 240.17ad-25.

⁸ 17 CFR 240.17ad-25(a), 17 CFR 240.17ad-26(a)(i) and (ii), and 17 CFR 240.17ad-26(b).

⁹ See Exchange Act Release No. 101820 (December 5, 2024), 89 FR 99917 (December 11, 2024) (SR-ICC-2024-010).

¹⁰ 17 CFR 240.17ad-25(c).

⁴ See 17 CFR 240.17ad-22(e)(3)(ii).

⁵ See 17 CFR 240.17ad-26.

⁶ 17 CFR 240.17ad-26.

Recovery Plan, ICC proposes to add references to the Risk Advisory Working Group to Sections IV.C. and IX. of the Recovery Plan.

In addition, ICC proposes to update the Recovery Plan to reflect that ICC eliminated both the Advisory Committee and the Risk Management Subcommittee from ICC's governance structure in 2024.¹⁶ Specifically, ICC proposes to remove (i) Section IV.C.2.iii. of the Recovery Plan which described the retired Advisory Committee; and (ii) Section IV.C.3.iv. of the Recovery Plan which described the retired Risk Management Subcommittee. In connection with the retirement of these two governance committees, ICC proposes to remove references to the Advisory Committee and the Risk Management Subcommittee from Sections IV.C. and IX. of the Recovery Plan.

Related to the proposed governance changes described above, ICC proposes to revise Section IV.C. 'Management/ Governance' of the Recovery Plan to update the chart which summarizes ICC's governance structure. Specifically, the chart would be updated to reflect the changes to the composition of the Risk Committee, addition of the Nominating Committee, addition of the Risk Advisory Working Group, and removal of the Advisory Committee and the Risk Management Subcommittee.

Also, ICC proposes to update Section IV.C.1. 'ICC Board of Managers' of the Recovery Plan to reflect changes to the managers of the Board. Specifically, ICE US Holding replaced former Independent Manager Vincent Tese with Marti Tirinnanzi, and former Risk Committee nominated Non-Independent Manager Biswarup Chatterjee resigned from the Board, and as a result of the vacancy created by Mr. Chatterjee's resignation, new Risk Committee nominated Non-Independent Manager Viktor Vadasz was appointed to the Board. ICC also proposes to update the titles of members of the Board to ensure they are current, including noting that Terrence Martell is now Chairperson of the Board (a title previously held by former member of the Board Vincent Tese).

With respect to proposed changes related to updating the description of ICC's clearing services, service providers and ICC's management of risks from relationships with service providers for core services, ICC proposes to amend and rename Section V. 'Clearing Services & Service

Providers' of the Recovery Plan. Such proposed revisions are intended to update the Recovery Plan to reflect the changes and clarification made to ICC's Operational Risk Management Framework in 2024.¹⁷ Specifically, ICC proposes to rename Section V. from 'Critical Services & Providers of Critical Services' to 'Clearing Services & Service Providers'. The proposed revisions also include replacing the term "vendors" to "service providers". Also, ICC proposes clarifications to provide a defined term to existing abbreviations 'Master Service Agreement' ("MSA") in the 'Critical Services Provided to ICC by ICE Affiliates' table, as well as replace 'SA/ SLA' with 'Clearing Settlement and Services Agreement' ("CSSA") to reflect the applicable legal agreements between ICC and Intercontinental Exchange, Inc. ("ICE Inc."). ICC proposes to remove the bullet point list of items that may be included in the risk assessments of third parties providing critical services in Section V.A.2. in an effort to ensure consistency with the changes and clarification made to ICC's Operational Risk Management Framework in 2024.¹⁸ Instead, ICC proposes to include a bullet point list of items that may be included in the risk assessments of external service providers for core services ("SPCS"), which would be conducted by ICC's BCP and DR Oversight Committee¹⁹ ("BDOC"), in new Section V.B. For clarity, ICC proposes to move a statement regarding the analysis and management of risk posed by third party external service providers that provide critical services to ICC to directly below the table highlighting the critical services provided to ICC by third party service providers in Section V.A.2. Further, new Section V.B. 'Core Services' to the Recovery Plan adds procedures regarding ICC's management of the risks related to relationships with SPCS. Specifically, proposed Section V.B. updates the description of how ICC identifies and manages its SPCS using a two-pronged assessment approach broken down between internal and external service providers, consistent with the recent changes to the

¹⁷ See Exchange Act Release No. 101819 (December 5, 2024), 89 FR 99949 (December 11, 2024) (SR-ICC-2024-011).

¹⁸ *Id.*

¹⁹ The ICC BCP and DR Oversight Committee is a subcommittee of the ICC Compliance Committee and assists the ICC Compliance Committee in fulfilling its oversight responsibilities with respect to: (i) providing Business Continuity Planning ("BCP") and Disaster Recovery ("DR") guidance; (ii) approving BCP and DR program documentation; (iii) reviewing reports on the effectiveness of BCP and DR testing; and (iv) the performance of such other functions as the ICC Compliance Committee may assign from time to time.

Operational Risk Management Framework.²⁰ With respect to internal service providers and external service providers, the proposed changes to the Recovery Plan describe certain services provided by ICE Inc. and the applicable legal agreements between ICC and ICE Inc. Proposed Section V.B. also identifies and discusses the staffing roles necessary to support the core services on a daily basis and in the event of recovery. In addition to the proposed changes to Section V., ICC proposes additional changes and references to ICC's clearing services and service providers in Sections I., II. and VI. of the Recovery Plan to ensure consistency with the revisions made, and terminology used, in revised Section V. of the Recovery Plan.

Furthermore, ICC proposes to update the contractual agreement analysis chart contained in Section VI. 'Interconnections and Interdependencies' in the Recovery Plan. Such proposed changes are related to the addition of analysis of the contractual agreement with an additional external service provider, additional settlement services providers, as well as the removal of the contractual analysis of a retired settlement services provider.

ICC proposes to update Section IX.B. 'Governance Structure and Controls' of the Recovery Plan to provide additional details regarding ICC's testing of the Recovery Plan. First, ICC proposes to clarify that the Recovery Plan will be tested at least every twelve (12) months rather than annually. In addition, ICC proposes to clarify that such testing will include the participation of Clearing Participants and, when practical, other stakeholders. Furthermore, ICC proposes to confirm that its testing of the Recovery Plan will be in addition to ICC's annual default management drills and exercises. Also, ICC proposes to add that when Recovery Plan testing is of a non-default loss scenario, ICC will consider whether it is appropriate or practical to have Clearing Participants involved in the testing. Furthermore, also with respect to the testing of non-default scenarios, ICC proposes changes to clarify that ICC will also consider including other stakeholders in such testing in order to allow for participation by stakeholders in those aspects of testing that would affect such stakeholders as required under SEC Rules 17Ad-26(a)(8)(i) and (ii).²¹

²⁰ See Exchange Act Release No. 101819 (December 5, 2024), 89 FR 99949 (December 11, 2024) (SR-ICC-2024-011).

²¹ 17 CFR 240.17ad-26(a)(8)(i) and (ii).

¹⁶ See Exchange Act Release No. 100876 (August 29, 2024), 89 FR 72538 (September 5, 2024) (SR-ICC-2024-009).

ICC further proposes to update 'Exhibit 35: Key ICC Reports and Descriptions' [sic] in Section XII. of the Recovery Plan. Such proposed changes to Exhibit 35 [sic] are necessary to reflect the general reorganization and consolidation of such key reports by ICC which occurred in 2024. Such reorganization and consolidation of the key reports were made to increase efficiency and transparency with respect to ICC's key reports. Such reorganization and consolidation is reflected in the proposed changes to Exhibit 35 [sic] to delete the former report name, description, frequency and identification of the relevant MIS system, and the addition of the new report name, description, frequency and identification of the relevant MIS system.

In addition to the foregoing proposed changes, ICC proposes general updates to the Recovery Plan to ensure that the information in the Recovery Plan is current and accurate. Namely, the proposed changes ensure that relevant information regarding ICC for the purposes of recovery planning, such as information about ICC's ownership and operation, is current with respect to:

- Clearing Participants in Section IV.B.;
- ICC revenue, volume, and expense data in Section IV.D.;
- ICC personnel and facilities in Section VI.A.;
- identification of ICC's counterparties in the Counterparty Chart in Section VI.B.;
- change in contact information for SEC contacts in Section VII.B.;
- contact information for clearing participant default insurance in Section VIII.B.;
- ICE Inc., insurance coverage in Section VIII.B.;
- ICE Inc. and ICC balance sheet information in Section VIII.B.;
- ICC dividend payments made in 2024 in Section VIII.B.;
- ICC 2024 outsourcing fees in Section VIII.B.;
- ICC 2024 compensation data in Section VIII.B.;
- ICC lease payments to ICE Inc. Section VIII.B.;
- legal expenses for recovery in Section X.;
- calculation of ICC's projected 12-month operating expenses in Section X.;
- ICC and ICE Inc. financial information in Section XI.;
- financial service providers that hold CP cash and collateral in Appendix C in Section XIII.

Finally, ICC proposes non-substantive drafting changes and improvements to the Recovery Plan, such as the

correction of typographical errors, the re-numbering of sub-sections to reflect the addition and deletion of sub-sections as described above, and updating the revision history in the Recovery Plan.

ICC Wind-Down Plan

Consistent with the regulations applicable to ICC, the Wind-Down Plan is designed to establish how ICC could be wound-down in an orderly manner. The proposed amendments reflect and relate to changes that impacted ICC in the past year, including changes necessary to comply with new regulatory requirements. The proposed changes described below include revisions to ICC's governance structure. In addition, the proposed changes update the description of ICC's clearing services, service providers and ICC's management of risks from relationships with service providers for core services. Finally, ICC proposes general updates and edits to the Wind-Down Plan intended to promote clarity and to ensure that the information provided is current. In Section I and throughout the document, the proposed changes specify that the information provided in the amended Wind-Down Plan is current as of December 31, 2024, unless otherwise stated.

ICC proposes revisions to the Wind-Down Plan to add references to various new regulatory requirements that were finalized in 2024. Most notably, ICC proposes to add references to SEC Rule 17Ad-26²² which sets out the requirements for the recovery and wind-down plans of covered clearing agencies such as ICC. ICC proposes to update Section III. 'Regulatory Requirements for the Wind-Down Plan' of the Wind-Down Plan to add a summary of new SEC Rule 17Ad-26. In addition to the summary in Section III. of the Wind-Down Plan, ICC proposes to add references to SEC Rule 17Ad-26 throughout the Wind-Down Plan, including to Sections I., II., V., VI., VII., and X.

In addition, ICC proposes revisions to the Wind-Down Plan to add references to new SEC Rule 17Ad-25 which lays out certain requirements for clearing agency boards of directors and conflicts of interest.²³ Primarily, proposed new Section VII.B.1. 'Core Services' of the Wind-Down Plan contains references to SEC Rule 17Ad-25, SEC Rule 17Ad-26(a)(i) and (ii), and SEC Rule 17Ad-26(b), as they relate to requirements for a clearing agency's management of risks from relationships with service

providers for core services²⁴ (described in greater detail below). In addition, ICC proposes to update the Wind-Down Plan to reflect that the composition of the Risk Committee changed in 2024.²⁵ Specifically, two (2) additional Risk Committee seats were added which increased the size of the Risk Committee from twelve (12) members to fourteen (14) members. The two (2) additional Risk Committee seats are for representatives of customers of Clearing Participants, as required under applicable CFTC regulations.²⁶ As a result, ICC proposes to revise Section IV.B. 'Management/Governance' of the Wind-Down Plan to reference the new size and composition of the Risk Committee.

Furthermore, ICC proposes to update the Wind-Down Plan to reflect that ICC added a Risk Advisory Working Group to ICC's governance structure in 2024.²⁷ The addition of the Risk Advisory Working Group to ICC's governance structure is required under applicable CFTC regulations.²⁸ With the addition of the Risk Advisory Working Group, ICC proposes to add Sub-Section IV.B.2.ii. 'Risk Advisory Working Group' to the Wind-Down Plan to add a description of the Risk Advisory Working Group. The proposed new sub-section describes the role of the Risk Advisory Working Group, which is a forum to seek risk-based input from a broad array of market participants regarding all matters that could materially affect the risk profile of ICC. The proposed new sub-section also provides a description of the composition of the Risk Advisory Working Group which is chaired by the ICC Chief Risk Officer and includes a minimum of two (2) members who are representatives of Clearing Participants and a minimum of two (2) members who are representatives of customers of Clearing Participants. Members of the Risk Advisory Working Group are appointed by the ICC President, subject to the approval of the Risk Committee. In addition to the summary in proposed new Sub-Section IV.B.2.ii. of the Wind-Down Plan, ICC proposes to add additional references to the Risk Advisory Working Group to Section IV.B. of the Wind-Down Plan.

²⁴ 17 CFR 240.17ad-25, 17 CFR 240.17ad-26(a)(i) and (ii), and 17 CFR 240.17ad-26(b).

²⁵ See Exchange Act Release No. 100876 (August 29, 2024), 89 FR 72538 (September 5, 2024) (SR-ICC-2024-009).

²⁶ 17 CFR 39.24(b)(11).

²⁷ See Exchange Act Release No. 100876 (August 29, 2024), 89 FR 72538 (September 5, 2024) (SR-ICC-2024-009).

²⁸ 17 CFR 39.24(b)(12).

²² 17 CFR 240.17ad-26.

²³ 17 CFR 240.17ad-25.

In addition, ICC proposes to update the Wind-Down Plan to reflect that ICC eliminated both the Advisory Committee and the Risk Management Subcommittee from ICC's governance structure in 2024.²⁹ Specifically, ICC proposes to remove references to the retired Advisory Committee and the retired Risk Management Subcommittee from Section IV.B. of the Wind-Down Plan.

Related to the proposed governance changes described above, ICC proposes to revise Section IV.B. 'Management/Governance' of the Wind-Down Plan to update the chart which summarizes ICC's governance structure. Specifically, the chart would be updated to reflect the changes to the composition of the Risk Committee, addition of the Nominating Committee, addition of the Risk Advisory Working Group, and removal of the Advisory Committee and the Risk Management Subcommittee.

Also, ICC proposes to update Section IV.B.1. 'ICC Board of Managers' of the Wind-Down Plan to reflect changes of the managers of the Board. Specifically, ICE US Holding replaced former Independent Manager Vincent Tese with Marti Tirinanzi, and former Risk Committee nominated Non-Independent Manager Biswarup Chatterjee resigned from the Board, and as a result of the vacancy created by Mr. Chatterjee's resignation, new Risk Committee nominated Non-Independent Manager Viktor Vadasz was appointed to the Board. ICC also proposes to update the titles of members of the Board to ensure they are current, including noting that Terrence Martell is now Chairperson of the Board (a title previously held by former member of the Board Vincent Tese).

With respect to proposed changes related to updating the description of ICC's clearing services, service providers and ICC's management of risks from relationships with service providers for core services, ICC proposes to amend and rename Section VI.C. 'Continuation of the Critical Operations and Clearing Services in Wind-Down' of the Wind-Down Plan. In addition, ICC proposes to revise Section VII. 'Interconnections and Interdependencies: Impact on Wind-Down Plan' of the Wind-Down Plan. Such proposed revisions are intended to update the Wind-Down Plan to reflect the changes and clarification made to ICC's Operational Risk Management

Framework in 2024.³⁰ The proposed revisions also include replacing the term "vendors" to "service providers". Also, ICC proposes clarifications to provide a defined term to existing abbreviations "MSA" in the 'Critical Services Provided to ICC by ICE Affiliates' table, as well as replace 'SA/SLA' with "CSSA" to reflect the applicable legal agreements between ICC and ICE Inc. ICC proposes to remove the bullet point list of items that may be included in the risk assessments of third parties providing critical services in Section VII.B. in an effort to ensure consistency with the changes and clarification made to ICC's Operational Risk Management Framework in 2024.³¹ Instead, ICC proposes to include a bullet point list of items that may be included in the risk assessments of SPCS, which would be conducted by ICC's BDOC, in new Section VII.B.1. For clarity, ICC proposes to move a statement regarding the analysis and management of risk posed by third party external service providers that provide critical services to ICC to directly below the table highlighting the critical services provided to ICC by third party service providers in VII.B.

Further, new Section VII.B.1. 'Core Services' to the Wind-Down Plan adds procedures regarding ICC's management of the risks related to relationships with SPCS. Specifically, proposed Section VII.B.1. updates the description of how ICC identifies and manages its SPCS using a two-pronged assessment approach broken down between internal and external service providers, consistent with the recent changes to the Operational Risk Management Framework.³² With respect to internal service providers and external service providers, the proposed changes to the Wind-Down Plan describes certain services provided by ICE Inc. and the applicable legal agreements between ICC and ICE Inc. Proposed Section VII.B.1. also identifies and discusses the staffing roles necessary to support the core services on a daily basis and in the event of wind-down. In addition to the proposed changes to Section VII., ICC proposes additional changes and references to ICC's clearing services and service providers in Sections II. and VI. of the Wind-Down Plan to ensure consistency with the revisions made,

and terminology used, in revised Section VII. of the Wind-Down Plan.

Furthermore, ICC proposes to update the contractual agreement analysis chart contained in Section VIII. 'Contractual Agreements—Impact on Wind-Down Plan' in the Wind-Down Plan. Such proposed changes are related to the addition of analysis of the contractual agreement with an additional external service provider, additional settlement services providers, as well as the removal of the contractual analysis of a retired settlement services provider.

ICC proposes to update Section X. 'Wind-Down Plan Governance' of the Wind-Down Plan to provide additional details regarding ICC's testing of the Wind-Down Plan. First, ICC proposes to clarify that the Wind-Down Plan will be tested at least every twelve (12) months rather than annually. In addition, ICC proposes to clarify that it will consider whether it is appropriate or practical to have Clearing Participants involved in the wind-down testing. Furthermore, ICC proposes to update Section X of the Wind-Down Plan to add the process that senior management, the Risk Committee, and the Board must take following the test of a Wind-Down pursuant to SEC Rule 17Ad-26(a)(8)(iii).³³

In addition to the foregoing proposed changes, ICC proposes general updates to the Wind-Down Plan to ensure that the information in the Wind-Down Plan is current and accurate. Namely, the proposed changes ensure that relevant information regarding ICC for the purposes of wind-down planning, such as information about ICC's ownership and operation, is current with respect to:

- Clearing Participants in Section IV.A.;
- change in contact information for the SEC contacts in Section VI.A.;
- correction of the ICE US Holding contact in Section VI.A.;
- ICC personnel and facilities in Section VII.C.;
- identification of ICC's counterparties in the Counterparty Chart VII.D.;
- financial resources to support wind-down in Section IX.; and
- Banking Institutions and Example Proportion of Holdings charts in Section XI.C.

Finally, ICC proposes non-substantive drafting changes and improvements to the Wind-Down Plan, such as the correction of typographical errors, the re-numbering of sub-sections to reflect the addition and deletion of sub-sections as described above, and

³⁰ See Exchange Act Release No. 101819 (December 5, 2024), 89 FR 99949 (December 11, 2024) (SR-ICC-2024-011).

³¹ *Id.*

³² *Id.*

³³ 17 CFR 240.17ad-26(a)(8)(iii).

²⁹ See Exchange Act Release No. 100876 (August 29, 2024), 89 FR 72538 (September 5, 2024) (SR-ICC-2024-009).

updating the revision history in the Wind-Down Plan.

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act³⁴ and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad-22.³⁵ In particular, Section 17A(b)(3)(F) of the Act³⁶ requires that the rule change be consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest.

ICC believes the proposed changes would enhance its ability to effectuate a successful recovery as well as to execute an orderly wind-down by providing updates and additional clarity with respect to ICC's recovery and wind-down processes and procedures. As discussed herein, the proposed revisions ensure that relevant information regarding ICC for recovery and wind-down planning is current and up to date, and consistent with new regulatory requirements. To support and enhance the implementation of the Plans, additional language clarifications and regulatory cites or edits are included so that the Plans remain up-to-date, transparent, and focused on clearly articulating the policies and procedures used to support ICC's recovery and wind-down efforts. The Plans would thus promote ICC's ability to continue providing clearing services with as little disruption as possible, and should continuation not be feasible, promote ICC's ability to discontinue clearing services in an orderly manner with minimum negative impact to the marketplace and stakeholders. Accordingly, in ICC's view, the proposed rule change is consistent with the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.³⁷

The proposed rule change would also satisfy the relevant requirements of Rule

17Ad-22.³⁸ Rule 17Ad-22(e)(2)³⁹ requires, in relevant part, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are (i) clear and transparent; (ii) clearly prioritize the safety and efficiency of the covered clearing agency; (iii) support the public interest requirements of Section 17A of the Act⁴⁰ applicable to clearing agencies, and the objectives of owners and participants; (iv) establish that the board of managers and senior management have appropriate experience and skills to discharge their duties and responsibilities; (v) specify clear and direct lines of responsibility; and (vi) consider the interests of participants' customers, securities issuers and holders, and other relevant stakeholders of the covered clearing agency. The proposed changes update the Risk Committee composition, add references to the Nominating Committee and the Risk Advisory Working Group, and remove references to the Advisory Committee and the Risk Management Subcommittee thereby, clarifying ICC's governance arrangements that are relevant to recovery and wind-down, including the roles and responsibilities of the Board, applicable committees, and management. Such governance arrangements further promote the safety and efficiency of ICC and support the public interest requirements in Section 17A of the Act⁴¹ applicable to clearing agencies, and the objectives of owners and participants, by updating ICC's governance structure, such that ICC continues to clearly define relevant roles and responsibilities that prioritize the safety and efficiency of ICC so that it continues to provide safe and sound central counterparty services in the context of recovery or wind-down. As such, ICC believes that the proposed rule change is consistent with the requirements of Rule 17Ad-22(e)(2).⁴²

Rule 17Ad-22(e)(3)(ii)⁴³ requires ICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by ICC, which includes plans for the recovery and orderly wind-down of ICC necessitated

by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. The Recovery Plan continues to establish ICC's actions to maintain its viability as a going concern to address any uncovered credit loss, liquidity shortfall, capital inadequacy, or business, operational or other structural weakness that threatens ICC's viability. The Wind-Down Plan continues to establish how ICC could be wound-down in an orderly manner should its recovery efforts fail. As described above, the proposed changes include updates and edits to promote clarity and to ensure that the information in the Plans is current and consistent with applicable regulatory requirements. In ICC's view, such changes would ensure that the Plans remain useful and effective in a recovery and wind-down scenario. The proposed rule change would thus promote ICC's ability to carry out a successful recovery or orderly wind-down, consistent with the requirements of Rule 17Ad-22(e)(3)(ii).⁴⁴

Rule 17Ad-22(e)(15)⁴⁵ requires ICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to identify, monitor, and manage ICC's general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that ICC can continue operations and services as a going concern if those losses materialize, including by (i) determining the amount of liquid net assets funded by equity based upon its general business risk profile and the length of time required to achieve a recovery or orderly wind-down, as appropriate, of its critical operations and services if such action is taken; (ii) holding liquid net assets funded by equity equal to the greater of either (x) six months of ICC's current operating expenses, or (y) the amount determined by the Board to be sufficient to ensure a recovery or orderly wind-down of critical operations and services of ICC, as contemplated by the plans established under Rule 17Ad-22(e)(3)(ii);⁴⁶ and (iii) maintain a viable plan, approved by the Board and updated at least annually, for raising additional equity should its equity fall close to or below the amount required under Rule 17Ad-22(e)(15)(ii).⁴⁷

The Plans continue to analyze ICC's particular circumstances and risks to ensure that ICC maintains financial resources necessary to implement both

³⁴ 15 U.S.C. 78q-1.

³⁵ 17 CFR 240.17ad-22.

³⁶ 15 U.S.C. 78q-1(b)(3)(F).

³⁷ *Id.*

³⁸ 17 CFR 240.17ad-22.

³⁹ 17 CFR 240.17ad-22(e)(2).

⁴⁰ 15 U.S.C. 78q-1.

⁴¹ *Id.*

⁴² 17 CFR 240.17ad-22(e)(2).

⁴³ 17 CFR 240.17ad-22(e)(3)(ii).

⁴⁴ *Id.*

⁴⁵ 17 CFR 240.17ad-22(e)(15).

⁴⁶ 17 CFR 240.17ad-22(e)(3)(ii).

⁴⁷ 17 CFR 240.17ad-22(e)(15)(ii).

Plans and that ICC remains in compliance with all regulatory capital requirements. The Plans includes information on the financial resources maintained by ICC for recovery and to support wind-down in compliance with relevant regulations and include procedures to follow in case of any shortfall. As such, ICC believes that the proposed rule change is consistent with the requirements of Rule 17Ad-22(e)(15).⁴⁸

The proposed amendments also are consistent with Rule 17Ad-25(c) which requires ICC to establish a nominating committee and a written evaluation process whereby such nominating committee shall evaluate nominees for serving as directors and evaluate the independence of nominees and directors.⁴⁹ The proposed rule changes to the Recovery Plan are designed to reflect the addition of the Nominating Committee to ICC's governance structure, consistent with requirements of new Commission Rule 17Ad-25.⁵⁰ The amendments to the Recovery Plan provide the purpose of the Nominating Committee and its composition. In ICC's view, the amendments to the Recovery Plan adding references to ICC's recently established Nominating Committee ensure that ICC documentation is current and up to date with respect to applicable regulatory requirements. In ICC's view, the amendments to the Recovery Plan are therefore consistent with the requirements of Rule 17Ad-25(c).⁵¹

Rule 17Ad-25(i) requires ICC to establish, implement, maintain, and enforce written policies and procedures reasonably designed to (1) require senior management to evaluate and document the risks related to an agreement with a service provider for core services, including under changes to circumstances and potential disruptions, and whether the risks can be managed in a manner consistent with the clearing agency's risk management framework; (2) require senior management to submit to the board of directors for review and approval any agreement that would establish a relationship with a service provider for core services, along with the required risk evaluation; (3) require senior management to be responsible for establishing the policies and procedures that govern relationships and manage risks related to such agreements with service providers for core services and require the board of directors to be

responsible for reviewing and approving such policies and procedures; and (4) require senior management to perform ongoing monitoring of the relationship, and report to the board of directors for its evaluation of any action taken by senior management to remedy significant deterioration in performance or address changing risks or material issues identified through such monitoring; or if the risks or issues cannot be remedied, require senior management to assess and document weaknesses or deficiencies in the relationship with the service provider for submission to the board of directors.⁵² The proposed revisions to the Plans add references and details with respect to ICC's operational risk management program which includes, without limitation, ICC's management of the risks associated with relationships with SPCS. Such amendments to the Plans are intended to provide clarity and transparency with respect to ICC's clearing services, service providers and its management of the risks associated with its relationships with SPCS, and apply such operational risk management program to recovery and wind-down to enhance ICC's ability to identify and manage risks associated with service providers during recovery or wind-down, consistent with the requirements of Rule 17Ad-25(i).⁵³

The proposed rule change would also satisfy the requirements of Rule 17Ad-26, which broadly covers the requirements for the recovery and orderly wind-down plans of covered clearing agencies.⁵⁴ Rule 17Ad-26 requires ICC to (1) identify and describe its core payment, clearing, and settlement services and address how ICC would continue to provide such core services in the event of a recovery and during an orderly wind-down, including by: (i) identifying the staffing roles necessary to support such core services; and (ii) analyzing how such staffing roles necessary to support such core services would continue in the event of a recovery and during an orderly wind-down; (2)(i) identify and describe any service providers for core services, specifying which core services each service provider supports; and (ii) address how ICC would ensure that service providers for core services would continue to perform in the event of a recovery and during an orderly wind-down, including consideration of its written agreements with such service providers and whether the obligations under those written agreements are

subject to alteration or termination as a result of initiation of the recovery and orderly wind-down plan; (3) identify and describe scenarios that may potentially prevent ICC from being able to provide its core services as a going concern, including uncovered credit losses, uncovered liquidity shortfalls, and general business losses; (4) identify and describe criteria that could trigger ICC's implementation of its recovery and orderly wind-down plans and the process that the ICC uses to monitor and determine whether the criteria have been met, including the governance arrangements applicable to such process; (5) identify and describe the rules, policies, procedures, and any other tools or resources on which ICC would rely in a recovery or orderly wind-down; (6) address how the rules, policies, procedures, and any other tools or would ensure timely implementation of the recovery and orderly wind-down plan; (7) require ICC to inform the Commission as soon as practicable when ICC is considering implementing a recovery or orderly wind-down; (8) include procedures for testing ICC's ability to implement the recovery and orderly wind-down plans at least every 12 months, including by: (i) requiring ICC's participants and, when practicable, other stakeholders to participate in the testing of its plans; (ii) requiring that such testing be in addition to default management testing; (iii) providing for reporting the results of such testing to ICC's board of directors and senior management; and (iv) specifying the procedures for, as appropriate, amending the plans to address the results of such testing; and (9) include procedures requiring review and approval of the plans by ICC's Board at least every 12 months or following material changes to ICC's operations that would significantly affect the viability or execution of the plans, with such review informed, as appropriate, by ICC's testing of the plans.

The Plans continue to establish ICC's actions in the event of recovery or orderly wind-down, and as modified by these proposed changes, include coverage of all the requirements of Rule 17Ad-26.⁵⁵ Specifically, the Plans (1) describe how ICC identifies staffing roles necessary to support recovery and orderly wind-down; (2) describe its service providers for core services, and include an analysis of its agreements with its service providers for core services and the potential impact of the initiation of its recovery and orderly wind-down plan on such contractual

⁴⁸ 17 CFR 240.17ad-22(e)(15).

⁴⁹ 17 CFR 240.17ad-25(c).

⁵⁰ 17 CFR 240.17ad-25.

⁵¹ 17 CFR 240.17ad-25(c).

⁵² 17 CFR 240.17ad-25(i).

⁵³ *Id.*

⁵⁴ 17 CFR 240.17ad-26.

⁵⁵ *Id.*

agreements; (3) describe scenarios that potentially could prevent ICC from being able to provide its identified core services; (4) describe criteria that would cause ICC to trigger implementation of the Plans and ICC's monitoring methods to determine if the criteria have been met; (5) identify ICC Rules, policies, procedures and tools for implementation of the Plans; (6) describe how the Rules, policies, procedures and tools ensure a timely recovery or wind-down process; (7) require notification of the Commission by ICC when it is considering implementing the Plans; (8) cover testing of the Plans every twelve (12) months; and (9) include annual review of the Plans by the Board. ICC believes the Plans continue to provide appropriate procedures and tools, and comprehensively describe ICC's plans for recovery and orderly wind-down consistent with the requirements of Rule 17Ad-26.⁵⁶

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule changes would have any impact, or impose any burden, on competition. The proposed changes to the Plans will apply uniformly across all market participants. The changes are being proposed to promote clarity and ensure that the information provided is current in the Plans. ICC does not believe the amendments would affect the costs of clearing or the ability of market participants to access clearing. Therefore, ICC does not believe the proposed rule changes would impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which

the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-ICC-2025-007 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-ICC-2025-007. 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 such filing also will be available for inspection and copying at the principal office of ICC and on ICC's website at <https://www.ice.com/clear-credit/regulation>.

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer

to file number SR-ICC-2025-007 and should be submitted on or before June 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁷

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2025-10115 Filed 6-3-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103157; File No. 010-00248]

In the Matter of the Application of Dream Exchange Holdings, Inc. for Registration as a National Securities Exchange; Order Instituting Proceedings To Determine Whether To Grant or Deny an Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934

May 30, 2025.

I. Introduction

On February 14, 2025, Dream Exchange Holdings, Inc. ("DreamEx") filed with the Securities and Exchange Commission ("Commission") a Form 1 application ("Form 1") under the Securities Exchange Act of 1934 ("Act"), seeking registration as a national securities exchange under Section 6 of the Act.¹ Notice of the application was published for comment in the **Federal Register** on March 3, 2025.² The Commission has not received any comments on the Form 1.

Section 19(a)(1) of the Act³ requires the Commission, within ninety days of the date of publication of notice of an application for registration as a national securities exchange, or such longer period as to which the applicant consents, to, by order, grant such registration⁴ or institute proceedings to determine whether such registration should be denied.⁵ This order is instituting proceedings under Section 19(a)(1)(B) of the Act⁶ to determine whether DreamEx's application for registration as a national securities exchange should be granted or denied, and provides notice of the grounds for

⁵⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78f.

² See Securities Exchange Act Release No. 102484 (Feb. 25, 2025), 90 FR 11078.

³ 15 U.S.C. 78s(a)(1).

⁴ 15 U.S.C. 78s(a)(1)(A).

⁵ 15 U.S.C. 78a(a)(1)(B).

⁶ 15 U.S.C. 78s(a)(1)(B).

⁵⁶ *Id.*

denial under consideration by the Commission, as set forth below.

II. Overview of DreamEx's Trading System

DreamEx proposes to operate a fully automated electronic trading platform for the trading of NMS stocks with a continuous automated matching function. DreamEx would not maintain a physical trading floor. Liquidity would be derived from orders to buy and orders to sell submitted to DreamEx electronically by its registered broker-dealer members from remote locations. DreamEx proposes to have one class of membership open to registered broker-dealers and also proposes to allow members to register under DreamEx rules as market makers on DreamEx and be subject to certain specified requirements and obligations set forth in DreamEx's proposed rules. DreamEx would be a subsidiary of its parent companies: DX Capital Partners, LLC, which would own 50.1% of the common stock of DreamEx; Dream Exchange LLC, which would own 49.9% of the common stock of DreamEx; and Dream Exchange Preferred Holdings LLC, which would own 100% of the preferred stock of DreamEx. DreamEx's proposed rulebook is Exhibit B to DreamEx's Form 1, and the governing documents for DreamEx and its parent companies can be found in Exhibit A and C, respectively.⁷

DreamEx proposes to enter into a technology services agreement with MEMX Technologies, LLC ("MEMX Technologies") to license the technology underlying the DreamEx trading platform ("Agreement").⁸ DreamEx would not own the trading technology and systems ("System") developed by MEMX Technologies.

Generally, the Agreement would govern (1) the delivery and licensing of certain software and hardware for operation of the System, (2) the development and testing of software necessary for connectivity to DreamEx and/or third-party developed functions and certain other software necessary to support trading on DreamEx, and (3) the provision of certain operational and support services related to the System.⁹ DreamEx states that the service levels to be provided under the Agreement

would ensure that it can meet its Regulation Systems Compliance and Integrity ("Regulation SCI") obligations.¹⁰ A more detailed description of the manner of operation of DreamEx's proposed System can be found in Exhibit E to DreamEx's Form 1.

III. Proceedings To Determine Whether To Grant or Deny the Application and Grounds for Potential Denial Under Consideration

As required by Section 19(a)(1)(B) of the Act,¹¹ the Commission is hereby providing notice of grounds for denial under consideration, as set forth below. Institution of such proceedings is appropriate at this time in view of the issues raised by the application. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Under Section 19(a)(1) of the Act, the Commission shall grant an application for registration as a national securities exchange if the Commission finds that the requirements of the Act and the rules and regulations thereunder with respect to the applicant are satisfied. The Commission shall deny such application for registration if it does not make such a finding.¹² Under Section 6(b) of the Act, an exchange shall not be registered as a national securities exchange unless the Commission determines that it has satisfied the relevant requirements of the Act.¹³ In particular, Section 6(b)(1) of the Act requires that the Commission determine that an exchange is so organized and has the capacity to carry out the purposes of the Act.¹⁴ In addition, under Section 6(b)(3) of the Act, the Commission must determine that the rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker or dealer.¹⁵ Section 6(b)(5) of the Act requires that the rules of the exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with

respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and in general to protect investors and the public interest.¹⁶ Finally, under Section 6(b)(8) of the Act, the Commission must determine that the rules of the exchange do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Act.¹⁷ The Commission requests comment on all aspects of DreamEx's Form 1, including comment on any specific Exhibits,¹⁸ as well as any information or data that would help the Commission's review of DreamEx's Form 1.

IV. Request for Written Comment

The Commission requests that interested persons provide written views and data with respect to DreamEx's Form 1 and any relevant issues. 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 No. 010-002448 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 No. 010-00248. 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/other>). Copies of the submission, all subsequent amendments, all written statements with respect to DreamEx's Form 1 filed with the Commission, and all written communications relating to the application 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. Do not include personal

⁷ DreamEx's Form 1, including all its exhibits, is available at: <https://www.sec.gov/rules-regulations/other-commission-orders-notices-information/dream-exchange-form-1>.

⁸ MEMX Technologies is affiliated with MEMX LLC ("MEMX Exchange"), a registered national securities exchange. MEMX Exchange is not a party to the Agreement. See Exhibit E to DreamEx's Form 1 (discussing the proposed Agreement in greater detail).

⁹ See Exhibit E to DreamEx's Form 1 at 3.

¹⁰ See *id.* at 4.

¹¹ 15 U.S.C. 78s(a)(1)(B).

¹² 15 U.S.C. 78s(a)(1).

¹³ 15 U.S.C. 78f.

¹⁴ 15 U.S.C. 78f(b)(1).

¹⁵ 15 U.S.C. 78f(b)(3).

¹⁶ 15 U.S.C. 78f(b)(5).

¹⁷ 15 U.S.C. 78f(b)(8).

¹⁸ See *supra* note 7.

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 No. 010-00248 and should be submitted on or before June 25, 2025.

By the Commission.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-10173 Filed 6-3-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103144; File No. SR-ISE-2025-16]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Proposed Rule Change To List and Trade Options on the Hashdex Nasdaq Crypto Index US ETF

May 29, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 15, 2025, Nasdaq ISE, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 4, Section 3, Criteria for Underlying Securities, to list and trade options on the Hashdex Nasdaq Crypto Index US ETF.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/ise/rulefilings>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 Options 4, Section 3, Criteria for Underlying Securities, to allow the Exchange to list and trade options on the Hashdex Nasdaq Crypto Index US ETF (the “Trust”)³ as a Unit deemed appropriate for options trading on the Exchange. Hashdex Nasdaq Crypto Index US ETF trades under the symbol “NCIQ.”

Currently, Options 4, Section 3(h) provides that securities deemed appropriate for options trading shall include shares or other securities (“Exchange-Traded Fund Shares” or “ETFs”) that are traded on a national securities exchange and are defined as an “NMS” stock under Rule 600 of Regulation NMS, and that meet certain criteria specified in Options 4, Section 3(h), including that they:

(i) represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities and/or financial instruments, including, but not limited to, stock index futures contracts, options on futures, options on securities and indices, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse repurchase agreements (the “Financial Instruments”), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the “Money Market Instruments”) comprising or otherwise based on or representing investments in broad-based indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of

securities and/or Financial Instruments and Money Market Instruments) or

(ii) represent interests in a trust or similar entity that holds a specified non-U.S. currency or currencies deposited with the trust when aggregated in some specified minimum number may be surrendered to the trust or similar entity by the beneficial owner to receive the specified non-U.S. currency or currencies and pays the beneficial owner interest and other distributions on the deposited non-U.S. currency or currencies, if any, declared and paid by the trust (“Currency Trust Shares”) or

(iii) represent commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency (“Commodity Pool ETFs”) or

(iv) represent interests in the iShares Ethereum Trust, the SPDR® Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust, the Aberdeen Standard Physical Gold Trust, or the iShares Bitcoin Trust, or the Fidelity Wise Origin Bitcoin Fund, or the ARK21Shares Bitcoin ETF, or the Grayscale Bitcoin Trust (BTC), or the Grayscale Bitcoin Mini Trust BTC, or the Bitwise Bitcoin ETF or the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and Grayscale Ethereum Mini Trust or

(v) represents an interest in a registered investment company (“Investment Company”) organized as an open-end management company or similar entity, that invests in a portfolio of securities selected by the Investment Company’s investment adviser consistent with the Investment Company’s investment objectives and policies, which is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value (“NAV”), and when aggregated in the same specified minimum number, may be redeemed at a holder’s request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined NAV (“Managed Fund Share”).

In addition to the aforementioned requirements, Options 4, Section 3(h)(1) and (2) must be met to list options on ETFs.⁴

⁴ Options 4, Section 3(h)(1) and (2) state that the Exchange-Traded Fund Shares either (i) meet the criteria and guidelines set forth in paragraphs (a) and (b) described herein; or (ii) the Exchange-Traded Fund Shares are available for creation or redemption each business day from or through the issuing trust, investment company, commodity pool or other entity in cash or in kind at a price related to net asset value, and the issuer is obligated to issue Exchange-Traded Fund Shares in a specified aggregate number even if some or all of the investment assets and/or cash required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investment assets has undertaken to deliver them as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash

Continued

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Commission approved a rule change to list and trade shares of the Trust pursuant to Rule 5711(d) of The Nasdaq Stock Exchange LLC (“Commodity-Based Trust Shares”). See Securities Exchange Act Release No. 101998 (December 19, 2024), 89 FR 106707 (December 20, 2024) (SR-NASDAQ-2024-028) (hereinafter “SR-NASDAQ-2024-028”). Hashdex Nasdaq Crypto Index US ETF commenced trading on February 14, 2025. The Exchange represents it would not list options on the Trust unless it satisfied all applicable criteria in Options 4, Section 3.

Proposal

The Exchange proposes expanding the list of ETFs that are appropriate for options trading on the Exchange in Options 3, Section 4(h)(iv) to include the Trust.⁵

Description of the Trust⁶

The Shares will be issued by the Trust, a Delaware statutory trust to be established by the Sponsor. The Trust will operate pursuant to the rules and guidelines set forth in the Trust agreement (“Trust Agreement”). The Trust will issue Shares representing fractional undivided beneficial interests in its net assets. The assets of the Trust will consist only of bitcoin and ether. Under limited circumstances, the Trust will hold cash and/or cash equivalents to pay its expenses. The Trust will not be an investment company registered under the Investment Company Act of 1940, as amended (the “1940 Act”), and will not be a commodity pool under the Commodity Exchange Act.

U.S. Bancorp Fund Services, LLC will be the administrator, and transfer agent for the Trust (“Administrator” or “Transfer Agent”). U.S. Bank, N.A. will hold the Trust’s cash and/or cash equivalents⁷ (“Cash Custodian”). The Sponsor intends to enter into an agreement with Coinbase Custody Trust Company, LLC and BitGo Trust Company, Inc. (“Crypto Custodians”, and together with the Cash Custodian, the “Custodians”). The Crypto Custodians will keep custody of all the Trust’s bitcoin and ether.⁸

The investment objective of the Trust is to have the daily changes in the net asset value (“NAV”) of the Shares correspond to the daily changes in the price of the Nasdaq Crypto US Settlement Price Index,⁹ NCIUSS (the

“NCIUSS” or “Index”), less expenses and liabilities from the Trust’s operations, by investing in bitcoin and ether.

The Shares are designed to provide a straightforward means of obtaining investment exposure to bitcoin and ether through the public securities market, as opposed to direct acquisition, holding, and trading of spot bitcoin and spot ether on a peer-to-peer or other basis or via a crypto asset platform. The Shares have been designed to remove the obstacles represented by the complexities and operational burdens involved in a direct investment in bitcoin and ether, while at the same time having an intrinsic value that reflects, at any given time, the investment exposure to bitcoin and ether owned by the Trust at such time, less the Trust’s expenses and liabilities. The Shares provide investors with an alternative method of achieving exposure to bitcoin and ether through the public securities market, which may be more familiar to them.

The Trust will gain exposure to bitcoin and ether by buying spot bitcoin and spot ether. The Trust will maintain cash and/or cash equivalent balances to the extent it is necessary for currently due Trust-payable expenses.

The Index is designed to measure the performance of a portion of the overall crypto asset market. The Index does not track the overall performance of all crypto assets generally, nor the performance of any specific crypto assets. The Index is owned and administered by Nasdaq, Inc. (“Index Provider”) and is calculated by CF Benchmarks Limited (“Calculation Agent”), which is experienced in calculating and administering crypto assets indices. The Calculation Agent publishes daily the Index Constituents, the Index Constituents’ weightings, the intraday value of the Index (under the ticker NCIUS), and the daily settlement value of the Index (under the ticker NCIUSS), which is effectively the Index’s closing value.¹⁰

Custody of the Trust’s Bitcoin and Ether

An investment in the Shares is backed by assets held by the Trust, including the bitcoin and ether held by the Crypto Custodians on behalf of the Trust. The Crypto Custodians must qualify as Core Custodians by the NCIOC and, thus satisfy at least the requirements set forth by the NCIOC in the NCIUSS

methodology.¹¹ The Trust may engage additional custodians for its bitcoin and ether and may also remove or change current Crypto Custodians, provided that there is at least one Crypto Custodian who is also a Core Custodian at all times.¹²

The Trust’s Crypto Custodians will hold and be responsible for maintaining custody of the Trust’s bitcoin and ether. The Sponsor will cause the Trust to maintain ownership and control of the Trust’s bitcoin in a manner consistent with good delivery requirements for spot commodity transactions.

Proposal

The Exchange believes that offering options on the Trust will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to spot bitcoin and spot ether as well as a hedging vehicle to meet their investment needs in connection with bitcoin and ether products and positions. Similar to other commodity ETFs in which options may be listed on ISE (e.g. iShares Ethereum Trust, the SPDR® Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust, the Aberdeen Standard Physical Gold Trust, or the iShares Bitcoin Trust, or the Fidelity Wise Origin Bitcoin Fund, or the ARK21Shares Bitcoin ETF, or the Grayscale Bitcoin Trust (BTC), or the Grayscale Bitcoin Mini Trust BTC, or the Bitwise Bitcoin ETF or the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and Grayscale Ethereum Mini Trust),¹³ the proposed ETF is a trust that essentially offers the same objectives and benefits to investors.

Options on the Trust will trade in the same manner as options on other ETFs on the Exchange. Exchange Rules that currently apply to the listing and trading of all options on ETFs on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, margin requirements, customer accounts and trading halt procedures, will apply to the listing and trading of options on the Trust on the Exchange. Today, these rules apply to options on the various commodities ETFs deemed appropriate for options trading on the Exchange pursuant to Options 4, Section 3(h)(iv).

¹¹ See https://indexes.nasdaqomx.com/docs/Methodology_NCIUS.pdf. As noted above, the Core Custodians as of May 27, 2024 are BitGo, Coinbase, Fidelity and Gemini, and the Trust’s Crypto Custodians are on this list.

¹² If the Trust determines to do so, the Exchange will submit a rule filing with the Commission under Rule 19b-4 of the Act

¹³ See ISE Options 4, Section 3(h)(iv).

equivalents satisfactory to the issuer of the Exchange-Traded Fund Shares, all as described in the Exchange-Traded Fund Shares’ prospectus. Also, the Exchange-Traded Fund Shares based on international or global indexes, or portfolios that include non-U.S. securities, shall meet the criteria in Options 4, Section 3(h)(2)(A)–(F).

⁵ Specifically, the Exchange proposes to amend Options 3, Section 4(h)(iv) to include the name of the Trust to enable options to be listed on the Trust on the Exchange.

⁶ See SR-NASDAQ-2024-028 for a complete description of the Trust.

⁷ “Cash equivalents” are limited to short-term treasury bills (90 days or less to maturity), money market funds, and demand deposit accounts.

⁸ The Trust may engage additional custodians for its bitcoin and ether, each of whom may be referred to as a Crypto Custodian. The Trust may also remove or change current Crypto Custodians, provided that there is at least one Crypto Custodian at all times. Any such changes to the Trust’s Crypto Custodians would require a rule filing under Rule 19b-4 of the Act.

⁹ See https://indexes.nasdaqomx.com/docs/Methodology_NCIUS.pdf.

¹⁰ The closing level of the Index is calculated once a day on business days at 4:05 p.m. New York Time. See https://indexes.nasdaqomx.com/docs/Methodology_NCIUS.pdf (under “Index Calculation and Dissemination”).

The Exchange's initial listing standards for ETFs on which options may be listed and traded on the Exchange will apply to the Trust. The initial listing standard as set forth in Options 4, Section 3(a) provides that:

Underlying securities with respect to which put or call options contracts are approved for listing and trading on the Exchange must meet the following criteria: (1) the security must be registered and be an "NMS stock" as defined in Rule 600 of Regulation NMS under the Exchange Act; and (2) the security shall be characterized by a substantial number of outstanding shares that are widely held and actively traded.

Pursuant to ISE Options 4, Section 3, ETFs on which options may be listed and traded must satisfy the listing standards set forth in Options 4, Section 3(h). Specifically, the Trust must meet either:

(1) the criteria and guidelines for underlying securities set forth in Options 4, Section 3(h), or

(2) it must be available for creation or redemption each business day from or through the issuing trust, investment company, commodity pool or other entity in cash or in kind at a price related to net asset value, and the issuer is obligated to issue Exchange-Traded Fund Shares in a specified aggregate number even if some or all of the investment assets and/or cash required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investment assets has undertaken to deliver them as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer of the Exchange-Traded Fund Shares, all as described in the Exchange-Traded Fund Shares' prospectus, or the Exchange-Traded Fund Shares must be based on international or global indexes, or portfolios that include non-U.S. securities, and meet other criteria.

Options on the Trust will also be subject to the Exchange's continued listing standards for options on ETFs set forth in Options 4, Section 4(g). Specifically, options approved for trading pursuant to Options 4, Section 3(h) will not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such ETFs if the ETFs are delisted from trading as provided in subparagraph (b)(5) of Options 4, Section 4¹⁴ or the

ETFs are halted or suspended from trading on their primary market.¹⁵ In addition, the Exchange shall consider the suspension of opening transactions in any series of options of the class covering ETFs in any of the following circumstances:

(1) in the case of options covering Exchange-Traded Fund Shares approved pursuant to Options 4, Section 3(h)(A)(i), in accordance with the terms of subparagraphs (b)(1), (2), (3) and (4) of Options 4, Section 4;¹⁶

(2) in the case of options covering Fund Shares approved pursuant to Options 4, Section 3(h)(A)(ii),¹⁷ following the initial twelve-month period beginning upon the commencement of trading in the Exchange-Traded Fund Shares on a national securities exchange and are defined as an "NMS stock" under Rule 600 of Regulation NMS, there were fewer than 50 record and/or beneficial holders of such Exchange-Traded Fund Shares for 30 or more consecutive trading days;

(3) the value of the index or portfolio of securities or non-U.S. currency, portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts, options on physical commodities and/or Financial Instruments and Money Market Instruments, on which the Exchange-Traded Fund Shares are based is no longer calculated or available; or

(4) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

Options on the Trust would be physically settled contracts with American-style exercise.¹⁸ Consistent with current Options 4, Section 5, which governs the opening of options

requirement of (3) of this paragraph (b) is satisfied. Options 4, Section 4(b)(3) provides, "The trading volume (in all markets in which the underlying security is traded) has been less than 1,800,000 shares in the preceding twelve (12) months."

¹⁵ See Options 4, Section 4(g).

¹⁶ Options 4, Section 4(b)(5)(1) through (4) provides, if: (1) there are fewer than 6,300,000 shares of the underlying security held by persons other than those who are required to report their security holdings under Section 16(a) of the Act, (2) there are fewer than 1,600 holders of the underlying security, (3) the trading volume (in all markets in which the underlying security is traded) has been less than 1,800,000 shares in the preceding twelve (12) months, or (4) the underlying security ceases to be an "NMS stock" as defined in Rule 600 of Regulation NMS under the Exchange Act.

¹⁷ Options 4, Section 3(h)(ii) refers to Currency Trust Shares.

¹⁸ See Options 4, Section 2, Rights and Obligations of Holders and Writers, which provides that the rights and obligations of holders and writers shall be as set forth in the Rules of the Clearing Corporation. See also OCC Rules, Chapter VIII, which governs exercise and assignment, and Chapter IX, which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts. OCC Rules can be located at: https://www.theocc.com/getmedia/9d3854cd-b782-450f-bcf7-33169b0576ce/occ_rules.pdf.

series on a specific underlying security (including ETFs), the Exchange will open at least one expiration month¹⁹ for options on the Trust and may also list series of options on the Trust for trading on a weekly²⁰ or quarterly²¹ basis. The Exchange may also list long-term equity option series ("LEAPS")²² that expire from twelve to thirty-nine from the time they are listed.

Pursuant to Options 4, Section 5(d), which governs strike prices of series of options on ETFs, the interval between strike prices of series of options on ETFs approved for options trading pursuant to Section 3(h) of Options 4 will be \$1 or greater where the strike price is \$200 or less and \$5.00 or greater where the strike price is greater than \$200.²³ With respect to the Short Term Options Series or Weekly Program, during the month prior to expiration of an option class that is selected for the Short Term Option Series Program, the strike price intervals for the related non-Short Term Option ("Related non-Short Term Option") shall be the same as the strike price intervals for the Short Term Option.²⁴ Specifically, the Exchange may open for trading Short Term Option Series at strike price intervals of (i) \$0.50 or greater where the strike price is less than \$100, and \$1 or greater where the strike price is between \$100 and \$150 for all option classes that participate in the Short Term Options Series Program; (ii) \$0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program; or (iii) \$2.50 or greater where the strike price is above \$150.²⁵ Additionally, the Exchange may list series of options pursuant to the \$1

¹⁹ See Options 4, Section 5(b).

²⁰ See Supplementary .03 to Options 4, Section 5.

²¹ See Supplementary .04 to Options 4, Section 5.

²² See Options 4, Section 8.

²³ See Options 5, Section 5(d). The interval between strike prices of series of options on Exchange-Traded Fund Shares approved for options trading pursuant to Section 3(h) of this Options 4 may also be fixed at a price per share which is reasonably close to the price per share at which the underlying security is traded in the primary market at or about the same time such series of options is first open for trading on the Exchange, or at such intervals as may have been established on another options exchange prior to the initiation of trading on the Exchange. See also Options 4, Section 5(h). The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Quarterly Options Series Program, and the Monthly Options Series Program, Supplementary Material .03, .04 and .08 to Options 4, Section 5 specifically sets forth intervals between strike prices on Short Term Option Series, Quarterly Options Series, and Monthly Options Series, respectively.

²⁴ See Supplementary Material .03(e) to Options 4, Section 5.

²⁵ *Id.*

¹⁴ Options 4, Section 4(b)(5) provides, if an underlying security is approved for options listing and trading under the provisions of Options 4, Section 3(c), the trading volume of the Original Security (as therein defined) prior to but not after the commencement of trading in the Restructured Security (as therein defined), including "when-issued" trading, may be taken into account in determining whether the trading volume

Strike Price Interval Program,²⁶ the \$0.50 Strike Program,²⁷ the \$2.50 Strike Price Program,²⁸ and the \$5 Strike Program.²⁹ Options 3, Section 3 governs the minimum increment for bids and offers for both equity and index options. Pursuant to Options 3, Section 3, where the price of a series of options for the Trust is less than \$3.00 the minimum increment will be \$0.05, and where the price is \$3.00 or higher, the minimum increment will be \$0.10³⁰ consistent with the minimum increments for options on other ETFs listed on the Exchange. Any and all new series of Trust options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Options 4, Section 5 and Options 3, Section 3, as applicable.

Position and exercise limits for options on ETFs, including options on the Trust, are determined pursuant to Options 9, Sections 13 and 15, respectively. Position and exercise limits for ETFs options vary according to the number of outstanding shares and the trading volumes of the underlying ETF over the past six months, where the largest in capitalization and the most frequently traded ETFs have an option position and exercise limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization ETFs have position and exercise limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market. Further, Options 6C, Section 3, which governs margin requirements applicable to the trading of all options on the Exchange including options on ETFs, will also apply to the trading of the Trust options.

Notwithstanding the position limits in Options 9, Section 13(d) and exercise limits in Options 9, Section 15(c), ISE

proposes the position and exercise limits for the options on the Trust to be 25,000 contracts on the same side pursuant to proposed Supplementary Material .01 to Options 9, Section 13 and proposed Supplementary Material .01 to Options 9, Section 15. 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. These limits, which are described in ISE Options 9, Sections 13 and 15, 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, ISE proposes setting the Trust's position and exercise limits at 25,000 contracts. Capping the Trust's position and exercise limit at 25,000 contracts, the lowest limit available in options, would address concerns related to manipulation and protection of investors as this number is conservative. In considering the appropriate position limit for the Trust, ISE measured the Trust's market capitalization and Average Daily Volume ("ADV") against other industry data as explained further below and determined that 25,000 contracts is the appropriate position (and exercise) limit.

In considering position limits for Hashdex Nasdaq Crypto Index US ETF or "NCIQ" the Exchange aggregated Assets Under Management ("AUM") and Average Daily Volume ("ADV") data for ETFs that have defined position

limits on The Options Clearing Corporations ("OCC") website on May 2, 2025.³¹ The Exchange obtained values for 1,358 ETFs that comprised the 25,000, 50,000, and 75,000 position limit buckets (further date review of ETFs with higher position limits was unnecessary since the ADV of NCIQ was so low as to exclude the possibility of the security achieving a position limit of greater than 75,000).³² Next, the data was aggregated based on market capitalization and ADV and grouped by options symbol by position limit utilizing statistical thresholds for ADV and market capitalization for each position limit category (*i.e.* 25,000, 50,000 and 75,000). ISE Options 9, Section 13(d) sets out position limits for various contracts. For example, a 25,000 contract limit applies to those options having an underlying security that does not meet the requirements for a higher options contract limit. This exercise was performed to demonstrate the Trust's position limit relative to other options symbols in terms of market capitalization and ADV. NCIQ had an AUM on May 2, 2025 of \$103,716,000³³ and an April ADV of 15,358 shares.³⁴ An examination of the median AUMs for each bucket of position limit contracts indicates that a position limit of 25,000 contracts is appropriate for NCIQ. The median AUM in the 25,000 contracts position limit bucket for an ETF is 100,096,000. If NCIQ were placed in the 25,000 contract position limit bucket, it would rank in the 50th percentile of AUM. The statistics indicate that NCIQ has an April ADV greater than the 34th percentile of the 25,000 contract position limit bucket. Consequently, NCIQ passes muster with respect to position limit bucketing in comparison to its peers in the market.³⁵ The data points are summarized in the chart below:

Position limit bucket	25,000	50,000	75,000
	AUM data		
average mkt cap in bucket	429,719,975	2,250,652,578	5,098,488,634
median mkt cap in bucket	100,096,008	1,106,881,955	2,597,821,743
NQIC AUM on 05/01/25	103,716,000	103,716,000	103,716,000
rank in bucket	499	173	140
number of ETFs in bucket	1,012	196	150
percentile rank in bucket (100% = #1)	50.7%	11.7%	6.7%

²⁶ See Supplementary Material .01 to Options 4, Section 5.

²⁷ See Supplementary Material .05 to Options 4, Section 5.

²⁸ See Supplementary Material .02 to Options 4, Section 5.

²⁹ See Supplementary Material .06 to Options 4, Section 5.

³⁰ Options that are eligible to participate in the Penny Interval Program have a minimum increment of \$0.01 below \$3.00 and \$0.50 above \$3.00. See Supplementary Material .01 to Options 3, Section 3.

³¹ Data with a zero value in AUM and volume were removed from the sample set.

³² Single stocks were excluded since NCIQ holds two cryptocurrencies, bitcoin, and ether.

³³ See <https://hashdex-etfs.com/NCIQ>.

³⁴ The source of this number is securities information processor data and Yahoo Finance.

³⁵ Of note, NCIQ has less than 100 shareholders.

Position limit bucket	25,000	50,000	75,000
	April ADV data		
average April ADV in bucket	127,982	356,675	702,589
median April ADV in bucket	32,412	335,919	677,025
NQIC April ADV	15,358	15,358	15,358
rank in bucket	669	195	150
number of ETFs in bucket	1,012	196	150
percentile rank in bucket (100% = #1)	34.0%	0.5%	0.0%

Another reference point in determining position limits is not only the AUM of NCIQ, but of the entire cryptocurrency universe that comprises the constituents of NCIQ. Since the creation of NCIQ is possible, the

Exchange looked at the percentage of available constituents to create a position limit exercise. Since a 25,000 contract position limit would only require \$60,300,000 of cryptocurrencies, using the closing price of \$24.12 on May

2, 2025, the percentage of cryptocurrency necessary for a position limit creation varies between .00269% and .00285% (see chart below) of the available constituent cryptocurrencies.

Cryptocurrency	Symbol	Actual, not targeted, weight (as reported on 05/02) (%)	Market capitalization on 05/03	Value of constituent required to create a position limit	Percentage of available constituent required for a position limit creation
Bitcoin	BTC	90.16	1,909,708,673,172	54,366,480	0.00285
Ethereum	ETH	9.85	220,466,191,469	5,939,550	0.00269

Consequently, a 25,000 contract position limit for NCIQ induces no stress on the market. The proposed exercise limit would also be 25,000 contracts.

NCIQ price	24.12
25,000 contract position limit share equivalent	2,500,000
total crypto value needed for position limit	60,300,000

Today, the Exchange has an adequate surveillance program in place for options. ISE intends to apply those same program procedures to options on the Trust that it applies to the Exchange's other options products.³⁶ ISE's market surveillance staff would have access to the surveillances conducted by Nasdaq³⁷ with respect to the Trust and would review activity in the underlying Trust when conducting surveillances for market abuse or manipulation in the options on the Trust. Additionally, ISE is a member of the Intermarket Surveillance Group ("ISG") under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition to obtaining information from Nasdaq, the Exchange would be able to

obtain information regarding trading in shares of the Trust on other exchanges through ISG. In addition, ISE has a Regulatory Services Agreement with the Financial Industry Regulatory Authority ("FINRA"). Pursuant to a multi-party 17d-2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillance that are common to rules of all options exchanges.³⁸

The underlying shares of spot ethereum ETPs and spot bitcoin ETPs, including the Trust, are also subject to safeguards related to addressing market abuse and manipulation. As the Commission stated in its order approving the Hashdex Nasdaq Crypto Index US ETF ("Hashdex Approval Order"):³⁹

³⁸ 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 ("common members"). 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.

³⁹ *See* Securities Exchange Act Release No. 101998 (December 19, 2024), 89 FR 106707

Specifically, given the consistently high correlation between the bitcoin futures market of the Chicago Mercantile Exchange ("CME") and a sample of spot bitcoin markets—confirmed by the Commission through robust correlation analysis using data at hourly, five-minute, and one-minute intervals—the Commission was able to conclude that fraud or manipulation that impacts prices in spot bitcoin markets would likely similarly impact CME bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME bitcoin futures prices, the Commission was able to conclude that the comprehensive surveillance-sharing agreement among the listing exchanges and the CME can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the spot bitcoin ETPs considered in the Spot Bitcoin ETP Approval Order.

The Commission reached similar conclusions in the Spot Ether ETP Approval Order with respect to the spot ether ETPs considered in that order, having confirmed the consistently high correlation between the CME ether futures market and a sample of spot ether markets.⁴⁰

The Trusts in the present Proposals will hold both spot bitcoin and spot ether, and the proportion of bitcoin and ether to be held by each Trust will be based on free-float market capitalizations, as described by the Exchanges in their respective amended filings. Other than that the Trusts will hold both spot bitcoin and spot ether, the structure of the Trusts, the terms of their operation and the trading of their shares, and the representations in their respective amended filings are substantially similar to those of the

(December 20, 2024) (SR-NASDAQ-2024-028) (hereinafter "SR-NASDAQ-2024-028").

⁴⁰ *Id.* at 46941.

³⁶ The surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (e.g., spoofing, marking the close, ping, phishing).

³⁷ The Nasdaq Stock Market LLC is an affiliated market of ISE.

spot bitcoin ETP and spot ether ETP proposals approved in prior Commission orders. In addition, the Commission finds that the spot bitcoin market continues to be consistently highly correlated with the CME bitcoin futures market, and that the spot ether market continues to be consistently highly correlated with the CME ether futures market. As such, based on the record before the Commission, including the Commission's correlation analyses, the Commission is able to conclude that the Exchanges' comprehensive surveillance-sharing agreements with the CME can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the Proposals.⁴¹

In light of surveillance measures related to both options and futures as well as the underlying Trust, 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 options on the Trust.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority or "OPRA" have the necessary systems capacity to handle the additional traffic associated with the listing of new series that may result from the introduction of options on the Trust up to the number of expirations currently permissible under the Exchange Rules. Because the proposal is limited to one class, the Exchange believes any additional traffic that may be generated from the introduction of the Trust options will be manageable.

FLEX Trading

Further, Options 3A, Section 3(a) permits the Exchange to authorize trading a FLEX option class on any equity security if it may authorize for trading a non-FLEX option class on that equity security pursuant to Options 4, Section 3. At this time, the Exchange is not proposing to permit the Trust to trade as a FLEX Option. The Exchange therefore proposes to modify Options 3A, Section 3(a) to specify this exception, which will add clarity and transparency to the Exchange Rules.⁴²

Technical Amendment

Finally, the Exchange proposes a technical amendment to Options 4,

Section 3(h)(iv) to remove certain extraneous rule text.⁴³

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁴⁵ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁴⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to list and trade options on the Trust will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on the Trust will provide investors with a greater opportunity to realize the benefits of utilizing options on an ETF based on spot bitcoin and spot ether, including cost efficiencies and increased hedging strategies. The Exchange believes that offering options on a competitively priced ETF based on spot bitcoin and spot ether will benefit investors by providing them with an additional, relatively lower cost risk management tool allowing them to manage, more easily, their positions, and associated risks, in their portfolios in connection with exposure to spot bitcoin and spot ether. Today, the Exchange lists options on other commodity ETFs structured as a trust, which essentially offer the same objectives and benefits to investors, and for which the Exchange has not identified any issues with the continued listing and trading of options on those ETFs.

The Exchange also believes the proposal to permit options on the Trust will remove impediments to and perfect the mechanism of a free and open market and a national market system,

because options on the Trust will comply with current Exchange Rules. Options on the Trust must satisfy the initial listing standards and continued listing standards currently in the Exchange Rules, applicable to options on all ETFs, including options on other commodity ETFs already deemed appropriate for options trading on the Exchange pursuant to Options 4, Section 3(h)(iv). Further, Exchange Rules that currently govern the listing and trading of options on ETFs, including permissible expirations, strike prices, minimum increments, and margin requirements, will govern the listing and trading of options on the Trust. The proposed position and exercise limits for options on the Trust are 25,000 contracts. The proposed position and exercise limits are consistent with the Act as they address concerns related to manipulation and protection of investors, are the lowest position and exercise limits available in the options industry, and are conservative and appropriate given the Trust's market capitalization, average daily volume, and number of outstanding shares. The Exchange represents that it has the necessary systems capacity to support options on the Trust. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading options on ETFs, including the Trust options.

Finally, the Commission has previously approved the listing and trading of options on other commodity ETFs structured as a trust, such as iShares Ethereum Trust, the SPDR® Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust, the Aberdeen Standard Physical Gold Trust, or the iShares Bitcoin Trust, or the Fidelity Wise Origin Bitcoin Fund, or the ARK21Shares Bitcoin ETF, or the Grayscale Bitcoin Trust (BTC), or the Grayscale Bitcoin Mini Trust BTC, or the Bitwise Bitcoin ETF or the Fidelity Ethereum Fund, the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and Grayscale Ethereum Mini Trust.

The Exchange also believes the proposed rule change to exclude the Trust from being eligible for trading as a FLEX Option is consistent with the Act, because it will permit the Exchange to continue to participate in ongoing discussions with the Commission regarding appropriate position and exercise limits for options on the Trust. The Exchange also believes the proposed rule change to Options 3A, Section 3(a), to make clear that options on the Trust are not eligible for FLEX

⁴¹ Id. at 106708 and 106709.

⁴² The Exchange will continue ongoing discussions with the Commission regarding appropriate position limits for the Trust and plans to submit a separate rule filing that would permit the Exchange to authorize for trading FLEX options on the Trust (which filing may propose changes to existing FLEX option position limits for such options if appropriate).

⁴³ Specifically, the Exchange proposes to remove several "or" terms in Options 4, Section 3(h)(iv).

⁴⁴ 15 U.S.C. 78f(b).

⁴⁵ 15 U.S.C. 78f(b)(5).

⁴⁶ 15 U.S.C. 78f(b)(5).

Trading, will remove impediments to and perfect the mechanism of a free and open market and a national market system because it adds clarity and transparency to Exchange Rules making them easier to navigate and understand to the benefit of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as options on the Trust will be subject to initial listing standards and continued listing standards the same as other options on ETFs listed on the Exchange. Further, options on the Trust will be subject to Exchange Rules that currently govern the listing and trading of options on ETFs, including permissible expirations, strike prices, minimum increments, and margin requirements, will govern the listing and trading of options on the Trust. Options on the Trust will be equally available to all market participants who wish to trade such options. Also, and as stated above, the Exchange already lists options on other commodity ETFs structured as a trust.

The Exchange does not believe that the proposal to list and trade options on the Trust will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that permitting options on the Trust to trade on the Exchange may make the Exchange a more attractive marketplace to market participants, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on the Trust. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering options

on the Trust for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with spot bitcoin and spot ether prices and bitcoin and ether related products and positions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-ISE-2025-16 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-ISE-2025-16. 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-ISE-2025-16 and should be submitted on or before June 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁷

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-10119 Filed 6-3-25; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0249]

Argosy Investment Partners IV, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Argosy Investment Partners IV, L.P., 950 West Valley Road, Suite 2900, Wayne, PA 19087, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small business concern, has sought an exemption under Section 312 of the Act and 13 CFR 107.730, Financings which Constitute Conflicts of Interest of Code of Federal Regulations. Argosy Investment Partners IV, L.P. proposes to provide financing to Olympia Chimney Supply Holdings, LLC, 450 Centerpoint Blvd. Pittston, PA, 18640.

The financing is brought within the purview of 13 CFR 107.730(a) and (d) of the Code of Federal Regulations because Odyssey Capital Group, L.P., an Associate of Argosy Investment Partners IV, L.P., owns more than ten percent of

⁴⁷ 17 CFR 200.30-3(a)(12).

Olympia Chimney Supply Holdings, LLC, and therefore this transaction is considered a financing of an Associate requiring a prior written exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

Paul Salgado,

*Director, Investment Portfolio Management,
Office of Investment and Innovation.*

[FR Doc. 2025–10159 Filed 6–3–25; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0338]

Capital Alignment Partners III, 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 license number 04/04–0338 issued to Capital Alignment Partners III, L.P., said license is hereby declared null and void.

Paul Salgado,

*Director, Investment Portfolio Management,
Office of Investment and Innovation, United
States Small Business Administration.*

[FR Doc. 2025–10161 Filed 6–3–25; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36486 (Sub-No. 9)]

Grainbelt Corporation—Trackage Rights Exemption—BNSF Railway Company

By petition filed on April 1, 2025, Grainbelt Corporation (GNBC) requests that the Board permit the trackage rights granted to it under 49 CFR 1180.2(d)(7) in Docket No. FD 36486 (Sub-No. 8) to expire under the terms agreed to by GNBC and the grantor of the rights, BNSF Railway Company (BNSF).

As explained by GNBC in its verified notice of exemption in Docket No. FD 36486 (Sub-No. 8), GNBC and BNSF entered into an agreement to extend the term of the previously amended, local

trackage rights on trackage owned by BNSF between approximately milepost 668.73 in Long, Okla., and approximately milepost 723.30 in Quanah, Tex. (the Line), allowing GNBC to (1) use the Line to access the Plains Cotton Cooperative Association (PCCA) facility near BNSF Chickasha Subdivision milepost 688.6 at Altus, Okla., and (2) operate additional trains on the Line to accommodate the movement of trains transporting BNSF customers' railcars (loaded or empty) located along the Line to unit train facilities on the Line (collectively, the PCCA Trackage Rights). GNBC Verified Notice of Exemption 1, Apr. 1, 2025, *Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 36486 (Sub-No. 8). According to GNBC, it filed its verified notice of exemption under the Board's trackage rights class exemption at 49 CFR 1180.2(d)(7), instead of the temporary trackage rights exemption at 49 CFR 1180.2(d)(8), because the trackage rights covered by the notice are local rather than overhead. (GNBC Pet 3.)

In its petition, GNBC asks the Board to partially revoke the exemption as necessary to permit the trackage rights to expire on March 30, 2026, pursuant to the parties' agreement. (GNBC Pet. 1, 3.) GNBC argues that granting this petition would promote the rail transportation policy at 49 U.S.C. 10101, would be consistent with the limited scope of the transaction, and would not have an adverse effect on shippers. (GNBC Pet. 4.) In addition, GNBC asserts that the Board has granted similar petitions for partial revocation to permit temporary trackage rights to expire, including petitions involving prior iterations of the trackage rights agreement at issue here. (*Id.* at 4–5.)

Discussion and Conclusions

Although GNBC and BNSF have expressly agreed on the duration of the proposed PCCA Trackage Rights, trackage rights approved under the class exemption at 49 CFR 1180.2(d)(7) typically remain effective indefinitely, regardless of any contractual provisions. At times, however, the Board has taken action to allow such rights to expire after a limited time rather than lasting in perpetuity, based on the parties' agreement. *See, e.g., Grainbelt Corp.—Trackage Rts. Exemption—BNSF Ry.*, FD 36486 (Sub-No. 7) (STB served May 1, 2024) (allowing trackage rights under 49 CFR 1180.2(d)(7) to expire).

Permitting the trackage rights to expire as agreed to by the parties would eliminate the need for GNBC to separately seek discontinuance authority at a later date, thereby

minimizing the need for federal regulatory control (49 U.S.C. 10101(2)), reducing regulatory barriers to entry into and exit from the rail industry (49 U.S.C. 10101(7)), and allowing for the expeditious handling and resolution of this transaction (49 U.S.C. 10101(15)). Moreover, doing so is consistent with the limited scope of the transaction previously exempted.¹ Therefore, the Board will grant the petition and permit the trackage rights exempted in Docket No. FD 36486 (Sub-No. 8) to expire on March 30, 2026.

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, the Board will impose the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

It is ordered:

1. GNBC's petition to permit expiration of the trackage rights in Docket No. FD 36486 (Sub-No. 8) per the agreement of the parties is granted.

2. As discussed above, the trackage rights in Docket No. FD 36486 (Sub-No. 8) are permitted to expire on March 26, 2026, subject to the employee protective conditions set forth in *Oregon Short Line*.

3. Notice of this decision will be published in the **Federal Register**.

4. This decision is effective on July 4, 2025. Petitions for stay must be filed by June 16, 2025. Petitions for reconsideration must be filed by June 24, 2025.

Decided: May 29, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Brendetta Jones,
Clearance Clerk.

[FR Doc. 2025–10157 Filed 6–3–25; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21132]

Trivest Fund VII, L.P. and Passenger Transport Holdings, L.P.—Acquisition of Control—Roadrunner Charters Inc. et al.

AGENCY: Surface Transportation Board.
ACTION: Notice Tentatively Approving
and Authorizing Finance Transaction.

¹ Because the proposed transaction is of limited scope, the Board need not make a market power finding. *See* 49 U.S.C. 10502(a).

SUMMARY: On May 5, 2025, Trivest Fund VII, L.P. (Trivest), a noncarrier, and its noncarrier subsidiary Passenger Transport Holdings, L.P. (PTH) (collectively, Applicants), filed an application for authority to acquire all voting securities of Roadrunner Charters, Inc. (Roadrunner), and its affiliate, Clark Charters and Travel, Inc., d/b/a Clark Travel Enterprises (Clark) (collectively, Acquired Carriers). Both Roadrunner and Clark are interstate passenger motor carriers holding operating authority issued by the Federal Motor Carrier Safety Administration (FMCSA). The Board is tentatively approving and authorizing this transaction. If no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by July 21, 2025. If any comments are filed, Applicants may file a reply by August 4, 2025. If no opposing comments are filed by July 21, 2025, this notice shall be effective on July 22, 2025.

ADDRESSES: Comments, referring to Docket No. MCF 21132, 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 Applicants' representative: Mark J. Andrews, Clark Hill PLC, 1001 Pennsylvania Ave. NW, Suite 1300 South, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Brian O'Boyle at (202) 245-0364. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

SUPPLEMENTARY INFORMATION: According to the application, PTH is a noncarrier subsidiary of Trivest, another noncarrier, both of which are headquartered at the same address in Coral Gables, Fla. (Appl. 3.) Applicants state that PTH already controls an interstate passenger motor carrier, Star Shuttle, LLC, d/b/a Star Shuttle & Charter (Star), based in Texas.¹ (Appl. 2-3.) Applicants state that Star currently has 140 employees and approximately 115 vehicles and operates approximately 3.6 million miles annually around the South Texas area. (*Id.* at 4.) According to Applicants, Star's estimated share of the South

Texas passenger bus transportation market is less than 10%. (*Id.* at 5.)

Applicants state that the Acquired Carriers are both also Texas-based, interstate passenger motor carriers.² (*Id.* at 2-4.) According to the Applicants, the Acquired Carriers combined use 160 employees and about 100 vehicles to operate approximately 4.3 million miles around the North and East Texas areas.³ (*Id.* at 4.)⁴ Applicants represent that the operations of Star and the Acquired Carriers generally do not overlap, except around Austin, Tex. (Appl. 4.) Applicants state that, as a result of the proposed transaction, Applicants will have common control of Roadrunner, Clark, and Star. (*Id.* at 2-3.)

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. 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. 3-9.)

Applicants assert that the transaction is consistent with the public interest. (*Id.* at 5-8.) Applicants state that Star

² Applicants state that Roadrunner will convert to a limited liability company prior to the closing of the transaction. (Appl. 3 n.2.) Further information about Star and the Acquired Carriers, including U.S. Department of Transportation (USDOT) numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*Id.* at 3-4, Ex. D.)

³ The Board notes that applicants in future proceedings should provide information broken out by each carrier that is subject to the transaction.

⁴ Applicants state that "the 51 percent owner of Clark is the spouse of the 100 percent owner of Roadrunner." (Appl. 4 n.3; *see also* Appl., Ex. A (showing that Ronald Wills holds 100% ownership of Roadrunner and 49% ownership of Clark and that Deborah Wills holds 51% ownership of Clark).) Applicants further state that Clark and Roadrunner had not considered it necessary to seek Board approval for their affiliation but, if the Board disagrees, Applicants request approval as of the date of this application or, alternatively, that it be treated as an exempt intra-corporate family transaction under 49 CFR 1182.9. (Appl. 4 n.3.) Based on the record here, there is no indication that the Wills' ownership interests in Roadrunner and Charter would qualify as a transaction requiring approval under 49 U.S.C. 14303(a).

and the Acquired Carriers both provide "outsourced" bus services. (*Id.* at 6.) According to the application, outsourced passenger transportation services are highly competitive and subject to highly visible and intense negotiation processes between multiple bidders, government bodies, unions, political activists, and other interested parties. (*Id.* at 6.) Applicants state that they have contractual obligations to provide outsourced passenger transportation services and a competitive incentive to maintain and improve existing services because doing so enhances their chances of success when new outsourcing opportunities arise or when existing contracts are re-competed. (*Id.* at 7.) Thus, Applicants note, Star and the Acquired Carriers "will have every incentive to maintain high service levels in order to remain competitive against a wide variety of national, regional and local providers—along with the . . . alternative for governments, universities and other contracting parties to take passenger transportation in-house again." (*Id.*)

Regarding fixed charges, Applicants state that the transaction will be financed with equity from Trivest-affiliated funds and third-party debt to be secured at closing. (*Id.*) Applicants also state that payments on the third-party debt will be structured to maintain significant cash coverage over and above mandatory principal repayments. (*Id.*)

Applicants represent that it is highly unlikely the transaction would adversely impact employees of either Star or the Acquired Carriers. (*Id.*) Applicants reiterate that the carriers will retain their contractual obligations to provide outsourced transportation services and have competitive incentives to maintain and improve existing service levels. (*Id.*) They further assert that they and their competitors are experiencing "a longstanding shortage of qualified drivers and maintenance personnel," and that Star and the Acquired Carriers "are actively recruiting additional employees." (*Id.* at 7-8.)

Based on Applicants' representations, the Board finds that the acquisition as proposed in the application 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 expiration of the comment period, this notice will take effect automatically and

¹ More information about the current and future corporate structures and ownership for Applicants and the Acquired Carriers can be found in Exhibits A, B, and C of the application. In an exhibit showing Trivest's corporate structure, PTH is identified as a Delaware-registered corporation. (Appl., Ex. B.) The state of incorporation for Trivest is not provided.

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 22, 2025, unless opposing comments are filed by July 21, 2025. If any comments are filed, Applicants may file a reply by August 4, 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 29, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Zantori Dickerson,
Clearance Clerk.

[FR Doc. 2025-10155 Filed 6-3-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2010-0061]

Union Pacific Railway's Request To Amend Its Positive Train Control System Territory

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on May 22, 2025, the Union Pacific Railway (UP) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Implementation Plan (PTCIP) seeking FRA's approval for a reduction in its positive train control (PTC) footprint due to a yard limit extension that does not require PTC implementation. As this RFA may involve a request for FRA's approval of proposed material modifications to an

FRA-certified PTC system, FRA is publishing this notice and inviting public comment on UP's RFA to its PTCIP.

DATES: FRA will consider comments received by June 24, 2025. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments 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 the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA-2010-0061. For convenience, all active PTC dockets are hyperlinked on FRA's website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816-516-7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCIP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a discontinuance of a signal or train control system. Accordingly, this notice informs the public that, on May 22, 2025, UP submitted an RFA to its PTCIP for its Interoperable Electronic Train Management System (I-ETMS), which seeks FRA's approval for a reduction in its PTC footprint due to a yard limit extension that does not require PTC implementation. That RFA is available in Docket No. FRA-2010-0061.

Interested parties are invited to comment on UP's RFA to its PTCIP by submitting written comments or data.

During FRA's review of UP's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. See 49 CFR 236.1021; see also 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCIP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2025-10109 Filed 6-3-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2025-0028]

Agency Information Collection Activities; Notice and Request for Comment; Motorcycle Helmets (Labeling)

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for extension of a currently-approved information collection.

SUMMARY: NHTSA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently-approved information collection titled "Motorcycle Helmets

(Labeling)” (OMB Control Number: 2127–0518). Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on Motorcycle Helmets Labeling.

DATES: Comments must be submitted on or before August 4, 2025.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2025–0028 through any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Mrs. Cristina Echemendia, U.S. Department of Transportation, NHTSA, 1200 New

Jersey Avenue SE, West Building Room W43–447, NRM–130, Washington, DC 20590. Mrs. Cristina Echemendia’s telephone number is 202–366–1810 and fax number is 202–366–7002. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB’s regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (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, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including 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. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: “Motorcycle Helmets (Labeling)”.

OMB Control Number: 2127–0518.

Form Number(s): N/A.

Type of Request: Extension of a currently approved collection.

Requested Expiration Date of Approval: Three years from the approval date.

Summary of the Collection of Information: The National Traffic and Motor Vehicle Safety Act authorizes the Secretary of Transportation (NHTSA by delegation), at 49 U.S.C. 30111, to issue Federal Motor Vehicle Safety Standards (FMVSS) that set performance standards for motor vehicles and items of motor vehicle equipment. Vehicle and equipment manufacturers must certify that their vehicles or equipment comply

with these standards. Further, the Secretary (NHTSA by delegation) is authorized, at 49 U.S.C. 30117, to require manufacturers to provide information to first purchasers of motor vehicles or motor vehicle equipment when the vehicle or equipment is purchased, in the form of printed matter placed in the vehicle or attached to the vehicle or motor vehicle equipment.

Using this authority, NHTSA issued the initial FMVSS No. 218, “Motorcycle helmets,” in 1974. Motorcycle helmets are devices used to protect motorcyclists from head injury in motor vehicle accidents. The standard requires the manufacturer to label every helmet it produces to indicate compliance with the requirements of the Standard. The certification label consists of the symbol “DOT,” the term “FMVSS No. 218,” the word “CERTIFIED,” the precise model designation, and the manufacturer’s name and/or brand on the outer shell of the helmet towards the posterior bottom edge. Manufacturers are also required to label every helmet to provide helmet owners with important safety information including manufacturer’s name, discrete size, month and year of manufacture, and specific instructions. FMVSS No. 218 S5.6 requires that each helmet shall be labeled permanently and legibly in a manner such that the label(s) can be read easily without removing padding or any other permanent part.

Description of the Need for the Information and Proposed Use of the Information: The labeling requirement in the Standard supports the Department of Transportation’s strategic goal in safety, by ensuring that motorcycle helmets are manufactured and certified to the performance requirements of the Standard. NHTSA uses this information for enforcement purposes to ensure that manufacturers certify compliance with the Standard. State and local law enforcement use this information to enforce helmet-use laws, and consumers use the information to make decisions when purchasing motorcycle helmets.

Affected Public: Motorcycle helmet manufacturers.

Estimated Number of Respondents: 45.

Frequency: On occasion.

Estimated Total Annual Burden Hours: 10,900 hours.

NHTSA estimates the total burden hours of the collection of information for Standard No. 218 is 10,900 hours (900 hours for label design + 10,000 hours for affixing labels) annually. NHTSA estimates that 3,600,000 motorcycle helmets are manufactured annually by 45 motorcycle helmet

manufacturers. The total associated labor costs for designing and affixing the label is \$430,384 (\$42,984 + \$387,400), see below for calculation details.

Each helmet utilizes a generalized template for the required information to include in the helmet labels. The basic format of each manufacturer's label has not changed, and a onetime design of the label template was created many years ago. Therefore, there is no new annualized burden associated with template development. Specific helmet labels can be readily created through

insertion of the helmet's specific information into the generalized template. The annual administrative burden to either develop a new label or reconfirm an existing label is estimated to be on the order of 2.0 hours per manufacturer for each helmet model. For the purpose of this evaluation, a point estimate of 450 helmet model labels per year¹ is made in order to estimate annualized costs. For the helmet label design, NHTSA uses the mean wage of \$33.62 per hour for

"Mechanical Drafters" (occupational code 17-3013).² BLS estimates that hourly wages represent approximately 70.4% of total compensation for private industry workers.³ NHTSA estimates the total hourly labor cost associated with this employee to be \$47.76 per hour (\$33.62 per hour/0.704). The annual burden for manufacturers to develop helmet labels is 900 hours (450 label designs * 2.0 hours per label) and \$42,984 (450 label designs * 2.0 hours per label design * \$47.76 per hour).

Number of respondents (helmet manufacturers)	Number of helmets produced annually (per respondent)	Time to design label per helmet model (hours)	Estimated total annual burden hours (per respondent)	Total labor cost per hour (rounded)	Labor cost (per respondent) (rounded)	Estimated total annual burden hours	Estimated total annual labor cost (rounded)
45	80,000	2	20	\$47.76	\$955	900	\$42,984

NHTSA also estimates that 10 seconds are spent labeling each helmet. Therefore, the estimated total annual burden hours for labeling each helmet is 10,000 hours (= (3,600,000 helmets × 10 seconds) * (1 hour/3600 seconds)).

For the labor costs associated with the burden hours for affixing labels to helmets, NHTSA uses the average wage

of \$27.27 per hour for "Assemblers and Fabricators" (occupational code 51-2000) published by the Bureau of Labor Statistics (BLS).⁴ BLS estimates that wages represent approximately 70.4% of total compensation for private industry workers. Therefore, NHTSA calculates the labor cost associated with Assemblers and Fabricators to be \$38.74

per hour (\$27.27 ÷ 0.704). Multiplying that hourly rate by the estimated 10,000 labor hours needed to affix labels yields an estimated total annual labor cost of \$387,400 (\$38.74 × 10,000 hours). The total estimated burden hours and associated labor costs for affixing the label are detailed in the table below:

Number of respondents (helmet manufacturers)	Number of helmets produced annually per respondent (rounded)	Time to affix label per helmet (seconds)	Estimated total annual burden hours (per respondent) (rounded)	Total labor cost per hour (rounded)	Labor cost (per respondent) (rounded)	Estimated total annual burden hours	Estimated total annual labor cost (rounded)
45	80,000	10	222	\$38.74	\$8,600	10,000	\$387,400

Estimated Total Annual Burden Cost: \$1,512,000.

The total annual cost to the respondents is estimated to be \$1,512,000. NHTSA estimates that the

printing and material cost per helmet is \$0.42. The total annual cost to respondents is calculated by multiplying the printing and material cost (\$0.42) by the estimated 3,600,000

responses (helmets produced) per year (\$0.42 × 3,600,000). The total estimated annual burden costs are detailed in the table below:

Number of respondents (helmet manufacturers)	Number of helmets produced annually per respondent (rounded)	Printing and material cost per helmet	Annual printing and material cost per manufacturer (rounded)	Total number for helmets produced annually	Estimated total annual printing and material costs
45	80,000	\$0.42	\$33.600	3,600.000	\$1,512,000

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;

(b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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 the use of

automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as

¹ NHTSA estimates 10 helmet models per Helmet Manufacturer for the purpose of this evaluation.

² U.S. Bureau of Labor Statistics, Occupational Employment and Wages, May 2023, occupant category 17-3013 Mechanical Drafters, <https://www.bls.gov/oes/current/oes173013.htm>, accessed March 12, 2025.

³ Table 1. Employer Costs for Employee Compensation by ownership, September 2024, <https://www.bls.gov/news.release/ecec.t01.htm>.

⁴ November 2024 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100—Motor Vehicle Manufacturing, https://www.bls.gov/oes/current/naics4_336100.htm#51-0000.

amended; 49 CFR 1.49; and DOT Order 1351.29A.

David Hines,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2025–10111 Filed 6–3–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on May 1, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; or Assistant Director for Sanctions Compliance, 202–622–2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On May 1, 2025, OFAC determined that one or more persons identified below meet one or more of the criteria for the imposition of sanctions set forth in section 1(a)–(c) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (E.O. 14059). OFAC has selected to impose blocking sanctions pursuant to section 2(a)(i) of E.O. 14059 on the persons identified below.

OFAC further determined that one or more of the persons identified below meet one or more of the criteria for designation pursuant to Executive Order 13224 of September 23, 2001, “Blocking

Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,” 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, “Modernizing Sanctions To Combat Terrorism,” 84 FR 48041 (E.O. 13224, as amended).

As a result, the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. MORFIN MORFIN, Cesar (a.k.a. “PRIMITO”; a.k.a. “PRIMO”), Tamaulipas, Mexico; Jalisco, Mexico; Mexico City, Mexico; Colima, Mexico; DOB 31 Dec 1987; POB Colima, Mexico; nationality Mexico; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; C.U.R.P. MOMC871231HCMRRS00 (Mexico) (individual) [SDGT] [ILLICIT–DRUGS–EO14059] (Linked To: CARTEL DE JALISCO NUEVA GENERACION).

Designated pursuant to section (1)(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production as well as pursuant to section (1)(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Cartel De Jalisco Nueva Generacion, a person sanctioned pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Cartel De Jalisco Nueva Generacion, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. MORFIN MORFIN, Remigio, Hidalgo, Mexico; DOB 21 Oct 1991; POB Colima, Mexico; nationality Mexico; Gender Male; C.U.R.P. MOMR911021HCMRRM07 (Mexico) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

3. MORFIN MORFIN, Alvaro Noe, Tamaulipas, Mexico; DOB 20 Dec 1978;

POB Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. MOMA781220HJCRRLO5 (Mexico) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

Entities

1. GRUPO JALA LOGISTICA, S.A. DE C.V., 2nd Oficina A entre AGS y Puebla 8, Rio Bravo, Tamaulipas 88920, Mexico; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 07 Dec 2020; Organization Type: Transportation and storage; alt. Organization Type: Extraction of crude petroleum; alt. Organization Type: Extraction of natural gas; Folio Mercantil No. N–2020076613 (Mexico) [SDGT] [ILLICIT–DRUGS–EO14059].

Designated pursuant to section (1)(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Cesar Morfin Morfin, a person sanctioned pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Cesar Morfin Morfin, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. SLA. SERVICIOS LOGISTICOS AMBIENTALES, S.A. DE C.V., Ave Central #450, Reynosa, Tamaulipas 88730, Mexico; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 14 Oct 2014; Organization Type: Transportation and storage; Folio Mercantil No. N–2021049876 (Mexico) [SDGT] [ILLICIT–DRUGS–EO14059].

Designated pursuant to section (1)(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Cesar Morfin Morfin, a person sanctioned pursuant to E.O. 14059.

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Cesar Morfin Morfin, a person whose

property and interests in property are blocked pursuant to E.O. 13224, as amended.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025–10108 Filed 6–3–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Requesting Comments on Form 8832

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 August 4, 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. 1545–1516 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–2128.

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: Entity Classification Election.

OMB Number: 1545–1516.

Form Number: 8832.

Abstract: Form 8832 is used by an eligible entity that chooses not to be classified under the default rules or that wishes to change its current classification must file Form 8832 to elect a classification.

Current Actions: There is no change to the existing collection; however, the total burden has been reduced due to burden estimates covered for business filers under OMB control number 1545–0123.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 50.

Estimated Time per Respondent: 7 hours, 10 minutes.

Estimated Total Annual Burden Hours: 386.

Dated: May 29, 2025.

Jason M. Schoonmaker,
Tax Analyst.

[FR Doc. 2025–10166 Filed 6–3–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Requesting Comments on Form 8876

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 August 4, 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. 1545–1826 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–2128.

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: Excise Tax on Structured Settlement Factoring Transactions.

OMB Number: 1545–1826.

Form Number: 8876.

Abstract: Form 8876 is used to report structured settlement transactions and pay the applicable excise tax.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations.

Estimated Number of Responses: 50.

Estimated Time per Respondent: 5 hours, 36 minutes.

Estimated Total Annual Burden Hours: 280.

Dated: May 29, 2025.

Jason M. Schoonmaker,
Tax Analyst.

[FR Doc. 2025–10165 Filed 6–3–25; 8:45 am]

BILLING CODE 4830–01–P



FEDERAL REGISTER

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Part II

Federal Communications Commission

47 CFR Parts 0 and 9

Facilitating Implementation of Next Generation 911 Services (NG911);
Improving 911 Reliability; Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 9

[PS Docket Nos. 21–479 and 13–75, FCC 25–21; FR ID 295635]

Facilitating Implementation of Next Generation 911 Services (NG911); Improving 911 Reliability

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (the FCC or Commission) proposes rules that would help ensure that emerging Next Generation 911 (NG911) networks are reliable and interoperable. NG911 is replacing legacy 911 technology across the country with Internet Protocol (IP)-based infrastructure that will support new 911 capabilities, including text, video, and data. However, for NG911 to be fully effective, NG911 networks must safeguard the reliability of critical components and support the interoperability needed to seamlessly transfer 911 calls and data from one network to another. When the Commission first adopted 911 reliability rules in 2013, the transition to NG911 was in its very early stages. Since then, many state and local 911 Authorities have made significant progress in deploying NG911 capabilities in their jurisdictions. This Further Notice of Proposed Rulemaking (FNPRM) is the next step in fulfilling the Commission's commitment to facilitate the NG911 transition and to ensure that the transition does not inadvertently create vulnerabilities in the nation's critical public safety networks. The FNPRM proposes to update the definition of "covered 911 service provider" in the Commission's existing 911 reliability rules to ensure that the rules apply to service providers that control or operate critical pathways and components in NG911 networks. It also proposes to update the reliability standards for providers of critical NG911 functions to ensure the reliable delivery of 911 traffic to NG911 delivery points, and proposes to establish NG911 interoperability requirements for interstate transfer of 911 traffic between Emergency Services IP Networks (ESInets). In addition, the FNPRM proposes to modify the certification and oversight mechanisms in the current 911 reliability rules to improve reliability and interoperability in NG911 systems while minimizing burdens on service providers, and proposes to empower state and local 911 Authorities to obtain reliability and

interoperability certifications directly from covered 911 service providers.

DATES: Comments are due on or before July 21, 2025, and reply comments are due on or before August 18, 2025.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998), <https://www.govinfo.gov/content/pkg/FR-1998-05-01/pdf/98-10310.pdf>. You may submit comments, identified by PS Docket Nos. 21–479 and 13–75, by any of the following methods:

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

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further

Notice of Proposed Rulemaking (FNPRM), in PS Docket Nos. 21–479 and 13–75, FCC 25–21, adopted on March 27, 2025, and released on March 28, 2025. The full text of this document is available at <https://docs.fcc.gov/public/attachments/FCC-25-21A1.pdf>.

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

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this FNPRM will be available on <https://www.fcc.gov/proposed-rulemakings>.

Synopsis

Introduction

In this Further Notice of Proposed Rulemaking (FNPRM), we propose to update existing Commission rules to ensure the resiliency, reliability, interoperability, and accessibility of Next Generation 911 (NG911) networks. With the transition to NG911, dedicated 911 networks are evolving from Time Division Multiplexing (TDM)-based architectures to Internet Protocol (IP)-based architectures, which will provide state and local 911 authorities with significant new capabilities to respond to those in need of emergency assistance and to improve system resilience in comparison to legacy 911. These new capabilities include multimedia NG911 calls that allow the transmission of texts, photos, videos, and data, which persons with disabilities depend on for full and equal access to emergency services. However, for NG911 to be fully effective and accessible, it is essential that NG911 networks are designed to ensure the reliability of critical components and applications and interoperability to enable seamless transfer of 911 calls and data.

Today, we propose certain reliability and interoperability requirements that would apply to “covered 911 service providers” (CSPs), the providers that support essential functions within 911 networks such as call routing and automatic caller location, with particular emphasis on entities that provide these capabilities in the NG911 environment.¹ Our proposals build on the 911 reliability rules that the Commission adopted in 2013, which require CSPs to take measures to provide reliable 911 service to Public Safety Answering Points (PSAPs) with respect to circuit diversity, central-office backup power, and diverse network monitoring.² We propose to modify and

update these rules to keep pace with the ongoing transition to NG911, improve NG911 network reliability and resilience, reduce the risk of outages, and ensure accessibility to the life-saving improvements that NG911 is uniquely capable of delivering. We also propose to adopt rules that would require Emergency Services IP Network (ESInet) providers to support interoperability in the interstate transfer of 911 calls and data, which will strengthen the ability of state and local 911 Authorities to ensure continued access to NG911 services during major emergencies by deploying resources in support of one another.³

It is particularly important that we take action on these issues now. When the Commission adopted the current 911 reliability rules in 2013, the transition to NG911 was in its very early stages. However, as the Commission observed in its July 2024 *NG911 Transition Order*, the NG911 transition has now progressed to the point that most states have invested in NG911 technology, and many states and local jurisdictions have operating ESInets.⁴ Moreover, many public safety commenters in the *NG911 Transition* proceeding expressed strong support for the Commission taking further action to strengthen NG911 reliability, interoperability, and accessibility. Finally, while NG911 has inherent reliability and accessibility advantages over legacy 911, our experience with recent outages affecting 911 suggests that some critical elements of NG911 networks may not be adequately covered by our existing 911 reliability rules. To address these issues, we propose and seek comment on the following measures:

- **Covered 911 Service Providers.**

First, we propose to update the definition of “covered service provider” in the Commission’s existing 911 reliability rules to specify how the rules apply to service providers that control or operate critical pathways and components of NG911 networks.

- The current CSP definition focuses on providers of certain network facilities and capabilities that are specific to legacy 911 systems and states that the rules also apply to their “functional equivalents” in the NG911 environment. We propose to specify that certain critical NG911 facilities and capabilities (e.g., Location Validation Functions (LVFs), Geographic Information Systems (GISs), Emergency Call Routing Functions (ECRFs), Emergency Services Routing Proxies (ESRPs), and Policy Routing Functions (PRFs)) are among the functional equivalents referred to in the current rule and that providers of these capabilities therefore fall within the definition of CSPs.

- We also propose to expand the CSP definition to encompass the following types of providers of critical connectivity in the NG911 environment: (1) operators of Location Information Servers (LISs) or equivalent IP 911 location databases; (2) operators of Legacy Network Gateways (LNGs); (3) operators of interstate Major Transport Facilities that meet or exceed Optical Carrier 3 (OC3) capacity and carry 911 traffic from multiple OSPs for ultimate delivery to NG911 Delivery Points or ESInets; (4) operators of IP Traffic Aggregation Facilities that carry segregated 911 traffic from multiple OSPs towards ultimate transmission to an NG911 Delivery Point or ESInet; and (5) operators of interstate interconnecting facilities between ESInets.⁵

- **Reliability Standards.** Second, we propose to update the reasonable reliability standards that providers of critical NG911 functions must employ to ensure the reliable delivery of 911 traffic to NG911 delivery points. We believe such action is needed to ensure the reliability of critical transport, aggregation, and data facilities in the NG911 ecosystem at the interstate and national level and the accessibility of NG911 services.

¹ See 47 CFR 9.19(a)(4) (defining a CSP as any entity that (A) “[p]rovides 911, E911, or NG911 capabilities such as call routing, automatic location information (ALI), automatic number identification (ANI), or the functional equivalent of those capabilities, directly to a [PSAP] . . . ; and/or (B) [o]perates one or more central offices that directly serve a PSAP”).

² See 47 CFR 9.19; *Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket Nos. 13–75 and 11–60, Report and Order, 28 FCC Rcd 17476, 17477–78, paras. 2–5 (2013), 79 FR 3123 (Jan. 17, 2014) (*911 Reliability Order*); FCC Public Safety and Homeland Security Bureau, *Impact of the June 2012 Derecho On Communications Networks and Services: Report and Recommendations at 1–2* (2013) (*Derecho Report*), <http://www.fcc.gov/document/derecho-report-and-recommendations>. PSAP refers to “[a]n answering point that has been designated to receive 911 calls and route them to emergency services personnel.” 47 CFR 9.3.

³ An ESInet is “[a]n internet Protocol (IP)-based network that is managed or operated by a 911 Authority or its agents or vendors and that is used for emergency services communications, including Next Generation 911.” 47 CFR 9.28. A “911 Authority” is a “State, territorial, regional, Tribal, or local governmental entity that operates or has administrative authority over all or any aspect of a communications network for the receipt of 911 traffic at NG911 Delivery Points and for the transmission of such traffic from that point to PSAPs.” *Id.*

⁴ *Facilitating Implementation of Next Generation 911 Services (NG911): Location-Based Routing for Wireless 911 Calls*, PS Docket Nos. 21–479 and 18–64, Report and Order, FCC 24–78, 2024 WL 3507091 at *12, para. 29 (Jul. 19, 2024), 89 FR 78066 (Oct. 17, 2024) (*NG911 Transition Order*).

⁵ OSPs are “[p]roviders that originate 911 traffic, specifically wireline providers; commercial mobile radio service (CMRS) providers, excluding mobile satellite service (MSS) operators to the same extent as set forth in § 9.10(a); covered text providers, as defined in § 9.10(q)(1); interconnected Voice over internet Protocol (VoIP) providers, including all entities subject to subpart D of this part; and internet-based Telecommunications Relay Service (TRS) providers that are directly involved with routing 911 traffic, pursuant to subpart E of this part.” 47 CFR 9.28. The term “911 traffic” means “[t]ransmissions consisting of all 911 calls (as defined in §§ 9.3, 9.11(b)(2)(ii)(A), 9.14(d)(2)(iii)(A), and 9.14(e)(2)(ii)(A)) and/or 911 text messages (as defined in § 9.10(q)(9)), as well as information about calling parties’ locations and originating telephone numbers and routing information transmitted with the calls and/or text messages.” *Id.*

• *Interoperability.* Third, we propose to establish NG911 interoperability requirements for interstate transfer of 911 traffic between ESInets to optimize PSAP call transfer capabilities during service disruptions. We seek to ensure that PSAPs can transfer calls to nearby PSAPs located across state borders with minimal need for the traffic to be retranslated or reformatted in order for such transfers to occur. We further propose to harmonize this action with our current 911 reliability certification rules by adding an interoperability certification to the rules. We also seek updated information on interstate interoperability by type of service, with particular emphasis on services used by consumers, including those with accessibility needs.

• *Oversight.* Finally, we propose to modify the certification and oversight mechanisms in our 911 reliability rules to improve implementation of reliability and interoperability in NG911 systems. Additionally, we propose to enable state and local 911 Authorities to obtain reliability and interoperability certifications directly from CSPs, so that 911 Authorities can more easily exercise their existing authority to address reliability, interoperability, and accessibility needs within their jurisdictions.

Together, these proposals are intended to improve transparency and accountability during the NG911 transition and help ensure that the nation's 911 system functions effectively and reliably. We believe that these proposals will make the nation's 911 service more accessible, reliable and interoperable, while striking an appropriate balance between costs and benefits of such regulation. We seek comment on the tentative conclusions, proposals, and analyses set forth in this FNPRM, as well as on any alternative approaches.

Background

A. 911 Reliability Framework

The Commission adopted certain, specific 911 reliability rules for “covered 911 service providers” or CSPs in 2013 following the devastating impact on 911 services of the June 2012 mid-Atlantic derecho storm.⁶ In the 2013 911 Reliability Order, the Commission determined that the reliability, resiliency, and availability of 911 service could be improved through implementation of network reliability practices and other sound engineering principles, and it accordingly adopted 911 reliability certification rules for

CSPs.⁷ CSPs are entities that provide 911, E911, or NG911 capabilities such as call routing, automatic location information (ALI), automatic number identification (ANI), or the functional equivalent of those capabilities, directly to a PSAP, statewide default answering point, or appropriate local emergency authority.⁸ The rules mandate that all CSPs “shall take reasonable measures to provide reliable 911 service with respect to circuit diversity, central-office backup power, and diverse network monitoring.”⁹ To demonstrate that they are taking such reasonable measures, the rules require CSPs to annually certify that they have “perform[ed] all the specific certification elements outlined in our rules regarding 911 circuit auditing, backup power at central offices that directly service PSAPs, and diverse network monitoring links.”¹⁰ CSPs may also meet these certification requirements by showing that they have implemented “alternative measures . . . that are reasonably sufficient to mitigate the risk of failure, or that one or more certification elements are not applicable to its network.”¹¹ In addition, CSPs must notify PSAPs of network outages that may affect the PSAPs’ ability to receive 911 calls.¹² The Commission delegated authority to the Bureau “to order appropriate remedial action on a case-by-case basis where 911 reliability

certifications indicate such actions are necessary to protect public safety.”¹³

Since the adoption of the 911 reliability rules in 2013, the Commission has revisited the rules on several occasions, but has not updated them to account for the transition to NG911. In 2014, the Commission issued a *Policy Statement and NPRM* on improving 911 governance and reliability, which reaffirmed the importance of 911 reliability and posited that changes in 911 technologies and a recent series of “sunny day” 911 outages indicated a potential need for further action.¹⁴ Among the proposals advanced in the *NPRM*, the Commission sought comment on whether to broaden the definition of CSPs in former § 12.4 (now § 9.19).¹⁵

In 2015, the Commission issued a *Reconsideration Order* finding that the network reliability certification framework adopted in the 2013 *911 Reliability Order* was intended to allow flexibility for all CSPs to rely on reasonable alternative measures in lieu of any of the enumerated reliability practices set forth in former § 12.4(c) (now § 9.19(c)) of the rules, and that such flexibility was specifically intended to apply to the transition to NG911.¹⁶ The Commission stated that “flexibility is essential to support and encourage the transition to NG911” and pointed out that, in the *911 Reliability Order*, the Commission stated that “we intend today’s rules to apply to current

⁷ *Id.* at 17477–78, paras 2–5; *Derecho Report* at 1–2.

⁸ 47 CFR 9.19(a)(4)(i)(A)–(B). For ease of reference, we sometimes refer herein to PSAPs, statewide default answering points, and appropriate local emergency authorities collectively as “PSAPs.” The term “covered 911 service provider” does not include PSAPs or governmental authorities to the extent they provide 911 capabilities or entities that offer the capability to originate 911 calls where another service provider delivers those calls and associated number or location information to the appropriate PSAP. 47 CFR 9.19(a)(4)(ii)(A)–(B).

⁹ 47 CFR 9.19(b).

¹⁰ 47 CFR 9.19(c).

¹¹ 47 CFR 9.19(b); see *Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket Nos. 13–75 and 11–60, Order on Reconsideration, 30 FCC Rcd 8650, 8655, para. 12 (2015), 80 FR 60548 (Oct. 7, 2015) (*2015 Reliability Recon. Order*). The designated corporate officer may fulfill the certification requirement by explaining how the communications service provider has undertaken alternative measures that mitigate the risk of 911 network failure. 47 CFR 9.19(c)(1)(ii)(A), 9.19(c)(2)(ii)(A), and 9.19(c)(3)(ii)(A). See also *2015 Reliability Recon. Order*, 30 FCC Rcd at 8656–58, paras. 14–20 (confirming that, under § 12.4 (now § 9.19) of the Commission’s rules, CSPs may implement and certify an alternative measure for any of the specific 911 certification elements, as long as the certification includes an explanation of how such alternative measures are reasonably sufficient to mitigate the risk of failure).

¹² *911 Reliability Order*, 28 FCC Rcd at 17526, para. 140; 47 CFR 4.9(h).

¹³ *911 Reliability Order*, 28 FCC Rcd at 17534, para. 163. These rules improved upon the pre-existing requirement of telecommunications carriers, commercial mobile radio service providers, and interconnected voice over internet protocol providers to transmit all 911 calls to PSAPs. See 47 CFR 9.4, 9.10(b), 9.11(b).

¹⁴ *911 Governance and Accountability, Improving 911 Reliability*, Policy Statement and Notice of Proposed Rulemaking, PS Dockets 14–193 and 13–75, 29 FCC Rcd 14208, 14222, para. 32 (2014), 80 FR 3191 (Jan. 22, 2015) (*2014 Reliability NPRM*).

¹⁵ *Id.* at 14225, para. 42. The *2014 Reliability NPRM* also sought comment on ensuring transparency in connection with major changes in 911 service; ensuring reliability of IP-based 911 capabilities and services; and situational awareness and coordination of responsibility during outages. *Id.* at 14228, para. 48. Although the Commission did not act on the proposals from the *2014 Reliability NPRM*, we incorporate comments filed in response to the *NPRM* into today’s item.

¹⁶ *2015 Reliability Recon. Order*, 30 FCC Rcd at 8654, para. 10. The Commission stated that the “overarching purpose of the certification, including the attestation of a responsible corporate officer, is to ‘hold service providers accountable for decisions affecting 911 reliability.’” *Id.* (citing *911 Reliability Order*, 28 FCC Rcd at 17495–96 paras. 54, 59; 47 CFR 12.4(a)(3) (2015) (now 47 CFR 9.19(a)(3))). The Commission emphasized that “[i]nflexible insistence on specified actions as part of each certification despite technical considerations that show those actions may not be appropriate in all cases would undermine this principle of flexibility without advancing the Commission’s goal of improving 911 reliability.” *Id.*

⁶ *911 Reliability Order*, 28 FCC Rcd at 17477, para. 2.

911 networks, as well as NG911 networks to the extent they provide functionally equivalent capabilities to PSAPs.”¹⁷

In 2018, the Public Safety and Homeland Security Bureau (Bureau) issued a public notice seeking comment on the effectiveness of the 911 reliability rules, fulfilling a commitment made by the Commission in 2013 to reexamine the rules after five years to consider whether the rules were still “technologically appropriate and both adequate and necessary.”¹⁸ In response to the 2018 *Reliability Public Notice*, the Bureau received ten comments and six reply comments from entities representing industry, local government, and the public safety community.¹⁹ The Commission did not take further action following the public notice, leaving the 2013 rules in place.

B. 911 Reliability Practices and CSRIC Recommendations

In 2018, the Bureau disseminated lessons learned from major network outages and reminded and encouraged communications service providers to review industry best practices to ensure network reliability.²⁰ The Bureau created a new network reliability page (<http://www.fcc.gov/network-reliability-resources>) to help ensure that network providers, public safety entities, and the general public can readily access the Bureau’s work in promoting industry best practices.²¹ Based on the Bureau’s analysis of several major network outages that affected subscribers, including those calling 911 for emergency assistance, the Bureau staff determined that providers could have likely prevented or mitigated the outages by employing certain network reliability best practices.²² The Bureau

encouraged communications service providers to implement certain industry best practices, as previously recommended by the Commission’s Communications Security, Reliability and Interoperability Council (CSRIC),²³ including practices that could prevent or mitigate similar outages in the future.²⁴

In 2019, in anticipation of additional entities transitioning to NG911, CSRIC VI issued a report and recommendations for 911 system reliability and resiliency.²⁵ The recommendations included measures to improve both legacy 911 and NG911, including ways in which the Commission could further the NG911 transition and enhance the reliability and effectiveness of NG911 through routing redundancy, maintenance, and mitigation of the threat of outages in both legacy 911 and NG911 systems.²⁶ The CSRIC recommendations address the need for service providers to (1) monitor for events resulting in loss of service;²⁷ (2) understand points of failure risks to (a) call delivery, (b) location delivery, and (c) callback information;²⁸ and (3) consider incorporating network detection tools and working with stakeholders to share information.²⁹ CSRIC VI also developed and

recommended action for modifying or adding best practices regarding overall monitoring, reliability, notifications, and accountability in preventing 911 outages in transitional NG911 environments³⁰ as well as addressing cybersecurity considerations.³¹

In 2020, the Bureau updated the CSRIC Best Practices database.³² The Bureau noted that CSRIC VII³³ unanimously approved an update to the database to include best practices from CSRIC VI (addressing communications network security, emergency preparedness, and disaster recovery) as well as the deletion of best practices that had become obsolete. The Bureau reminded and encouraged communications service providers to follow industry best practices to ensure network reliability, consistent with the CSRIC’s recommendations, including ensuring (1) sufficient circuit diversity and alternative routing of 911 calls; (2) validating network changes in test environment, (3) using virtual interfaces and network management controls, and (4) making spare equipment available.³⁴

C. 911 Interoperability

While the Commission has not to date adopted rules relating to 911 interoperability, in 2019, it directed CSRIC VII to survey the state of interoperability for the nation’s 911 systems, including for legacy 911,

³⁰ *Id.* at Appendix B. In addition, CSRIC VI offers recommendations on how small and rural carriers can transition to NG911 while minimizing risks of the transition, such as preventative measures to avoid service outages. See CSRIC VI, Working Group 1, Transition Path to NG9-1-1, Final Report—Small Carrier NG9-1-1 Transition Considerations (2018), <https://www.fcc.gov/sites/default/files/csric6wg1sept18ng911report.docx>.

³¹ CSRIC VI, WG 1 Report at 71 (recommending that (1) “stakeholders take deliberate steps to consider the cybersecurity implications introduced by the transition to NG9-1-1” and (2) “a future CSRIC focus on NG9-1-1 related cybersecurity challenges and develop Best Practices as appropriate”).

³² See *Public Safety And Homeland Security Bureau Announces Updates To The Communications Security, Reliability, And Interoperability Council Best Practices Database*, Public Notice, 35 FCC Rcd 577 (PSHSB 2020). The CSRIC Best Practices database can be accessed on the FCC website at <https://opendata.fcc.gov/Public-Safety/CSRIC-Best-Practices/qb45-rw2t/data> (last visited Feb. 14, 2025).

³³ FCC, *Communications Security, Reliability, and Interoperability Council VII*, <https://www.fcc.gov/about-fcc/advisory-committees/communications-security-reliability-and-interoperability-council-vii> (last visited Feb. 14, 2025).

³⁴ See *Public Safety and Homeland Security Bureau Encourages Communications Service Providers to Implement Important Network Reliability Practices*, Public Notice, PS Docket Nos. 11-60 and 20-183, 35 FCC Rcd 13179, 13179-80 (2020).

²³ For a general overview of CSRIC see FCC, *Communications Security, Reliability, and Interoperability Council*, <https://www.fcc.gov/about-fcc/advisory-committees/communications-security-reliability-and-interoperability-council-0> (last visited Feb. 14, 2025).

²⁴ 2018 *Best Practices PN* at 3776-77.

²⁵ CSRIC VI Working Group 1, Final Report—Recommendations for 9-1-1 System Reliability 5 and Resiliency during the NG9-1-1 Transition 6 Version 2.0—March 8, 2019 (Addition of Best Practices) (2019), https://www.fcc.gov/sites/default/files/csric6wg1_finalreport_030819.pdf (CSRIC VI, WG 1 Report).

²⁶ *Id.* at 69.

²⁷ *Id.* (“There is a need for Service Providers across all industry segments (cable, wireline, wireless, Interconnected VoIP) to be able to identify within their networks service-impacting events that impair or cause a total loss of service.”).

²⁸ *Id.* at 70.

²⁹ *Id.* (recommending (1) “Service Providers consider incorporating network detection tools, as appropriate, to assist network operations in detecting or deterring threats to 9-1-1 before they reach the ESInet perimeter” and (2) “Service Providers and other stakeholders work together to ensure that the system monitoring information that is needed to mitigate risks, monitor elements of the NG9-1-1 infrastructure and identify 9-1-1 outages is shared between providers and that the information is available to stakeholders when needed”). Working Group 1 also assessed the use of tools for Network Monitoring/Reporting to address the FCC’s question: “Are there tools commercially available that can detect or deter to mitigate an outage?” The CSRIC VI, WG 1 Report included a matrix summarizing the responses and providing information “on tools used to detect, deter and mitigate network anomalies within the 9-1-1 networks infrastructure.” *Id.* at 70, Appendix A.

¹⁷ *Id.*; 911 *Reliability Order*, 28 FCC Rcd at 17479, para. 9.

¹⁸ *Public Safety and Homeland Security Bureau Seeks Comment on 911 Network Reliability Rules*, PS Docket No. 13-75, Public Notice, 33 FCC Rcd 5987, 5988 (2018) (2018 *Reliability Public Notice*); 911 *Reliability Order*, 28 FCC Rcd at 17533, para. 159.

¹⁹ The commenters to the 2018 *Reliability Public Notice* were the Association of Public-Safety Communications Officials-International, Inc. (APCO); NENA: The 9-1-1 Association (NENA); West Safety Service; Alaska Communications; Texas 911 Alliance; Verizon; INdigital; USTelecom—The Broadband Association (USTelecom); Alliance for Telecommunications Industry Solutions (ATIS); Motorola; the Colorado Public Utilities Commission (Colorado PUC); AT&T; T-Mobile; CenturyLink; and the National Association of State 911 Administrators (NASNA).

²⁰ See *Public Safety and Homeland Security Bureau Encourages Communications Service Providers to Follow Best Practices to Help Ensure Network Reliability*, Public Notice, 33 FCC Rcd 3776, 3776 (PSHSB 2018) (2018 *Best Practices PN*).

²¹ *Id.*

²² *Id.*

transitional 911, and NG911 networks.³⁵ In 2020, CSRIC VII Working Group 4 issued its report and recommendation on 911 interoperability, which were adopted by CSRIC VII. The report observed that 911 systems are highly interconnected, and interoperability between call-taking and call processing components is critical.³⁶ In addition, the report noted that “[l]egacy, transitioning, and fully NG911-capable systems capture and exchange potentially large amounts of data and transferring such data between 9–1–1 systems potentially requires external data connections.”³⁷ The report concluded that the state of national NG911 interoperability was highly dependent on the degree of progress made by state and local 911 authorities in transitioning their respective systems to mature or end-state NG911 capability.³⁸ The report identified interoperability challenges and indicators of successful interoperability, and recommended that the U.S. “continue to move forward with the deployment of NG9–1–1, with a strong focus on achieving interoperability, as defined in this report, which includes industry standards-based solutions.”³⁹

D. Next Generation 911 Transition Order

In July 2024, the Commission adopted the *NG911 Transition Order*, which established rules to create a consistent NG911 transition framework at the national level while also affording flexibility to 911 Authorities to modify the transition framework at the state, regional, local, territorial, or Tribal level.⁴⁰ The new transition rules specify

a two-phased approach to guide the transition to NG911, in which 911 Authorities initiate each phase by submitting a valid request to OSPs within the relevant jurisdiction and OSPs must comply with NG911 requirements for that phase within a defined period. As part of the order, the Commission adopted a definition of “Next Generation 911” that includes interoperability, security, use of commonly accepted standards, and other criteria as core elements of the definition.⁴¹ The Commission also noted the potential for NG911 to support improved reliability and interoperability and that some commenters had urged us to consider specific reliability and interoperability requirements.⁴² While the Commission deferred consideration of these issues in the Order, it recognized that they warranted further scrutiny.⁴³

The definition of Next Generation 911 adopted in the *NG911 Transition Order* also requires that emergency communications centers—e.g., PSAPs—be able to receive, process, and analyze “all types” of 911 requests for emergency assistance.⁴⁴ The Commission explained that this language incorporates an accessibility component into the NG911 definition, and agreed with Communications Equality Advocates (CEA) that NG911 must support accessible technologies.⁴⁵ Several commenters urged the Commission to consider additional measures to enhance NG911 accessibility. While the Commission declined to address those proposals because they were outside the scope of that proceeding, it resolved to “continue to monitor the development of NG911 systems and technologies” and “to take steps as necessary to ensure that NG911 is fully accessible to all.”⁴⁶

Discussion

A. The Need for Rules To Promote the Reliability and Interoperability of NG911 Networks

NG911 architecture offers distinct advantages over legacy 911 technologies, including the possibility of greater reliability, redundancy, interoperability, and accessibility.⁴⁷ In

order to realize these advantages, however, NG911 networks must be designed to ensure resiliency and avoid potential single points of failure. Unlike legacy 911 networks, in which 911 call routing and delivery by a CSP typically occurs within the same service area as the destination PSAP, NG911 networks frequently aggregate traffic from various OSPs and widespread regions and transport it to geographically distant network components for processing and eventual delivery to ESNets for routing to the appropriate PSAP. In addition, NG911 network providers often contract with third parties to operate servers and other critical facilities that support 911 call routing and other key functions in multiple states and jurisdictions.⁴⁸ Without measures to ensure the resiliency of these critical components, failure of NG911 networks can lead to large, multistate outages. The introduction of NG911 and IP-based technologies therefore requires collaboration between industry, public safety participants including 911 Authorities, and the Commission to ensure that technology-enabled optimization does not introduce unacceptable risks that imperil 911 reliability, resiliency, and accessibility.⁴⁹

Since the Commission adopted the 911 reliability rules for CSPs in 2013, the nation has continued to experience periodic “sunny day” outages that have impaired the ability of millions of Americans to access 911. While many of these outages have been local, some have been large, multistate outages associated with IP-based networks.

- In 2014, an outage in a service provider’s 911 call-routing facility in Colorado caused 11 million people to lose 911 service for up to six hours, prevented emergency calls from reaching 81 PSAPs across seven states,

availability.”). See also, e.g., StateScoop, *North Carolina officials say next-generation 911 network withstood Hurricane Helene* (October 21, 2024), <https://statescoop.com/north-carolina-next-generation-911-hurricane-helene/> (quoting the Executive Director of North Carolina’s state 911 board as crediting NG911 infrastructure for ensuring the continuity of 911 service through the Hurricane Helene disaster: “Had the old technology and analog network still been in place, the infrastructure would have been destroyed and we would not have had the capability to route calls to other PSAPs and connect people to critical emergency services” “Thanks to the resiliency and redundancy of this network, we had no reports of 911 calls not being delivered.”).

⁴⁸ FCC Public Safety and Homeland Security Bureau, April 2014 Multistate 911 Outage: Cause and Impact, PS Docket No. 14–72 at 1–2 (2014) (*2014 Multistate 911 Outage Report*), <https://www.fcc.gov/document/april-2014-multistate-911-outage-report>.

⁴⁹ See, e.g., *NG911 Transition Order* at **1, 12, 25, 60, 64, paras. 1, 29, 69, 176, 188.

³⁵ CSRIC VII, Report on the Current State of Interoperability in the Nation’s 911 Systems (2020) (*CSRIC VII WG 4 Report*), <https://www.fcc.gov/about-fcc/advisory-committees/communications-security-reliability-and-interoperability-council-vii>.

³⁶ *CSRIC VII WG 4 Report* at 5–6.

³⁷ *CSRIC VII WG 4 Report* at 5–6.

³⁸ CSRIC VII looked to the “maturity states” adopted by the FCC’s earlier Task Force on Optimal Public Safety Answering Point Architecture (TFOPA) to guide its report formulation. See TFOPA, Working Group 2, Phase II Supplemental Report: NG9–1–1 Readiness Scorecard at 13 (2016), https://transition.fcc.gov/pshs/911/TFOPA/TFOPA_WG2_Supplemental_Report-120216.pdf. The TFOPA defined states of transition ranging from today’s legacy state through foundational, transitional, and intermediate states, culminating in the jurisdictional and nation-wide “end states” of NG911 service. Per TFOPA, “End State” refers to the state in which PSAPs have evolved to become emergency communications centers (ECCs); are served by standards-based NG911 systems and/or elements; OSPs are providing SIP interfaces with location information during call setup; and ESNets are interconnected providing interoperability on a national basis, supported by established agreements, policies and procedures. *Id.*

³⁹ *CSRIC VII WG 4 Report* at 21–25.

⁴⁰ *NG911 Transition Order* at *2, para. 2.

⁴¹ 47 CFR 9.28.

⁴² *NG911 Transition Order* at **62–68, paras. 182–197.

⁴³ *Id.*

⁴⁴ 47 CFR 9.28.

⁴⁵ *NG911 Transition Order* at *17, para. 43.

⁴⁶ *Id.* at *61, para. 179.

⁴⁷ *Id.* at *62–64, paras. 182–183, 185–186; *id.* at *63, para. 185 (agreeing with Intrado’s assertion that “establishing direct OSP connectivity via SIP to ESNets ‘will materially reduce the number of 911 outages through improved network reliability and

and resulted in more than 6,600 calls to 911 never reaching a PSAP.

- In 2018, a service provider experienced a nationwide outage on its fiber network that lasted for one and a half days, affecting 22 million customers across 39 states, including approximately 17 million customers across 29 states who lacked reliable access to 911.

- In December 2022, an outage affected 911 calling for a service provider's VoIP customers in much of the South, and another service provider experienced two outages in 2022 disrupting 911 service to thousands in North Dakota and South Dakota for several hours.

- In February 2024, a provider experienced a nationwide wireless service outage that lasted at least twelve hours and rendered all voice and 5G data services unavailable for all users. More than 92 million voice calls were blocked, including more than 25,000 calls to PSAPs.

- In April 2024, a service provider experienced an outage caused by a cut fiber optic cable adjacent to its central office in Kansas City, Missouri. The outage disabled a portion of the provider's high-capacity transport network for 911 and non-911 traffic originated by various OSPs in different states, including 911 traffic that had first been collected by a 911 aggregator—a service provider that segregates and consolidates 911 calls from OSPs and routes them to the appropriate PSAP or ESInet.

Some of these recent 911 outages have exposed possible gaps in the coverage of the existing 911 reliability rules applicable to CSPs. The current rules relating to “critical 911 circuits” require CSPs to certify whether they have eliminated all single points of failure between the selective router, ALI/ANI databases, or equivalent NG911 components, and the central office serving each PSAP. However, in some of the multistate outages noted above, the vulnerabilities contributing to the outage were found to exist at points in the 911 call flow downstream from the OSP (which is already required under § 9.4, 9.10, or 9.11 to transmit all 911 calls to PSAPs) but upstream from either the selective router in legacy 911 environments or the ESInet in transitional or NG911 environments. In many cases, those points are operated by third parties that transport 911 traffic over high-capacity fiber from OSP networks to the ESInets that directly serve PSAPs. In other cases, OSPs segregate their 911 traffic and hand it off to 911 aggregation services, which deliver 911 traffic consolidated from

multiple OSPs to PSAPs and ESInets. When these transport and aggregation components fail, they can interrupt 911 call flow to many PSAPs. Yet, because these components do not deliver calls directly to PSAPs at the local level, providers can argue that the components fall outside of the scope of the current reliability rules, particularly in the NG911 environment. We therefore believe Commission action is needed to address the reliability of these critical facilities in NG911 ecosystems. We seek comment on this analysis.

Another indicator of the need to revisit the 911 reliability rules for CSPs is that many of the multistate 911 outages reported to the Commission are “sympathetic” outages, *i.e.*, outages reported by one entity that are caused by a failure in the network of another entity.⁵⁰ Based on the data available in NORS, there have been at least 92 reported “sympathetic,” multistate outages in 2024 alone.⁵¹ The Commission has noted that these “sympathy reports contain information regarding service outages that, while caused by a failure in the network of another provider, nonetheless have an effect on the reporting service provider that may have public safety implications.”⁵² The high frequency and widespread scope of these sympathetic outages highlights the degree to which carriers increasingly rely upon large third-party service providers to aggregate and transport their traffic. These sympathetic outages usually are outside the scope of the existing 911 reliability rules, because CSPs can claim such outages occur in network elements that do not directly serve PSAPs and because the 911 reliability rules do not apply to OSPs. As a result, sympathetic outages expose a potential gap between our outage reporting and reliability certification rules, and the Commission currently has a limited ability to correlate reliability certifications with multistate outages reported in NORS.

When the Commission adopted the 911 reliability rules for CSPs, it committed itself to review the rules in the future “to determine whether they are still technologically appropriate and both adequate and necessary to ensure reliability and resiliency of 911

networks.”⁵³ The Commission stated that it would consider “how NG911 networks may differ from legacy 911 service as well as outage reporting trends, adoption of NG911 capabilities on a nationwide basis, and whether the certification approach has yielded the necessary level of compliance.”⁵⁴ Given the recurrence of major, multistate 911 outages, we believe the 2013 rules are not sufficient to safeguard 911 service in an NG911 environment, and that there are several ways that the current rules could be improved. We seek comment on this analysis.

First, the rules could more clearly specify which types of providers of NG911 capabilities qualify as CSPs that must comply with the reliability best practices in § 9.19 and file annual reliability certifications. The current rule refers to NG911 capabilities and/or “functional equivalents” of specified legacy capabilities. Although we believe that the Commission made clear its intent that NG911 capabilities be considered equivalent if they contribute to the routing of 911 traffic or to the storage or retrieval of associated location information, the generalized nature of this definition may explain why NG911 service providers are underrepresented among providers filing annual reliability certifications; of the 290 CSPs that filed 911 reliability certifications in 2024, only a small minority were NG911 providers. To the extent providers of NG911 capabilities are uncertain about whether they fall within the definition of CSPs, they also may not be implementing the Commission's reliability best practices.

The need for updating our rules regarding covered NG911 facilities is heightened by the fact that the entities operating the legacy 911 facilities that are highlighted in the rules—*i.e.*, selective routers and ALI/ANI databases—are retiring these facilities as they are superseded by NG911 networks.⁵⁵ As a consequence, continuing to rely solely on the 2013 rules to cover the transition from legacy 911 to NG911 could lead to reduced transparency and a weakening of reliability safeguards. Updating the rules to ensure that the functional equivalent standard clearly encompasses NG911 technology therefore should provide additional certainty that NG911 service providers are covered by our rules and improve the reliability practices of NG911 networks and the accessibility of NG911

⁵⁰ See *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications*, PS Docket No. 15–80, Second Report and Order, 36 FCC Rcd 6136, 6160, para. 77 & n.156 (2021), 86 FR 22796 (Apr. 29, 2021) (*NORS Information Sharing Order*).

⁵¹ This is based on reports identifying multiple states impacted by a reported outage, and does not include outages due to transport or SS7.

⁵² *NORS Information Sharing Order*, 36 FCC Rcd at 6160, para. 78.

⁵³ *911 Reliability Order*, 28 FCC Rcd at 17533, para. 159.

⁵⁴ *Id.*

⁵⁵ *NG911 Transition Order* at *64, para. 186.

service. We seek comment on our view that updating the rules is needed to address these issues.

The reliability rules also do not address interoperability between ESInets—understandably so given that few ESInets existed when the rules were adopted in 2013. It has become clear, however, that one of the greatest potential benefits of NG911 technology is its ability to empower PSAPs to use ESInets to seamlessly transfer 911 calls and associated call data to other PSAPs that are better positioned to respond and deploy resources for emergencies. This life-saving benefit is an emerging one, but its potential will be substantially diminished if PSAPs cannot transfer calls to nearby PSAPs located across a state border, or if someone must retranslate or reformat the traffic to allow transfers to occur. In order to ensure that this capability exists nationwide, we believe we should consider adopting interoperability standards to facilitate the interstate flow of information between ESInets. We seek comment on our view that interoperability requirements are needed.

B. 911 Reliability

1. Expanding the Scope and Applicability of the 911 Reliability Rules

To account for the transition from legacy 911 to NG911, we propose to modify our definition of “covered 911 service provider” as follows. First, we would specify certain NG911 capabilities that satisfy the “functional equivalent” capability language of the current rule. Second, we propose to modify the current rule regarding what “direct service” to a PSAP or other answering point means, codifying language from prior Commission orders. Third, we propose to add five new NG911 CSP categories to cover both the expanding network gap between OSPs and state and local governments and the increasingly interstate and interlinked nature of NG911 ecosystem facilities. We seek comment on these proposals.

When the Commission adopted the reliability rules in 2013, it focused their application on service providers that, collectively, carry out the primary function of the 911 network: routing emergency calls to the geographically appropriate PSAP based on the caller’s location.⁵⁶ The Commission recognized “that overbroad rules could inadvertently impose obligations on entities that provide peripheral support for NG911 but may not play a central

role in ensuring 911 reliability[.]”⁵⁷ It therefore stated that it would only consider OSPs, internet service providers (ISPs), backhaul providers, aggregators, commercial data centers, and ESInets as CSPs to the extent they provide covered 911 capabilities directly to PSAPs.⁵⁸ The Commission further interpreted “direct” service to a PSAP to require a contractual arrangement or tariff agreement with the PSAP.⁵⁹

The 911 facilities enumerated in the current definition of CSPs correspond to the rule’s definition of “critical 911 circuits,” which comprise 911 facilities that originate at a selective router or its functional equivalent and terminate in the central office that serves the PSAP(s) to which the selective router or its functional equivalent delivers 911 calls, including all equipment in the serving central office necessary for the delivery of 911 calls to the PSAP(s).⁶⁰ Critical 911 circuits also include ALI and ANI facilities that originate at the ALI or ANI database and terminate in the central office that serves the PSAP(s) to which the ALI or ANI databases deliver 911 caller information, including all equipment in the serving central office necessary for the delivery of such information to the PSAP(s).⁶¹

When the Commission adopted the reliability rules in 2013, it declined to enumerate specific NG911 capabilities in the rules, because NG911 was still early in its development at that time, and the Commission expected that NG911 functionalities would evolve significantly in the future.⁶² Instead, the Commission stated that it would consider NG911 service providers to be CSPs if they provided capabilities “functional[ly] equivalent” to the legacy routing capabilities enumerated in the rules or if they were the last service-provider facility connecting to a PSAP.⁶³

The Bureau issued a Public Notice in 2018 that revisited the definition of “covered 911 service providers.”⁶⁴ Public safety and governmental

commenters broadly agreed that the current definition of CSPs is too narrow, noting that it excludes the growing class of critical NG911 services that are provided by subcontractors and other parties that have no contractual relationship with PSAPs and therefore do not “directly” serve a PSAP under the current rules.⁶⁵ APCO, for example, asked the Commission “to include any entity that provides 9–1–1, E9–1–1, or NG9–1–1 capabilities, directly or indirectly” and reported that “entities without a direct relationship to a PSAP have found methods to impact the ALI, routing, or supplemental data relevant to a 9–1–1 call.”⁶⁶ The Colorado Public Utility Commission (COPUC) stated that the definition of CSPs “should encompass any service or network component that could potentially impact 9–1–1 call delivery to the PSAPs, even if that service or network component is not directly contracted to deliver 9–1–1 calls and location information to the [PSAP].” Comments from service providers mostly opposed broadening the definition of CSP. For example, the Alliance for Telecommunications Industry Solutions (ATIS) stated its belief that the current rules “adequately encompass transitional and NG9–1–1 networks,” and Motorola Solutions, Inc. (Motorola) requested that the definition be clarified by adding an express requirement that CSPs must have a direct contractual relationship with a PSAP.

The *NG911 Transition Order* requires OSPs to provide SIP-based 911 traffic to 911 Authorities (typically via ESInets) to enable those authorities to establish NG911 networks in their states. While establishing NG911 service brings inherent potential advantages to reliability and interoperability, the Commission did not seek to amend the 911 reliability or outage notification rules in that proceeding. Nevertheless, certain commenters suggested that the Commission update its rules to better address network reliability in an NG911 environment, including to encompass emerging classes of NG911 service providers.⁶⁷ We agree, and we

⁵⁷ *Id.* at 17489, para. 37.

⁵⁸ 47 CFR 9.19(4)(i)(B); *911 Reliability Order*, 28 FCC Rcd at 17490, para. 39. Backhaul providers offer the infrastructure necessary to transmit data from one network point to another, often over long distances. For example, a mobile carrier may rely on a third-party backhaul provider to carry data from rural cell towers to its main network.

⁵⁹ *2015 911 Reliability Recon. Order*, 30 FCC Rcd at 8657, para. 17 (noting that CSPs are “the entities with direct contractual relationships with PSAPs”).

⁶⁰ 47 CFR 9.19(5).

⁶¹ *Id.*

⁶² *911 Reliability Order*, 28 FCC Rcd at 17489, para. 36 & n.85.

⁶³ 47 CFR 9.19(4)(i).

⁶⁴ *2018 Reliability Public Notice*, 33 FCC Rcd at 5989.

⁵⁶ *911 Reliability Order*, 28 FCC Rcd at 17478, para. 7 (citing the *Derecho Report* at 25).

⁶⁵ APCO Comments, PS Docket No. 13–75, at 1–2 (filed July 16, 2018); Daryl Branson, Colorado Public Utilities Commission Reply Comments, PS Docket No. 13–75, at 2 (filed Aug. 8, 2018); NENA Comments, PS Docket No. 13–75, at 1–2 (filed July 17, 2018); NASNA Reply Comments, PS Docket No. 13–75, at 2 (filed Aug. 13, 2018). *See also* 47 CFR 9.19(4)(i).

⁶⁶ APCO Comments, PS Docket No. 13–75, at 2 (filed July 16, 2018) (emphasis in original); *see also* NENA Comments, PS Docket No. 13–75, at 1–2 (filed July 17, 2018) (suggesting that the databases and software underpinning the infrastructure of the NG911 network should be included).

⁶⁷ *See, e.g.,* Windstream Reply Comments, PS Docket 21–479, at 2–3 (filed Sept. 8, 2023) (NG911

accordingly propose the measures described below.

Specification of Certain NG911 “Functional Equivalents.” We propose to amend the definition of “covered 911 service provider” to specify that NGCS Routing Facilities and NGCS Location Facilities are examples of NG911 capabilities that are functionally equivalent to the legacy facilities enumerated in the rule (*i.e.*, selective routers and ALI/ANI databases).⁶⁸ We further propose to define these NG911 capabilities consistently with the definitions adopted in the *NG911 Transition Order*. Together, these amendments would provide greater specificity for providers of these equivalent NG911 capabilities that they qualify as CSPs and are subject to the reliability standards in § 9.19 and the

reporting requirements in § 4.9. We seek comment on this proposal.

We believe that these proposed amendments are consistent with the Commission’s intent in adopting the current rule and would provide additional guidance as to the types of NG911 network functions and their associated network elements that are the “functional equivalents” of covered legacy routing facilities. The Commission explained in the *911 Reliability Order* that the routing of a legacy 911 call is accomplished via an aggregation point called a selective router, which identifies the PSAP that should receive the call based on the caller’s phone number and address.⁶⁹ The selective router then determines the correct routing path for the call and transmits the call, together with the caller’s location and telephone number,

to the central office serving the PSAP. Finally, the central office transmits the 911 call and associated caller information to the PSAP, typically along dedicated trunk lines. The PSAP validates the caller’s location and callback number by querying ALI and ANI databases before dispatching emergency services. Wireless 911 calls are routed similarly, but the caller’s location must be determined using other technologies and third-party providers.⁷⁰ We set forth a simplified graphic representation of a legacy network below. Service providers operating the legacy facilities that perform essential routing and transmission capabilities—*i.e.*, selective routers and ALI and ANI databases—are clearly defined as CSPs in the current rule.⁷¹

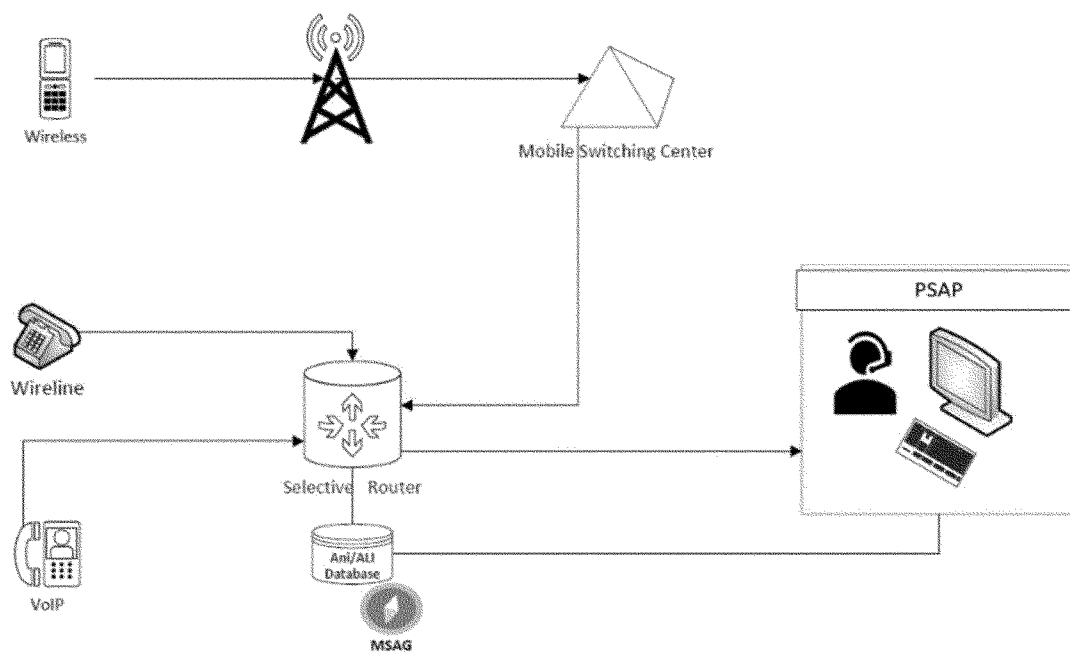


Figure 1- Legacy Network

traffic aggregators should be subject to the Commission’s rules relating to disruption notification requirements, which currently apply to OSPs); Home Telephone Comments, PS Docket 21–479, at iii, 13 & n.6 (filed Aug. 9, 2023); *see also* NTCA Reply Comments, PS Docket 21–479, at 7–8 (filed Sept. 8, 2023).

⁶⁸ See proposed rules at §§ 9.19(a)(4)(i)(A), (B) and 9.19(a)(15)–(16).

⁶⁹ *911 Reliability Order*, 28 FCC Rcd at 17478–79, paras. 7–8 (describing the typical legacy 911 call flow); *NG911 Transition Order* at *4, para. 10.

⁷⁰ *911 Reliability Order*, 28 FCC Rcd at 17478–79, paras. 7–8.

⁷¹ 47 CFR 9.19(4)(i). *See also NG911 Transition Order* at *4, para. 10 (legacy network diagram). The acronym MSAG refers to the Master Street Address Guide, which is replaced by the LVF in NG911 networks, while ANI/ALI databases are replaced by LISs. *NG911 Transition Order* at *31, para. 86.

In the *NG911 Transition Order*, the Commission recognized that “[t]he transition to NG911 involves fundamental changes in the technology . . . use[d] to receive and process 911 traffic, and it requires equally fundamental changes in the way OSPs deliver 911 traffic to PSAPs.”⁷² The default NG911 rules adopted in the *NG911 Transition Order* require OSPs to deliver 911 traffic to an NG911 Delivery Point that each 911 Authority may designate within its state or territory.⁷³ From that demarcation hand-off point, 911 Authorities are responsible for transmitting 911 traffic to the PSAP(s), which may be accomplished through a

combination of interconnected NGCS provided via the 911 Authority’s ESInet(s).⁷⁴ These services may include Location Validation Functions (LVFs), Geographic Information Systems (GISs), Emergency Services Routing Proxies (ESRPs), Emergency Call Routing Functions (ECRFs), and Policy Routing Functions (PRFs).⁷⁵ The LVF is a server that validates civic location information against a GIS database to deliver more dynamic and actionable information about a caller’s location than legacy ALI/ANI databases can.⁷⁶ GIS is a mapping system that collects, stores, and analyzes spatial data, ensuring that emergency services can pinpoint where

to send help.⁷⁷ Next, an ESRP, which is a routing engine that determines the next hop for the 911 call, queries an ECRF, which is a database function that determines the appropriate destination PSAP by mapping the caller’s validated location to maps with the boundaries of emergency response zones.⁷⁸ The call then is routed to the geographically appropriate PSAP in accordance with the PRF, which is a ruleset that decides how the call should be routed based on predetermined policies (e.g., priority levels, time of day, and load balancing).⁷⁹ We set forth a simplified graphic representation of a Phase 2 NG911 network below.⁸⁰

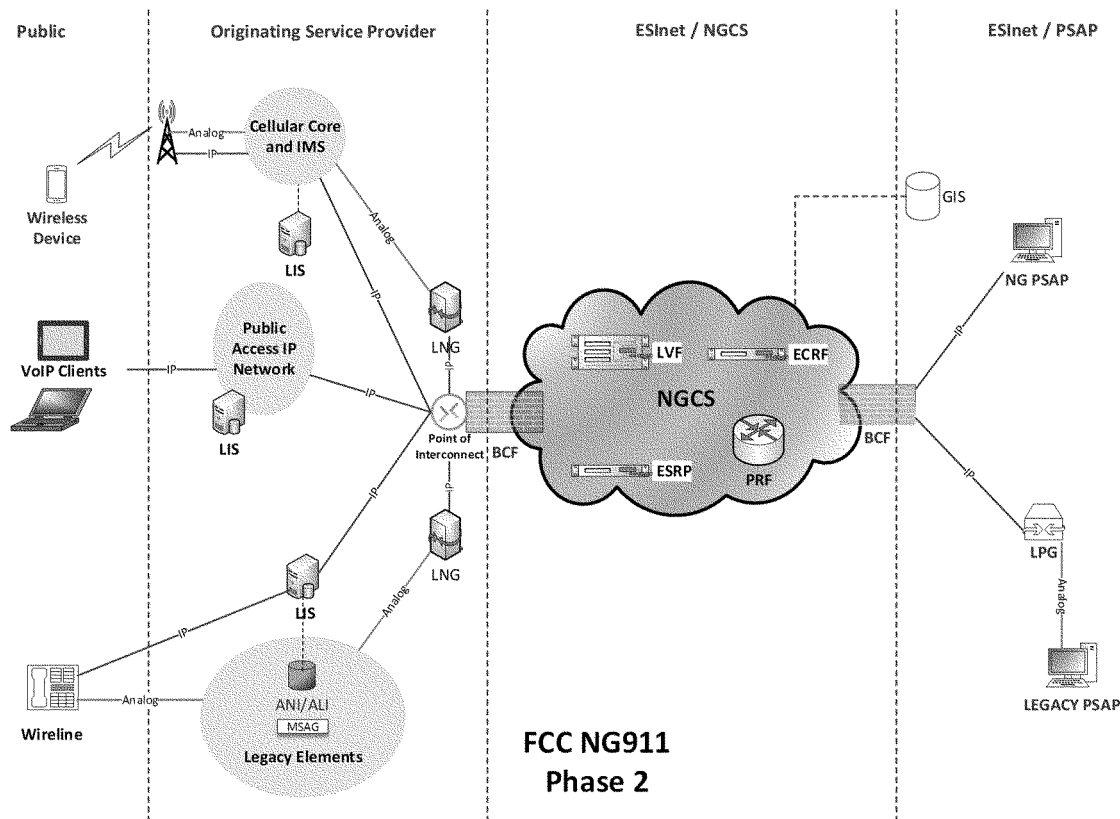


Figure 2 – Phase 2 911 Network

We believe the LVF and GIS core services are NG911 capabilities that are functionally equivalent to the ALI/ANI databases used in legacy networks.

While they are not identical in a technical or engineering sense, we believe that these NGCS Location Facilities are equivalent in a functional

sense because they similarly validate the 911 caller’s location by reference to databases of geographical and civic data using information about the caller that

⁷² *NG911 Transition Order* at *12, para. 28.

⁷³ *See id.* at *26, para. 71.

⁷⁴ *See id.* at *3, para. 6.

⁷⁵ *See id.* at **28–29, para. 79 (NG911 network diagram).

⁷⁶ *Id.* at **28, 31, paras. 78, 86; 47 CFR 9.28 (“An LVF is functional element in NG911 Core Services (NGCS) consisting of a server where civic location information is validated against the authoritative Geographic Information System (GIS) database information. A civic address is considered valid if

it can be located within the database uniquely, is suitable to provide an accurate route for an emergency call, and is adequate and specific enough to direct responders to the right location.”).

⁷⁷ *NG911 Transition Order* at *65, para. 191; *see generally* NENA, NENA i3 Standard for Next Generation 9–1–1 at § 4 (Oct. 7, 2021), https://cdn.ymaws.com/www.nena.org/resource/resmgr/standards/NENA-STA-010.3e-2021_i3_Stan.pdf (NENA i3 Standard) (describing standard NGCS functions).

⁷⁸ *NG911 Transition Order* at *7, para. 17 & n.57; NENA i3 Standard, § 4.

⁷⁹ *NG911 Transition Order* at *65, para. 189, n.560; NENA i3 Standard, § 4.

⁸⁰ *NG911 Transition Order* at *28, para. 79 (NG911 network diagram). The acronym BCF in the diagram refers to the Border Control Function, which acts as a firewall between the ESInet and external networks.

has been provided by their OSP.⁸¹ In turn, we believe that the ESRP, ECRF, and PRF core services are NG911 capabilities that are functionally equivalent to legacy selective routers, because they similarly determine the path along which to route 911 traffic so that it reaches the appropriate PSAP.⁸² We refer to them collectively as NGCS Routing Facilities.

As has always been the case with § 9.19, this proposal, as well as those described below, are service provider agnostic. In other words, rather than designate certain entities as CSPs by virtue of regulatory status or industry category, we propose to continue to focus on the services provided and the facilities operated. We seek to preserve flexibility in a rapidly evolving technology market so that only entities that ultimately provide critical 911 functions in an NG911 environment are the ones subject to our rules. The goal is to ensure reliability, interoperability, and accessibility of critical NG911 facilities, not to predetermine market outcomes or to usurp or constrain state and local government decision-making.

We seek comment on these proposals and our analysis. Does the current definition of CSPs sufficiently encapsulate NG911 service providers, or should the definition specify which NG911 capabilities are the “functionally equivalent” of the covered legacy routing and transmission services? Are LVFs, GISs, ESRPs, ECRFs, and PRFs examples of such functionally equivalent capabilities? Are these capabilities usually performed by non-governmental entities (e.g., via contracts or agreements) or are there instances where they are performed directly by governmental entities? Are there other NG911 facilities or services that constitute functional equivalents? If so, what functions do they perform, and which legacy elements do they replace? Because CSPs may not uniformly fit the definition of “telecommunications carriers,” should we clarify that, similar to the requirement in § 9.4 of the Commission’s rules, CSPs are required to transmit all 911 calls they receive to PSAPs? If not, on what basis should we treat CSPs differently from telecommunications carriers? We also request estimates of any new costs that would be caused by expanding the CSP definition in this manner.

As we propose to expand the classes of entities covered by our NG911 reliability rules to ensure that the rules capture entities that perform critical NG911 functions, we seek comment on whether we should conform § 4.5(e) in our outage reporting rules to similarly reflect this change. While § 4.5(e) already applies to NG911 outages, it does not specifically reference outages within the NG911 ecosystem facilities that we propose to define as critical (e.g., Major Transport Providers, ESInet interconnection facilities, NGCS facilities, etc.).⁸³ Should these facilities be identified explicitly in the rule, and, if so, how? We also seek comment on whether we should amend the outage-reporting thresholds in § 4.5(e) to reflect additional outage impacts that are specific to the types of NG911 ecosystem facilities that we address in our proposed 911 reliability rules. If so, what should those NG911-specific outage effects be? The current rule includes a threshold of 900,000 user-minutes of lost communication with PSAPs. Are user-minutes (as defined in § 4.7(e)) the appropriate metric for outages that are specific to NG911 facilities? ⁸⁴ If not, what metric would be appropriate?

Direct vs. Indirect Relationships with PSAPs. We propose to modify the requirement in the rules that providers of NG911 equivalent functionalities must “directly” serve a PSAP or other answering point in order to qualify as a CSP. The Commission included the “direct service” limitation in the original reliability rules to avoid imposing obligations on providers that “may not play a central role in ensuring 911 reliability.” ⁸⁵ The Commission also recognized, however, that the scope of the CSP definition might need to “be revised or expanded to cover . . .

additional entities that provide NG911 capabilities, or in light of our understanding about how NG911 networks may differ from legacy 911 service.” ⁸⁶

Modern NG911 networks have evolved to route 911 calls to PSAPs very differently from legacy architectures. In legacy networks, PSAPs typically contract with a single entity (such as an ILEC) to receive routing and location information services via a selective router and access to ALI and ANI databases, and they typically contract with the same entity to receive call delivery via trunk lines from the entity’s nearest central office.⁸⁷ In contrast, NG911 routing is performed by many dispersed functional elements that may be operated by a variety of service providers, including OSPs, ESInet providers, their contractors, and other parties.⁸⁸ A PSAP or 911 Authority may not have contractual relationships with any or all of these entities.

We believe it is important that indirect providers of essential NG911 services comply with reliability best practices. As noted above, there was strong support for doing so among public safety and government commenters that responded to the *2018 Reliability Public Notice*. We are concerned, however, that including all indirect service providers within the definition of CSPs could unnecessarily increase the number of service providers that must file reliability certifications each year well beyond the increase we anticipate as a result of specifying certain NG911 capabilities that are “functionally equivalent” to covered legacy capabilities. That increase could drive up the operating costs of service providers—and, consequently, the costs for individual subscribers and 911 Authorities—and could interfere with the Commission’s ability to closely review reliability certifications to identify and address problems.

We think the solution that best accomplishes our objective—while avoiding unnecessarily-burdensome certification and outage notification requirements—is to retain the direct service requirement but amend § 9.19 to state that CSPs directly serving PSAPs are responsible for ensuring the reliability of all of the NG911 capabilities they provide to the PSAP, whether through contractors of any tier, vendors, or via leased facilities. This proposal largely would be a codification of the longstanding principle that CSPs

⁸¹ See, e.g., *NG911 Transition Order* at *64, para. 186 (“ALI/ANI databases will be replaced with IP-based systems with more precise location information[.]”).

⁸² See, e.g., *id.* at *64, para. 186 (“Selective routers will be replaced with NGCS IP routing at the ESInet[.]”).

⁸³ We note that an outage that exhibits any of the effects of an outage described in § 4.5(e) would qualify as an “outage that potentially affects a 911 special facility,” regardless of whether the underlying 911 service is legacy 911 or NG911. See 47 CFR 4.5(e).

⁸⁴ ATIS argued in a prior proceeding that the outage threshold calculations set forth in §§ 4.5(e) and 4.7(e) are unsuitable for NG911 networks and that NG911 outage thresholds should be determined based on census or population data. See ATIS Comments, PS Docket Nos. 15–80, 13–75, at 15–16 (filed Jul. 30, 2021) (“Unlike legacy 911 systems, NG911 systems using the i3 architecture do not have access to telephone number counts. Legacy systems match a caller’s phone number with information in the [MSAG] to determine a caller’s location. With NG911 systems, calls are validated and routed using [GIS] data rather than the MSAG. Without telephone number counts, [CSPs] cannot calculate the number of user minutes potentially affected by an outage under Section 4.7(e) and thus cannot determine whether an outage potentially affects a 911 special facility under Section 4.5(e).”).

⁸⁵ *911 Reliability Order*, 28 FCC Rcd at 17489, para. 37.

⁸⁶ *Id.* at 17533, para. 159.

⁸⁷ *2014 Multistate 911 Outage Report* at 1–2, 14.

⁸⁸ *NG911 Transition Order* at *64, para. 186; *2014 Multistate 911 Outage Report* at 1–2.

must comply with § 9.19 reliability practices for facilities they lease from other parties, while the lessors themselves do not become subject to § 9.19 reporting requirements by making their facilities available to a CSP.⁸⁹ We believe this codification would ensure that reliability measures apply to essential NG911 functions while avoiding unnecessary burdens on providers and unnecessary distractions to PSAPs and 911 Authorities.

We seek comment on this proposal. Should providers of NG911 routing and transmission services be explicitly included in the definition of CSPs if they do not serve PSAPs directly? As the transition to NG911 has advanced, how typical is it for these types of services to be provided indirectly by entities with no contractual relationships with PSAPs? How are the relationships with these entities structured or memorialized? Would retaining the “direct service” requirement provide adequate oversight to the Commission and 911 Authorities? What advantages and disadvantages would this approach bring in contrast with simply requiring third-party, indirect providers to submit their own certifications? What would the cost impact be?

⁸⁹ 2015 911 Reliability Recon. Order, 30 FCC Rcd at 8657, para. 17 (“[I]n cases where a party provides 911 services directly to a PSAP (pursuant to contract or tariff) over leased facilities, the auditing obligation would apply to that party, and not to the facilities lessor.” The Commission also suggested that [CSPs] could contract with facilities lessors, if necessary, to audit and tag leased circuits, but that the entity providing 911 service under a direct contractual relationship with each PSAP would remain responsible for certifying compliance with those requirements. We reaffirm those principles here, but clarify that [CSPs] (i.e., the entities with direct contractual relationships with PSAPs) that rely on such contracts may implement and certify reasonable alternative measures as set forth above. We emphasize, however, that the contracting out of certain functions, or the determination of a PSAP to contract with more than one entity for various aspects of 911 service, does not absolve individual entities of their respective obligations for reliable 911 service.”) (citing 911 Reliability Order, 28 FCC Rcd at 17506, para. 90); see also, e.g., *Eure Family Limited Partnership*, Memorandum Opinion and Order, 17 FCC Rcd 21861, 21863–64, para. 7 (2002) (“[T]he Commission has long held that licensees and other Commission regulatees are responsible for the acts and omissions of their employees and independent contractors.”); FCC, *Frequently Asked Questions: FCC 911 Reliability Certification*, <https://www.fcc.gov/frequently-asked-questions-fcc-911-reliability-certification#whocertify> (last visited Feb. 14, 2025) (“Where a Covered 911 Service Provider provides 911 services directly to a PSAP (pursuant to contract or tariff) over leased facilities, the circuit auditing obligation applies to the Covered 911 Service Provider, and not to the facilities lessor. Companies that directly serve PSAPs over leased facilities may contract with the lessor to audit those circuits or to provide some other assurance that they are physically diverse, but only the company with a direct relationship to the PSAP is responsible for certification.”).

We also invite feedback on whether the proposed rules could hamper the flexibility of 911 Authorities to manage the implementation of NG911 in their jurisdictions. Would the rules interfere with 911 Authorities’ procurement processes or unduly impact the cost of NG911 services? Would any of our proposals, if adopted, result in any existing contracts or agreements needing to be terminated or renegotiated, and, if yes, would that impact 911 service or costs or delay the transition to NG911? Would governmental entities prefer to have more or sole discretion over minimum reliability requirements or practices in their jurisdictions? How would eliminating the direct service limitation impact NG911 transition costs, and could it inadvertently slow NG911 deployments or discourage new market entrants?

We note that, during investigations of 911 outages, it is common for service providers to claim that they are contractually prohibited from sharing their contractors’ confidential business information.⁹⁰ In response to one such claim, BRETSA argued that “[i]f providers are contractually restricted from cooperating to provide information as to callers unable to reach 9–1–1 during an outage, then the Commission and the states must adopt rules permitting and requiring all providers to cooperate in supplying such information to PSAPs.” How should the Commission address confidentiality concerns of indirect service providers? What is the appropriate balance for protecting and safeguarding non-public information (e.g., proprietary business information) and creating and maintaining a reliable and resilient 911 system? Should 911 Authorities be allowed access to reliability certifications, and associated information, relating to indirect providers in addition to the certifications, and associated information, of CSPs?

Encompassing Other Essential NG911 Services. In order to improve the reliability of essential NG911 ecosystem facilities, we propose to add to the definition of “covered 911 service

⁹⁰ See, e.g., 2014 Multistate 911 Outage Report at 21–22 (“Intrado suggests that it is contractually precluded from providing the Commission or PSAPs with a clear understanding of what happened, adding that its business units are under contract to varying service providers and government agencies, and that ‘those contracts are strictly honored.’” Intrado further asserted that “it would be improper for [it] to ‘cross the lines’ established by its customers relative to information considered by them to be confidential in order for Intrado to ‘glue together’ a more complete picture of an outage for other parties, including, as the case may be, PSAPs or the Commission[.]”).

provider” the following classes of service providers that have emerged as critical to NG911 services: (1) operators of “a Location Information Server (LIS) . . . or equivalent IP 911 location database;” (2) operators of “a Legacy Network Gateway (LNG) used for conversion of Time Division Multiplexing (TDM) 911 traffic to Session Initiation Protocol (SIP) . . . ;” (3) operators of Major Transport Facilities, which are “[d]edicated SIP transport facilities meeting or exceeding Optical Carrier 3 (OC3) in capacity that collect and/or transmit IP 911 traffic, either segregated or mixed with non-911 traffic, originated from multiple OSPs and transported over interstate routes, for ultimate transport and delivery to an NG911 Delivery Point or ESInet”; (4) operators of IP Traffic Aggregation Facilities, which are “[f]acilities that collect and segregate IP 911 traffic from non-911 traffic for multiple OSPs, or transport such traffic for ultimate delivery to an NG911 Delivery Point or ESInet;” and (5) operators of “interstate interconnecting facilities between ESInets.”⁹¹ We seek comment on this proposal, as discussed in further detail below.

a. Operators of LISs and LNGs

The framework adopted in the *NG911 Transition Order* addresses technology changes that are occurring in NG911 networks over the entire course of the 911 call flow, from origination to delivery to PSAPs. The in-state or interterritory NG911 Delivery Point serves as the demarcation point that presumptively divides responsibility for processing and transmitting NG911 traffic between OSPs on the one hand and 911 Authorities on the other.⁹² The NGCS Location Facilities and NGCS Routing Facilities we discuss above address NG911 core services that are being provided on the 911 Authority side of the demarcation point.

On the OSP side of the demarcation point, the *NG911 Transition Order* requires OSPs that receive a valid request for NG911 service to incorporate certain NG911 functional elements into their networks, because those elements are necessary in order for ESInets to be able to route and deliver NG911 traffic

⁹¹ See proposed rules at §§ 9.19(a)(4)(i)(C) through (G), 9.19(a)(12) and (13).

⁹² *NG911 Transition Order* at *3, 26, paras. 6, 71. The *NG911 Transition Order* does not place any affirmative requirements on 911 Authorities. Instead, it invites 911 Authorities to adopt the Commission’s NG911 framework, and, if they do, OSPs providing NG911 service to the 911 Authorities are assigned a series of performance and cost obligations from origination to the demarcation point in the absence of an alternate agreement with the 911 Authority. See *id.* at *2–3, paras. 2–7.

and to provide their full array of core services. First, the *NG911 Transition Order* requires OSPs to put into operation a LIS or its functional equivalent (or to acquire equivalent services from a third party) in order to verify their customers' location information.⁹³ That location information is then embedded with the 911 call and delivered to an NG911 Delivery Point or ESInet and is used by the ESInet's NGCS Location Facilities and NGCS Routing Facilities to route and deliver 911 calls. Second, in some cases, OSPs may be using an LNG (or acquiring equivalent services), in order to translate TDM-originated 911 traffic into SIP format before the 911 traffic is handed off to the ESInet.⁹⁴

Because all 911 traffic must access LISs and all TDM-based 911 traffic must be converted to SIP format via LNGs, we believe it is critical that operators of these facilities employ reasonable reliability practices. The need for reliability is especially significant given that national carriers appear to be relying on a relatively small number of these facilities to service large portions of their networks and to deliver 911 traffic to ESInets across many states. We seek comment on our proposal to designate operators of LISs (or equivalent IP 911 location databases) and LNGs as CSPs.

b. Operators of Major Transport Facilities and IP Traffic Aggregation Facilities

When the Commission adopted the reliability rules in 2013, it excluded third-party transport providers and 911 aggregation services from the definition of CSPs because, at that time, they did not play a central role in the provision of 911 service.⁹⁵ We tentatively conclude that, in the decade that has since passed, these providers have become crucial to the provision of NG911 service at the interstate and national level, and, therefore, they

should be subject to the same reliability and transparency requirements as other providers of covered services. We seek comment on this tentative conclusion.

Our understanding is that many OSPs now rely on high-capacity, IP-based fiber networks provided by third parties—which we refer to as Major Transport Facilities—to carry their 911 traffic to ESInets and PSAPs. These transport networks aggregate traffic (both 911 traffic and non-911 traffic) from multiple OSPs located in various states and carry it over long distances. The degree to which the 911 ecosystem has become dependent on these intermediate transport services is reflected in the outage investigations conducted by the Commission and by the outage reports submitted by OSPs through NORS. As we describe above, a number of multistate “sunny day” 911 outages have been caused by failures arising in or otherwise compromising Major Transport Facilities. Despite their outsized impact on 911 service, these networks currently fall within a gap in the Commission's rules; as providers of third-party transport service, they are neither CSPs nor OSPs, meaning they are not covered by the 911 reliability rules that are focused on routing and transmission services near the end of the 911 call flow nor by the Part 4 outage reporting rules relating to call originators and CSPs.

We wish to be cautious in how we define Major Transport Facilities so that § 9.19 continues to be focused on only the most critical 911 and NG911 elements and does not encompass smaller transport providers whose facilities do not pose a risk of widespread 911 outages. Accordingly, we propose to limit the definition Major Transport Facilities to providers that operate dedicated SIP transport facilities meeting or exceeding OC3 capacity; that also collect or transmit 911 traffic originated by multiple OSPs; and that also carry 911 traffic over interstate routes for ultimate delivery to an NG911 Delivery Point or ESInet.⁹⁶ We derive the proposed OC3 capacity from the outage reporting requirements in § 4.9. That rule requires “outage reporting for communication disruptions impacting major transport facilities, specifically those with significant traffic-carrying capacity[.]”⁹⁷

⁹⁶ See proposed rules at §§ 9.19(a)(4)(i)(E), 9.19(a)(12).

⁹⁷ *In the Matter of Amends. to Part 4 of the Commission's Rules Concerning Disruptions to Commc'ns; New Part 4 of the Commission's Rules Concerning Disruptions to Communications; The Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service*

Operators of IP Traffic Aggregation Facilities provide a niche service to OSPs: they segregate or collect segregated 911 traffic from OSPs and process and transmit the traffic towards the appropriate NG911 Delivery Points or ESInets.⁹⁸ We allowed the use of such services in the *NG911 Transition Order* because they “enable multiple small carriers to bundle their data streams and share the cost of transporting the pooled data stream to a common destination, resulting in lower overall costs than if each OSP paid for separate transport.”⁹⁹ As with Major Transport Facilities, a large percentage of 911 traffic now passes through IP Traffic Aggregation Facilities. For example, one of these providers claims that it has “deployments of NG911 call aggregation service in states and counties across the country”¹⁰⁰ and that its 911 aggregation network serves 40% of the U.S. population. The provider claims to process more than 1.8 million 911 calls per month and to deliver the calls to more than 5,000 PSAPs.

We expect the roles of Major Transport Facilities and IP Traffic Aggregation Facilities to only increase as a result of the *NG911 Transition Order*, because it requires OSPs to deliver the 911 traffic they originate to NG911 Delivery Points that 911 Authorities may designate at any location within their state or territorial borders.¹⁰¹ If these newly-designated traffic hand-off points are located outside of an OSPs' certificated service areas, OSPs may choose to procure the services of Major Transport Facilities and/or IP Traffic Aggregation Facilities rather than incur the high cost of building out their own networks.

We tentatively conclude that Major Transport Facilities and IP Traffic Aggregation Facilities have become critical to the overall reliability of the 911 ecosystem and that their operators therefore should comply with reasonable reliability standards. We

Providers and Broadband Internet Service Providers, PS Docket Nos. 15–80, 11–82, 31 FCC Rcd 5817, 5822, para. 11 (2016), 81 FR 45055 (July 12, 2016), 81 FR 45095 (July 12, 2016); see also *In the Matter of Amends. to Part 4 of the Commission's Rules Concerning Disruptions to Commc'ns; New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, PS Docket No. 15–80, 30 FCC Rcd 3206, 3212–13, para. 19 (2015), 80 FR 34321 (June 16, 2015), 80 FR 34350 (June 16, 2015).

⁹⁸ See proposed rules at §§ 9.19(a)(4)(i)(F), 9.19(a)(13).

⁹⁹ *NG911 Transition Order* at *47, para. 138.

¹⁰⁰ Sinch, *NG911 call aggregator, Inteliquent, leads U.S. public safety*, <https://sinch.com/news/ng911-call-aggregator-inteliquent-leads-us-public-safety/?UTM-Inteliquent> (last visited Feb. 14, 2025). Sinch acquired Inteliquent in 2021.

¹⁰¹ *NG911 Transition Order* at *55, para. 163.

⁹³ *Id.* at *2, para. 3. See also 47 CFR 9.28 (formally defining a LIS as a “functional element that provides locations of endpoints. A LIS can provide Location-by-Reference or Location-by-Value, and, if the latter, in geodetic or civic forms. A LIS can be queried by an endpoint for its own location, or by another entity for the location of an endpoint.”). “A LIS [may] be a database, or [may] be a protocol interworking function to an access network-specific protocol. In NG9–1–1, the LIS supplies location (by value or reference) to the endpoint, or to a proxy operating on behalf of the endpoint.” *NENA i3 Standard*, § 4.10 (emphasis removed).

⁹⁴ *NG911 Transition Order* at *26, para. 71.

⁹⁵ 911 *Reliability Order*, 28 FCC Rcd at 17490, para. 39; *id.*, at n.90 (noting a commenter's argument that the reliability rules “should apply to backhaul providers and aggregators of 911 call traffic”).

seek comment on this tentative conclusion. Commenters in the *NG911 Transition* proceeding observed the important roles that these third-party entities have come to have.¹⁰² We also believe that federal-level oversight of Major Transport Facilities and IP Traffic Aggregation Facilities is appropriate because they typically have multi-state or national footprints that exceed the scope of regulation or contractual terms imposed by any individual state or local government.

We seek comment on the inclusion of these providers in the definition of CSPs. Have Major Transport Facilities and IP Traffic Aggregation Facilities become critical to the reliable and interoperable transmission of 911 traffic to PSAPs? How frequently have outages impacting 911 originated within these facilities, and what were the causes and consequences of the outages? Would one or both of these definitions capture instances where ESInet operators accept 911 traffic at an NG911 Delivery Point, send the traffic out of state for processing, and then back in-state to the ESInet for ultimate delivery to a PSAP? Do our proposed definitions appropriately describe these providers, or should they be defined more narrowly or broadly? For example, should we update the “OC3 and equivalent” standard for Major Transport Facilities to “1 Gbps (or 10 Gbps) Ethernet and equivalent,” to better reflect modern IP transport facilities in use today?¹⁰³ Should we further limit the definition of Major Transport Facilities so that it refers only to facilities that carry a minimum volume of 911 traffic? If so, what is an

appropriate minimum threshold? Should it be based on the number of 911 calls handled by the facility, on the number of OC3 minutes of 911 traffic, or some other metric?¹⁰⁴ Also, what specific costs would these providers incur if they were included as CSPs, and what would be the benefits to the reliability of the NG911 network? Are there other classes of providers that should be included as well, and why?¹⁰⁵

c. Operators of ESInet Interconnection Facilities

Finally, we propose to designate interstate interconnecting facilities between ESInets as critical 911 facilities. As we explain in greater detail below, while ESInets are providing greater PSAP-to-PSAP interoperability within their areas of deployment compared to legacy networks, there is a concerning lack of interoperability between different ESInet providers. Interstate interoperability is especially low for the types of data associated with the advanced features that NG911 is meant to deliver, such as GIS-based location information, SMS text, and Multimedia Emergency Services (MMES), that enhance the accessibility of emergency services to persons with disabilities.

We do not propose requiring ESInets to adopt any particular technological solution to the interoperability problem, only that they take reasonable measures to provide reliable and interoperable 911 service and confirm their interoperability with other ESInets by conducting conformance testing. We expect, however, that whatever solutions ESInets adopt to become interoperable will require the exchange of potentially large amounts of data and may also require external data connections and therefore will be critical to the resiliency of NG911 service.¹⁰⁶ We therefore propose that these interconnection facilities should be treated as critical facilities that are subject to § 9.19 reliability standards and certification requirements. We seek comment on this proposal and on our analysis above. We also seek comment

on how designating providers of interconnecting facilities between ESInets as CSPs would affect the accessibility of advanced, multimedia NG911 services for persons with disabilities, as well as estimates of cost impacts.

2. Reliability Requirements

a. Reasonableness Standard

We propose that any entity providing the foregoing critical NG911 capabilities or facilities be subject to the current requirement in § 9.19 to take “reasonable measures” to ensure reliability.¹⁰⁷ We believe moving to IP-based architecture in NG911 inherently improves reliability by enabling greater redundancy and geodiversity.¹⁰⁸ We further believe that it is reasonable for NG911 CSPs to ensure network reliability by adhering to prevailing industry standards.¹⁰⁹ We therefore tentatively conclude that these prevailing industry standards are achievable for CSPs at acceptable additional cost.¹¹⁰ We further propose that CSPs may presumptively meet this

¹⁰⁷ 47 CFR 9.19(a)(4)(i)(A) and 9.19(a)(4)(i)(B) (applying rules to “functional equivalent” facilities and “equivalent NG911 capabilities”); 47 CFR 9.19(b) (“All covered 911 service providers shall take reasonable measures to provide reliable 911 service with respect to circuit diversity, central-office backup power, and diverse network monitoring.”).

¹⁰⁸ *NG911 Transition Order* at *64, para. 185, n.546 (“NG911 materially reduces the number of 911 outages by improving network availability and reliability as IP allows for greater redundancy. It provides greater geodiversity for PSAPs—no longer will there be a single point of failure at a selective router.”) (internal citation omitted); *See also* Sophia Fox-Sowell, *North Carolina officials say next-generation 911 network withstood Hurricane Helene*, State Scoop (Oct. 21, 2024) (“‘Had the old technology and analog network still been in place, the infrastructure would have been destroyed Thanks to the resiliency and redundancy of this network, we had no reports of 911 calls not being delivered.’”), at <https://statescoop.com/north-carolina-next-generation-911-hurricane-helene/>.

¹⁰⁹ *CSRIC VI, WG 1 Report* at 115 (“Network Operators . . . should implement a continuous engineering process to identify and record single points of failure and any components that are critical to the continuity of the infrastructure . . . [and] pursue architectural solutions to mitigate the identified risks . . .”), p. 124 (providers should “design networks with redundant interconnectivity to” ESInets), p. 122 (“Network Operators . . . should identify and manage critical network elements and architecture that are essential for network connectivity and subscriber services considering . . . functional redundancy and geographical diversity.”).

¹¹⁰ *See e.g. Interstate Nat. Gas Ass’n of Am. v. Pipeline & Hazardous Materials Safety Admin.*, 2024 U.S. App. Lexis 20710, *22 (D.C. Cir. 2024) (“[T]he final rule invokes certain consensus industry standards that most operators already successfully utilize, so the incremental cost . . . would be negligible.”) (cleaned up); *see also Public Serv. Co. v. FCC*, 328 F.3d 675, 680 (D.C. Cir. 2003) (“In its analysis, the FCC approved of the Bureau’s assessment of the prevailing industry standards” to determine a reasonable pole attachment rate.).

¹⁰² *See, e.g.*, USTelecom Comments, PS Docket No. 21–479, at 5 (filed Aug. 9, 2023) (noting that NG911 systems will make it more challenging for wireline providers to comply with the Commission’s 911 reliability rules, because 911 call traffic will be traveling over third-party networks); Windstream Reply Comments, PS Docket No. 21–479, at 2–3 (filed Sep. 8, 2023) (arguing that NG911 traffic aggregators should be subject to the Commission’s rules relating to disruption notification requirements, which currently apply to OSPs); Home Telephone Comments, PS Docket No. 21–479, at 8, 14–17 (filed Aug. 9, 2023) (asserting that the use of NG911 call aggregators needs to be addressed to ensure reliability); NTCA Comments, PS Docket No. 21–479, at 4–5, 6–7 (filed Aug. 9, 2023) (predicting that NG911 will expand OSPs’ use of third-party networks).

¹⁰³ *Is OC3 Bandwidth Still a Good Choice?*, GigaPackets, <https://www.gigapackets.com/articles/oc3bandwidth.php> (“The SONET family of line rates spans OC–1 at 52 Mbps on up to OC–768 at 40 Gbps. But in practice, only a few optical carrier levels are standard and readily available. These are OC–3 at 155 Mbps, OC–12 at 622 Mbps, OC–48 at 2.5 Gbps, OC–192 at 10 Gbps and OC–768 at 40 Gbps . . . Standard Ethernet WAN services mirror the standard Ethernet LAN speeds of 10 Mbps, 100 Mbps, 1 Gbps and 10 Gbps.”) (last visited Feb. 18, 2025).

¹⁰⁴ Note that we also are proposing to modify the 911 reliability certification form to ask NG911 CSPs to report the volume of 911 traffic handled by their facilities that do not conform to the Commission’s reliability best practices.

¹⁰⁵ Bandwidth, Inc. argues that “local exchange carriers’ discontinuance of TDM services” and a lack of “alternative interconnection facilities, such as Ethernet” is negatively impacting 911 reliability and the NG911 transition. *See* Bandwidth, Inc. *Ex Parte*, PS Docket 21–479, at 1–2 (filed Mar. 20, 2025). The broader TDM to IP technology transition is outside of the scope of today’s *Further Notice*.

¹⁰⁶ *CSRIC VII WG 4 Report* at 5–6.

reasonableness requirement by adopting reliability practices in three broad areas: physical diversity, network monitoring, and operational integrity (which as proposed will subsume and replace backup power).¹¹¹ We seek comment on these proposals.

Importantly, our proposed approach would retain the current structure of the 911 reliability regulations, which imposes a reliability “reasonableness” standard on all CSPs, subject to equitable remediation orders by the Bureau for failure to demonstrate reasonableness of network practices.¹¹² We propose to continue to allow CSPs to achieve presumptive reasonableness for specified CSP facilities by affirmatively implementing network practices described in the regulations.¹¹³ This structure is designed to enable the Bureau to investigate¹¹⁴ and validate network reliability based on filed certifications which show how well and how much of a CSP’s network meets the Commission’s standards. This process in turn enables the Commission to take preemptive actions to prevent outages before they occur. Bureau investigations can proceed by asking CSPs to provide information about the costs they would incur to upgrade their network reliability measures and assessing, from a cost-benefit standpoint, whether incurring such cost would be reasonable in light of the increased risk of critical 911 facility failure created by the CSPs’ existing measures.

While we propose to keep the reasonableness standard that the Commission adopted in 2013, we propose to identify new “best practice” benchmarks for NG911 providers to allow them to presumptively satisfy the reasonableness requirement. We also propose to modify the process by which CSPs report alternative reliability measures to enable the Bureau to better assess reasonableness of network practices. We seek comment on this proposed framework, in tandem with the proposed reliability benchmarks below.

b. Benchmarks for CSP Demonstration of Presumptive Reasonableness

We propose to expand the range of required network reliability practices to ensure they better capture all relevant factors in the reliability of NG911 networks.¹¹⁵ The Commission based its original 2013 rules “on the *Derecho Report* and other prior experiences with natural disasters” and therefore required reliability certifications only for circuit diversity, central-office backup power, and diverse network monitoring.¹¹⁶ However, the Commission observed that as technologies evolve, “categories based on legacy 911 networks may not adequately reflect reasonable measures to provide reliable service, particularly in an NG911 environment.”¹¹⁷

We intend for today’s proposed benchmarks for presumptive reasonability to capture the IP network engineering principles of reliability, resiliency, redundancy, physical diversity, and geographic diversity, which we believe most responsible NG911 network operators should be implementing. We wish to preserve the flexibility of PSAPs, 911 Authorities, and state governments regarding how best to allocate resources to meet their reliability needs,¹¹⁸ while still adequately capturing the increasingly interstate and interlinked nature of NG911 where national standards may aid 911 Authorities.¹¹⁹ Finally, our

intent is that these NG911 reliability benchmarks would not apply to the origination of 911 traffic by OSPs, but would apply to service providers who aggregate 911 traffic or perform other critical NG911 functions and services for multiple OSPs.¹²⁰

The purpose of these benchmark and certification proposals is to give the Commission reasonable oversight of CSP reliability practices while avoiding micromanagement of the network construction and design decisions of private entities. Accordingly, we do not propose to specify the details of reliable network practices down to the level of daily operational decisions and practices. Rather, we seek to articulate the kinds of measures that would demonstrate presumptive reliability when requesting certification. We seek comment on how best to improve 911 reliability and gather information that is reasonably actionable for efficient and

April 21, 2015) (“The Pa PUC does support the development of a federal regulatory ‘backstop’ to eliminate gaps between federal and State authority. Where multi-state aspects of interlinked 911 network architectures exist, or where technology trends make vulnerabilities more likely or cause confusion to PSAPs and end-users, the Commission is best positioned to forge resolutions and develop national standards.”); Washington Utilities and Transportation Commission Comments, PS Docket No. 14–193, at 4 (filed March 17, 2015) (“Although it is true that technological and marketplace changes are altering the manner in which some components of 911 service are handled, including increasing reliance on network components and technology that are multi-state in nature, the vast majority of 911 calls originate and terminate within or to nearby PSAPs within each state and county and are jurisdictionally intrastate in nature. Accordingly, federal efforts should be dedicated to measures that assist, or complement, state and local governance efforts, rather than act to supersede them.”).

¹²⁰ *NG911 Transition Order* at *69, para. 202 (“... OSPs could significantly lower the overall costs of transmitting 911 calls to ESInets by taking advantage of third-party aggregators’ services.”); *NG911 Transition Order* at *71, para. 206 (“CSRIC explains that LIS as a service is contemplated as an NG911 solution at ‘minimal expense’ to small OSPs, as it relieves OSPs of most costs beyond monthly services, and an LNG and can be provided either by a commercial vendor or the 911 authority.”); Home Telephone NG911 Notice Comments at iii (“[T]he Commission should focus on the back-end for-profit entities that aggregate front-end 911 transmissions from multiple jurisdictions, process, and then deliver via back-end connections IP-based information to the appropriate local [PSAPs]. The Commission should establish standards and reporting requirements for these ‘Aggregators’ to ensure the NG911 network is safe and reliable for IP emergency transmissions destined to local PSAPs.”); Bandwidth NG911 Notice Comments at 2–3 (“Bandwidth predominately acts as a VoIP Positioning Center (‘VPC’) where it provides stand-alone emergency location and 911 call routing capabilities for its VoIP service provider customers Bandwidth has a robust network that reaches across the United States and Canada and delivers around 3 million calls a year from 26.7 million end points To date, Bandwidth established network aggregation capabilities to route its customers’ 911 traffic through 16 ESInets.”).

¹¹¹ 47 CFR 9.19(b) (“Performance of the elements of the certification set forth in [paragraph c] of this section shall be deemed to satisfy the requirements of this paragraph.”).

¹¹² *911 Reliability Order*, 28 FCC Rcd at 17492, para. 44 (“As discussed below, we adopt rules to require that Covered 911 Service Providers (1) take reasonable measures to ensure reliable 911 service and (2) certify annually that they do so by adhering either to specified, essential practices based on established industry consensus or to appropriate alternative measures demonstrated to be reasonably sufficient to mitigate the risk of failure.”). See also 47 CFR 0.392(j), 9.19(b).

¹¹³ 47 CFR 9.19(b).

¹¹⁴ 47 CFR 0.392(h).

¹¹⁵ *2014 Reliability NPRM*, 29 FCC Rcd at 14223–24, para. 37 (“[W]e seek to ensure that the Commission remains equipped, consistent with its statutory mandates and existing legal authority, with the proper regulatory tools to enforce continued and clear lines of accountability for reliable 911 call completion, including as the nation transitions to an IP-based NG911 architecture.”). The Commission noted, for example, the April 2014 multistate 911 outage resulted from a software coding error that disrupted routing of 911 calls and inadequate alarm management, which resulted in “significant delays in determining the software fault and restoring 911 service to full functionality.” *2014 Reliability NPRM*, 29 FCC Rcd at 14226, para. 43, citing *2014 Multistate Outage Report* at 3.

¹¹⁶ *2014 Reliability NPRM*, 29 FCC Rcd at 14226, para. 43 (internal quotations omitted).

¹¹⁷ *Id.* at 14226, para. 43.

¹¹⁸ See, e.g., Texas 9–1–1 Entities Reply Comments, PS Docket No. 14–193, at 2, n.6 (filed April 21, 2015) (FCC reliability regulation of state contractors could increase the costs for PSAPs and state governments to hire contractors and delay NG911 transitions and deployments); NASNA Comments, PS Docket No. 14–193, at 2 (filed March 17, 2015) (PSAPs and 911 Authorities should be responsible for ensuring the reliability of 911 network services provided by their contractors); Washington Utilities and Transportation Commission Comments, PS Docket No. 14–193, at 3–4 (filed March 17, 2015) (911 oversight in Washington state is already shared by the Utilities and Transportation Commission, the Washington Military Department, and the E911 County Coordinators.”).

¹¹⁹ Pennsylvania Public Utilities Commission Reply Comments, PS Docket No. 14–193, at 9 (filed

effective Commission and 911 Authority oversight, while also ensuring robust notice of “reasonable” reliability compliance expectations for CSPs. We also seek comment on whether adopting a reasonable reliability standard of “five nines” availability would be another valuable measure for determining compliance, or whether annual CSP facility availability time should be reported in addition to these benchmarks.¹²¹ How should “five nines” availability be calculated?¹²²

(i) Physical Diversity

We propose specifying that the critical IP paths subject to the rules be subject to physical diversity requirements appropriate to NG911 and transitional networks.¹²³ For legacy 911 circuits, the best practice benchmark of audits and tagging will remain the same. For NG911 facilities, we propose that “physical diversity” would mean that critical paths established by CSPs must be geographically diverse,¹²⁴ load-

balanced,¹²⁵ and capable of automatic failover to the backup element (e.g., redundant routers or node connections and links) and automatic reroutes to redundant paths in the transport layer in the event of path failure.¹²⁶ Redundant routers or node paths and links should be located in different geographic locations (i.e., in different physical facilities). We seek comment on this proposal.

In general, “physical diversity” means that data between two points in a network can be transmitted over diverse routes that do not share any common physical segments, such as fiber-optic cables, conduits, or structures, so that a single failure at any point on one of those data paths, such as a power outage, equipment failure, or cable cut, would not cause both paths to fail and disrupt the transmission of data between those points. Importantly, we propose to add geographic diversity as a necessary part of this updated definition for IP paths, to ensure service providers can automatically re-route 911 traffic to travel over a different path that is both physically diverse and geographically separated. We seek comment on the appropriateness of geographical diversity as part of the physical diversity requirement for IP-based networks.

In 2013, the Commission included “circuit auditing and tagging” as an element of the 911 reliability rules, which requires CSPs to certify annually whether they have (1) audited the physical diversity of critical 911 circuits¹²⁷ or equivalent data paths to any PSAP served, (2) tagged such circuits to reduce the probability of inadvertent loss of diversity between audits,¹²⁸ and (3) eliminated all single

points of failure in critical 911 circuits or equivalent data paths serving each PSAP.¹²⁹ If a CSP has not implemented the third element (i.e., the elimination of all single points of failure), it must certify “[w]hether it has taken alternative measures to mitigate the risk of critical 911 circuits that are not physically diverse or is taking steps to remediate any issues that it has identified with respect to 911 service to the PSAP.”¹³⁰ Respondents also may certify that the circuit auditing requirement is not applicable because they do not operate any critical 911 circuits.¹³¹

In 2013, the Commission required CSPs to certify to circuit diversity measures for paths between a selective router or its functional equivalent and the central office serving a PSAP. The Commission further identified routing and 911 traffic aggregation as distinct functions performed by the selective router.¹³² While this standard always applies to aggregated circuits when service is directly provided to a PSAP, under today’s proposals if 911 traffic aggregation and routing are occurring at different points, both functions would trigger the requirement under our rules specify the examples that “functional equivalence” includes IP traffic paths from NGCS facility capabilities (when provided directly to PSAPs), or from an aggregation point located in a different central office from the selective router.¹³³ In 2014, the Commission introduced concepts such as dynamic routing, load balancing, automatic re-routing, and geographic facility diversity as reliability best practices for IP network paths and facilities.¹³⁴ In

are labeled in circuit inventory databases to make it less likely that circuit rearrangements will compromise diversity.” Covered 911 Service Providers may use any system they wish to tag circuits so long as it tracks whether those circuits are physically diverse and identifies changes that would compromise such diversity. See 47 CFR 9.19(a)(11).

¹²⁹ See 47 CFR 9.19(c)(1)(i).

¹³⁰ 47 CFR 9.19(c)(1)(ii)(A).

¹³¹ For example, small or rural local exchange carriers (LECs) may provide administrative lines to PSAPs but do not typically operate selective routers or control the facilities that connect selective routers to the central offices serving each PSAP. In such cases, they could respond that the circuit auditing element of the certification is not applicable.

¹³² 911 Reliability Order, 28 Rod at 17478, para. 7 (“The local switch then sends the call to an aggregation point called a selective router . . .”) (italics added).

¹³³ See proposed rules at § 9.19(a)(4)(i)(A)–(B), § 919(a)5(i).

¹³⁴ 2014 Reliability NPRM, 29 FCC Rcd at 14227, para. 45, nn.106, 107 (proposing to expand reliability certifications for NG911 to ensure IP-based 911 architecture is geographically distributed, load-balanced, and capable of automatic reroutes.”);

¹²¹ See *In the Matter of the Nebraska Public Service Commission, on its own motion, conducting an investigation into the 911 service outage that began on August 31, 2023 in areas of Nebraska served by Lumen*, Application Nos. 911–075/PI–248 and 911–077/C–5581/PI–252, Order Issuing Findings and Closing Investigation, p. 24 (Jan. 15, 2025), <https://www.nebraska.gov/psc/orders/state911/2025-01-14%20911-075%20PI-248%20911-077%20C-5581%20PI-252%20Order%20Issuing%20Findings%20and%20Closing%20Investigation.pdf> (“Mr. Rosen then explained that five nines is a term used in 911 systems to determine reliability of a 911 system, and the term refers to a 911 system being available 99.999% of the time. Mr. Rosen said there are two ways to determine availability. One way is to determine the actual availability of the system based on the period of time the system has been operational. In the alternative, availability can be determined by calculating two quantities: the mean time between failures and the mean time to repair for each component in the network.”) (*Nebraska PSC Order*).

¹²² FCC, Task Force on Optimal PSAP Architecture (TFOPA), Adopted Final Report, p. 103, (2016), https://transition.fcc.gov/pshs/911/TFOPA/TFOPA_FINALReport_012916.pdf (“While ‘five nines’ is the generally accepted minimum availability service level, it should be noted that this equates to 5.26 minutes of unscheduled downtime or service unavailability per year. Another important factor when comparing network availability to consider is specifically how different network service providers define availability and how it is calculated. For example, scheduled maintenance events are typically not included/ classified as downtime. The ESIInet by design incorporates multiple paths for voice and data transmission. The failure of a single element within the network or congestion along a path will not necessarily limit the ability to deliver traffic.”)

¹²³ CSRIC VI, WG 1 Report at 51 (“It is assumed in this Report that all network elements and transport facilities are deployed with redundancy”).

¹²⁴ 2014 Reliability NPRM, 29 FCC Rcd at 14227, para. 45, n.106 (“For example, network architectures utilizing . . . databases in different geographic locations . . . will be more reliable and resilient than those that route all calls through a single active database . . .”).

¹²⁵ *Id.* at 14227, para. 45, n.107 (“A 911 network is ‘load balanced’ if call volume is dynamically distributed among all available databases or call processing facilities rather than concentrated in one location. Calls assigned to each database should be automatically rerouted to the other in the event of a fault with the primary route. Furthermore, if two or more PSAPs share the same 911 service provider and rely on each other as a backup PSAP for rerouting of 911 calls, the 911 service provider should consider assigning each PSAP to a different primary routing database.”).

¹²⁶ *Id.* at 14227, para. 45.

¹²⁷ Critical 911 circuits are defined as “911 facilities that originate at a selective router or its functional equivalent and terminate in the central office that serves the PSAP(s) to which the selective router or its functional equivalent delivers 911 calls, including all equipment in the serving central office necessary for the delivery of 911 calls to the PSAP(s).” They also include automatic location information (ALI) and automatic number information (ANI) connecting circuits that originate at the ALI or ANI database and terminate in the central office that serves the PSAP. See 47 CFR 9.19(a)(5).

¹²⁸ The rules define tagging as “[a]n inventory management process whereby critical 911 circuits

2015, the Commission observed that NG911 networks achieve reliability and resiliency with geographic diversity and dynamic routing instead of traditional TDM circuit auditing and tagging.¹³⁵ Today we propose to add critical paths of major transport facilities and 911 aggregation network facilities as subject to our physical diversity rules regardless of whether the provider has direct service contracts with a PSAP or other answering point.¹³⁶ Furthermore, we propose to codify additional physical diversity technical standards to encompass both legacy and NG911 facilities, to ensure that NG911 entities will no longer have to explain each year that they are using the IP “alternative” to legacy TDM 911 reliability. We seek comment on our assessment.

Finally, we seek comment on whether our proposed reliability measure for IP physical diversity is sufficiently inclusive, and on the likely compliance costs and lives-saved benefits from adopting this rule. We note that today’s proposed rules are not meant to capture every single transit provider of general internet traffic, but rather dedicated transport providers that carry substantial 911 traffic.¹³⁷ Does the explicit inclusion of major transport paths and 911 aggregator networks capture enough of the critical 911 bottleneck infrastructure to reasonably improve 911 reliability? Or does this proposal sweep too many OSP operators of IP traffic-aggregated paths into the

CSP category, and if so, what metric could be used to better distinguish the most critical 911 transport and aggregation points and paths which should be covered in an NG911 environment? Should we also designate additional paths to and from the LIS as covered critical paths, or would that expand the CSP category too far to include the majority of OSPs? In the alternative, should LIS and LNG operators be at least required to ensure physically diverse ingress and egress points from their facilities? What would the additional costs be of such an expansion of this benchmark?

(ii) Network Monitoring

In the 911 reliability rules adopted in 2013, the Commission required CSPs to certify whether they have taken the following steps to ensure reliable monitoring of critical components of their networks: (a) conducting audits of aggregation points for gathering network monitoring data, (b) conducting audits of monitoring links, and (c) implementing physically diverse aggregation points and links.¹³⁸ We propose to expand this existing requirement—which requires physical diversity between monitoring points and physically diverse links to network operations center (NOC) control points—by also including appropriate NG911 monitoring technologies identified in prior Commission orders as methods of compliance.¹³⁹

We believe this revised rule should apply equally to both legacy and NG911 architectures. NG911-appropriate standards for network monitoring rely on automatic disruption detection and alarms.¹⁴⁰ The legacy 911 best practice of network monitoring via link and aggregation point audits¹⁴¹ would continue to be a means of compliance for legacy facilities. In either case, network monitoring should ensure the performance of the critical NG911 ecosystem facilities of routers, LISs, and LNGs in real time by detecting failures, disruptions, or degradations in 911

service. We also propose that this new monitoring benchmark for IP networks should specify IP-appropriate monitoring of critical NG911 ecosystem facilities we identify today, including LNGs, LISs, and the IP routers responsible for path diversity. Should the IP monitoring benchmark be expanded further to interoperability capabilities, where applicable? We seek comment on our assessments and on this proposed benchmark.

(iii) Operational Integrity

The current “backup power” portion of the 911 reliability certification requires CSPs to indicate whether they provide at least 24 hours of backup power at any central office that directly serves a PSAP or at least 72 hours at any central office that hosts a selective router, and whether they have implemented certain design and testing procedures for backup power equipment.¹⁴² We propose to retain this requirement for legacy central office facilities. However, we believe a modified requirement should be applied to NG911 networks to ensure continued operation in the event of a power outage.

IP-based NG911 facilities, especially when cloud-based, can reasonably be expected to have redundant and geographically distributed backups located in different facilities sufficient to ensure that a failure of any localized facility will not interrupt 911 traffic,¹⁴³ and should have appropriate continuous power, such as an uninterruptible power supply (UPS) device.¹⁴⁴ In 2014 the Commission observed that network architectures using “two active databases in different geographic locations, each of which is capable of handling all 911 call traffic in the event of a fault in the other database, will be more reliable and resilient than those that route all calls through a single active database with backup equipment on passive “standby” mode.”¹⁴⁵ We seek comment on whether to codify this geographic diversity standard as a best practice benchmark to improve reliability. We also seek comment on whether requiring geographic diversity

Id., 29 FCC Rcd at 14243–44, Appx. A, Proposed Rules 12.4(a)(12) to (14), 12.4 (c)(4).

¹³⁵ 2015 Reliability Recon. Order, 30 FCC Rcd at 8656, para. 15.

¹³⁶ See e.g. *Nebraska PSC Order*, p. 40 (“While the Commission recognizes the failures were all between the aggregation point and the LNG, and not the ESNet nor core services, Lumen designed, installed and implemented this system and continues to be responsible for its failing infrastructure.”); see also CenturyLink Communications, LLC d/b/a Lumen Technologies Group’s Responses to Commission Staff’s First Set of Data Requests, at 4 (Dec. 1, 2023) (“Because of this outage, impacted calls never reached the NG911 network. The outage also impacted the SS7 links that connected to the [] aggregation point, preventing some OSPs’ 911 calls from completing from that aggregation point.”), <https://psc.nebraska.gov/sites/psc.nebraska.gov/files/doc/Exhibit%20List%20%26%20Exhibit%201-30.pdf>.

¹³⁷ NG911 Transition Order at *47, para. 140 (commenters argue “the Commission should establish rules requiring the transport of 911 traffic over dedicated SIP lines, and highlight that there are several options available to OSPs to comply with IP delivery rules with varying reliability We decline to establish the requested rules At this time, we provide flexibility to 911 Authorities, in concert with their NG911 vendors, to determine the IP-based SIP format to request from OSPs.”); NG911 Transition Order at *47, para. 140, n.414 (commenters ask the Commission to consider the costs of routing 911 traffic over a “dedicated connection” as opposed to “best efforts public internet connections”) (internal citations omitted).

¹³⁸ See 47 CFR 9.19(c)(3)(i).

¹³⁹ CSRIC VI, WG 1 Report at 52 (“The NG9–1–1 SSP will be responsible for monitoring IP connections for transport alarms. Where appropriate, heartbeats may be used to verify the availability of network facilities. NG9–1–1SSPs should provide the means for capturing network traffic, generating alarms, and producing other metrics for monitoring and troubleshooting outages within NG Emergency Services Networks, as well as those impacting the ability of an NG Emergency Services Network to deliver calls to the target PSAP.”)

¹⁴⁰ 2014 Reliability NPRM, 29 FCC Rcd at 14243, Appendix A, Proposed Rule 12.4(c)(3)(i)(D); *Id.*, 29 FCC Rcd at 14244–45, Appendix A, Proposed Rule 12.4(c)(5)(i)(A).

¹⁴¹ 47 CFR 9.19(c)(3)(i)(1)–(2).

¹⁴² See 47 CFR 9.19(c)(2)(i).

¹⁴³ CSRIC VI, WG 1 Report at 51 (“When the primary path is unavailable, the alternate path can be instantly deployed to ensure continuity of network services. As such the switching to a backup configuration, in general, does not cause service degradation.”); see also 2014 Reliability NPRM, 29 FCC Rcd at 14227, para. 45.

¹⁴⁴ See e.g. FCC Urges Companies Using UPS Devices to Take Action Against Threats, Public Notice (Apr. 7, 2022), <https://docs.fcc.gov/public/attachments/DOC-382138A1.pdf>.

¹⁴⁵ 2014 Reliability NPRM, 29 FCC Rcd at 14227, para. 45, n.106.

at different physical facilities is robust enough to ensure reasonable reliability. Should we go further and require geographic diversity to mean redundant functionality housed in different cities or states, not just in different physical locations? Given the increasing size of natural disasters, what would be an appropriate distance requirement? Should we further expand the same IP operational integrity benchmark to monitoring interoperability facilities, diverse IP paths, and redundant routers, as well as to LIS and LNG facilities?

C. Interoperability

As noted above, the lack of interoperability is a known concern in NG911, which impairs and increases the cost of call and data transfer. CSRIC VII observed that the “transition from legacy to IP-based networks, may result in hybrid system settings that commingle legacy and IP network elements. While in this hybrid state, the 911 systems operate at higher risk. For example, these systems may encounter challenges in ensuring interoperability with respect to 911 calls and related data.”¹⁴⁶ CSRIC VII also observed that data collected by NASNA from showed low levels of interstate interoperability, particularly for data associated with NG911 such as location or SMS text as well as for features that enhance accessibility, (e.g., Multimedia Emergency Services (MMES)).¹⁴⁷ CSRIC VII found that “[t]he more advanced technologies used day to day by the general public such as multi-media services had a very low level of respondents indicating interoperability.”¹⁴⁸ As the NG911 transition progresses, these interoperability issues are likely to manifest into incompatibilities detrimental to the processing and receipt of 911 traffic and related information by 911 Authorities across state lines.¹⁴⁹

To address these concerns, we propose to adopt interstate interoperability requirements to support the reliable exchange of interstate 911 traffic between ESInets. Specifically, we propose to require that CSPs certify whether their interstate interconnecting ESInet facilities achieve interoperability for exchanged 911 traffic sufficiently to

enable complete interstate transfers between ESInets.¹⁵⁰ In that connection, CSPs would annually certify whether their interstate interconnecting ESInet facilities use conformance-tested equipment and whether they have tested their interstate interoperability capabilities. If a CSP cannot certify to these elements, we propose to require the CSP to certify with respect to those facilities: (1) whether it (or its ESInet facility operator) has taken alternative measures to ensure interoperability between ESInets in multiple states and between providers; (2) whether it believes that one or more of the requirements of this paragraph are not applicable to its facilities; and (3) to additional questions about the non-conforming facilities as directed by the Bureau. We also propose to apply the definition of “NG911” adopted in the *NG911 Transition Order* to CSPs. Finally, we seek comment on the scope of our proposed interoperability requirements relative to other NG911 elements and whether to define interoperability to cover those elements.

1. Interstate Interoperability, Conformance and Interoperability Testing, and Interoperability Certification

Conformance and Interoperability Testing. We propose to adopt an interoperability best practice benchmark of testing and verification to support interstate interoperability. We recognize that there have been voluntary efforts to promote interoperability across NG911 vendors through best practices, standards development and conformance testing, but no national rules are in place for providers of NG911 capabilities. Conformance testing, a process generally planned and developed by industry organizations and conducted by certified labs, is a mechanism that could be used to ensure that devices and network equipment that are deployed are compliant with commonly accepted standards.

Consistent with our existing framework for reliability certifications, we propose that CSPs submit an annual certification of whether the equipment in their networks has undergone conformance testing and if not, whether they are using alternative measures to ensure interstate interoperability. Under our proposed approach, CSPs would be required to certify that they are able to process and share interstate 911 requests for emergency assistance and all associated information consistent

with commonly accepted standards. We seek comment on this proposal. Is a certification approach sufficient to ensure that interoperability between ESInets across multiple states can be achieved without the need for proprietary interfaces, and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors? Should we require CSPs to certify that they are capable of maintaining interstate interoperability during a “sunny day” outage or disaster scenario?

We also seek comment on whether to adopt additional interoperability benchmarks, such as requirement to conduct interoperability testing between ESInets in addition to conformance testing of technology used by ESInets. Interoperability testing is an important mechanism for ensuring that CSPs are technically capable of supporting interoperability between states and different service providers. Unlike conformance testing, which can be used by a service provider to demonstrate its NG911 solution conforms to a standard and increases the likelihood of interoperability, interoperability testing involves two or more service providers to demonstrate the exchange of information. We therefore seek comment on adopting a benchmark that CSP perform interoperability testing with two or more ESInets in different states. To this end, we seek comment on requiring that CSPs annually test and certify that they have performed interoperability testing with at least two different providers in two different states, or if they are using alternative measures to satisfy interstate interoperability.

Interoperability Certification and Alternative Measures. We propose that CSPs submit an annual certification attesting to both conformance testing and interoperability testing starting one year after OMB approval of any associated information collection requirements. We seek comment on whether CSPs will be reasonably able to conduct the required testing within this time period. What processes or standards for test labs need to be in place before conformance testing can begin? Are there any other barriers to either conformance testing or interoperability testing that would impact being able to submit this certification?

Our proposed annual certification approach is consistent with our existing requirement under § 9.19(c).¹⁵¹ We also propose to require CSPs to update their certifications annually to reflect any

¹⁴⁶ CSRIC VII, *WG 4 Report* at 5.

¹⁴⁷ *Id.* at Appendix B.

¹⁴⁸ *Id.* at 25.

¹⁴⁹ See Jackie Mines, *How is NG911 progressing?* (Feb. 11, 2025), <https://urgentcomm.com/911/how-is-ng911-progressing-> (“While the [NG911 i3] standards were written with interoperability in mind, if Vendor A interprets them differently than Vendor B, interfacing the systems doesn’t go well and sometimes is nearly impossible.”).

¹⁵⁰ Under our proposal, ESInet interconnecting facilities operator refers to an entity that provides communication capabilities between ESInets.

¹⁵¹ 47 CFR 9.19(c).

changes in their interoperability solutions that render prior certifications outdated. In addition, we seek comment on whether there are other methods, in addition to conformance testing and interoperability testing, for verifying that CSPs comply with “commonly accepted standards” and allow them to demonstrate that they are technically capable of providing interoperability. For example, is it necessary to specify end-to-end testing (typically required by the customer) and/or performance testing (testing that simulates a real world scenario)?¹⁵² Are any such methods more reliable than conformance and interoperability testing for verifying interstate interoperability? What are the potential costs of, and challenges with, implementing any such methods?

Finally, we propose to adopt an alternative “reasonable” interoperability requirement for providers of interstate ESInet interconnecting facilities, following the same framework of § 9.19 for reliability. As with the current § 9.19 reliability certifications, CSPs would be allowed to either certify to meeting the interoperability benchmarks specified in the rules or to certify that they have achieved reasonable interoperability using alternative measures. We seek comment on this proposal. What alternative measures in lieu of our benchmarks would likely be used to certify and demonstrate “reasonable” interoperability? Should we require that CSPs successfully test the transfer of interstate calls between ESInets in order to demonstrate “reasonable” interoperability? What other alternative measures would demonstrate reasonable interoperability?

NG911 and Commonly Accepted Standards. We propose to amend § 9.19 of the rules to define providers of “NG911” capabilities by cross-referencing the definition of NG911 in § 9.28 of the rules. The definition adopted in the *NG911 Transition Order* helps define common sets of features and parameters at various points in the 911 call flow to allow any 911 call or text to be able to reach 911 call takers. We believe our proposal, consistent with the *NG911 Transition Order*, will help lay foundational elements to realizing interoperability between OSPs to 911 Authorities in multiple states.

Under this proposal, CSPs would “ensure interoperability” and comply with “commonly accepted standards” similar to OSPs. Our proposed rule amendment would therefore ensure CSPs operate from the same baseline requirements to facilitate interstate interoperability and promote cooperation with OSPs. We seek comment on our proposal, including potential costs.

In addition, we seek comment on alternative approaches to ensure interstate interoperability. In response to the *NG911 NPRM*, some commenters urged us to clarify the roles of OSPs and providers of NG911 services.¹⁵³ APCO proposed that in addition to focusing on the delivery of 911 traffic by OSPs, the Commission should take the “next step toward achieving public safety’s vision for NG9–1–1” by initiating a further notice of proposed rulemaking to address “interoperability requirements for 9–1–1 service providers and other elements of the emergency communications chain.”¹⁵⁴ In that connection, we seek comment from 911 Authorities and others as to whether we should expand the scope of our proposed interoperability requirement,

¹⁵³ See, e.g., APCO Comments, PS Docket 21–479, at 4–5 (filed Aug. 9, 2023) (“The greatest impact the Commission can have on facilitating the transition to NG9–1–1 would be to require interoperability between OSPs and 9–1–1 service providers, and among 9–1–1 service providers.”); Jack Varnado, Livingston Parish Sheriff Comments, PS Docket 21–479, at 1 (filed Aug. 9, 2023) (urging the Commission to require all OSPs and 9–1–1 service providers achieve interoperability); Michael Coonfield, Oklahoma 911 Management Authority Comments, PS Docket 21–479, at 2 (filed Aug. 8, 2023) (stating that interoperability between ESInet and core services must be required and included in the forest guide); Texas 9–1–1 Entities Reply Comments, PS Docket 21–479, at 17 (filed Sept. 8, 2023) (“[T]he Commission should consider a notice of inquiry regarding interoperability between NG911 service providers, with emphasis on 911 call transfers between ESInets and within ESInets.”).

¹⁵⁴ APCO *Ex Parte*, PS Docket 21–479, at 2 (filed Apr. 18, 2024) (emphasis added). APCO previously urged the Commission to require interoperability between OSPs and NG911 service providers as part of the current proceeding. APCO Comments, PS Docket 21–479, at 2–4 (filed Aug. 9, 2023). However, in its *ex parte*, APCO expressed support for moving forward with the OSP requirements that the Commission proposed in the *NG911 Notice*. APCO *Ex Parte*, PS Docket 21–479, at 1 (filed Apr. 18, 2024). In a more recent *ex parte*, APCO urges the Commission to “seek comment on a rule that would require 9–1–1 service providers to enable the ECCs they serve to exchange all forms of 9–1–1 traffic with ECCs in different states and/or served by different 9–1–1 service providers. Each 9–1–1 service provider could demonstrate compliance with this interoperability requirement by certifying that the ECCs it serves are able to exchange 9–1–1 traffic with at least three ECCs located in different states and/or served by other 9–1–1 service providers. Such a certification should include an attestation that the 9–1–1 service provider has confirmed interoperability through real-world testing at its sole cost.” APCO *Ex Parte*, PS Docket 21–479, at 3 (filed Nov. 1, 2024).

and, if so, to what other elements of the emergency communications chain? Similarly, we seek comment on whether to amend § 9.19(a) of the rules to add a definition for “interoperability” for purposes of clarifying the obligations of NG911 service providers, including the definition of interoperability from the Spectrum Auction Reauthorization Act of 2023 (H.R. 3565), or some variation, for purposes of defining the scope of our interoperability requirements; and the potential benefits and costs of adopting such a definition.

Intrastate Interoperability. Today’s proposals cover interstate interoperability between ESInets. With respect to intrastate interoperability, we believe that 911 Authorities can address NG911 interoperability within their jurisdictions pursuant to contracts and tariffs with providers of NG911 services and have the ability to order necessary testing and resolve interoperability disputes, including with subcontractors, pursuant to such instruments. In addition, 911 Authorities are in the best position to address intrastate interoperability from the border control function at the in-state or in-territory NG911 Delivery Point through ingress to ESInet connected PSAPs and between PSAPs. We seek comment on our view.

2. Interstate Interoperability for Text and Video Accessibility

We seek comment on whether interoperability certifications relating to ESInet interconnection facilities should include specific certifications regarding interoperability of 911 text messaging and video accessibility consistent with the benchmarks discussed above. We believe that ensuring interoperability for non-voice NG911 communications is equal in importance to ensuring interoperability for voice NG911 calls. In the *NG911 Transition Order*, the Commission extended NG911 requirements to OSPs providing non-voice 911 services, including covered text providers and internet-based Telecommunications Relay Service (TRS) providers. NG911 is specifically intended to provide improved support for the full range of 911 voice, text, data, and video communications, including promoting and enabling 911 access for individuals with disabilities.¹⁵⁵ In its end state, NG911 will facilitate interoperability and system resilience, improve connections between 911 call centers, and support the transmission of text, photos, videos, and data to PSAPs

¹⁵² See, e.g., *iCERT Interoperability Testing Report* at 10; Brian Rosen Comments, PS Docket 21–479, at 4 (filed Jul. 28, 2023) (“Call transfer across ESInets is now standardized in NENA STA–010.3, which is the standard that all current NGCS implementations are currently at or are expected to be upgraded to soon. Vendor testing at NENA ICE events and bilateral testing between vendors are proving interoperability today.”).

¹⁵⁵ *NG911 Transition Order* at *74, para. 215.

by individuals seeking emergency assistance.¹⁵⁶

We seek comment on how best to ensure that NG911 systems support interoperability for non-voice 911 services, with specific emphasis on text, video, and multimedia capabilities that support 911 access for people with disabilities. As noted above, NASNA's 2020 Interoperability Matrix reflected higher levels of interstate interoperability for 911 voice calls but no or low levels of interstate interoperability for all other services, including text-to-911 and MMES. We ask commenters to provide updated information on interstate 911 interoperability by type of service, with particular emphasis on services used by those with accessibility needs. For example, what are the current levels of interstate interoperability for the following types of service: (1) 911 voice calls; (2) location data; (3) text-to-911, including real-time text (RTT); and (4) MMES?

Text Messaging. Regarding text messaging, in response to the *NG911 NPRM*, Google and NENA proposed that we consider the implementation of new interoperable messaging protocols, such as Rich Communications Service (RCS).¹⁵⁷ We seek comment on Google's view that, "[b]y addressing interoperable text messaging as part of its NG911 efforts, the Commission can further enable members of the public to connect to lifesaving resources, family members, and friends in a more effective and secure manner." Do commenters agree with NENA and Google's concerns about text interoperability and comments about RCS, and if so, would RCS fall under our definition of "commonly accepted standards"? We seek comment more generally as to whether the public interest is better served by the Commission making such determinations in the short term or allowing the marketplace to make such determinations over a longer period of time. We also seek comment on whether there are interoperability problems in the commercial wireless market that are impeding end state end-to-end NG911? We invite commenters to comment on the specific connectivity, data transmission, and security issues Google describes as inherent in SMS/MMS.

¹⁵⁶ *NG911 Transition Order* at *6, para. 14; *NG911 Notice*, 38 FCC Rcd at 6209, para. 10.

¹⁵⁷ Google Comments, PS Docket 21–479, at 9–11 (filed Aug. 10, 2023); NENA Reply Comments, PS Docket 21–479, at 9–10 (filed Sept. 6, 2023). RTT is available in some locations as a text-based communications technology for 911 purposes. See FCC, *Real-Time Text*, www.fcc.gov/rtt (Nov. 5, 2024).

What options are currently available to address the aforementioned concerns as part of our certification requirements for CSPs, including intrastate interoperability requirements, and issues and what options do commenters foresee becoming available in the near-term and long-term?

Video. Point-to-point video calls can be instrumental to demonstrate the emergency at hand in order to expedite the provision of appropriate emergency assistance. Additionally, people with disabilities may benefit from video calling in order to communicate more clearly in conjunction with other modalities such as text communications. We seek comment concerning accessibility with particular focus on measures we can take to promote interstate interoperability between ESNets.¹⁵⁸ In response to the *NG911 NPRM*, commenter Brian Rosen suggested that the Commission could adopt requirements to ensure ESNets support three-way video for Video Relay Service (VRS) within a reasonable period of time, such as 12 months. Further, three-way video has the potential to support individuals with speech disabilities relying on speech-to-speech relay services.¹⁵⁹ Rosen claims that many vendors of NGCS systems plan to support video in upcoming releases and suggests imposing a regulatory deadline to do so. In addition, Communication Service for the Deaf, Inc. states that video sign-language communications in NG911 systems could occur in different ways, including through standard VRS, three-way video relay services,¹⁶⁰ or direct video calling (DVC). DVC would allow

¹⁵⁸ *NG911 Transition Order* at *17, para. 43. In the *NG911 Transition Order*, the Commission adopted an NG911 definition that includes accessibility as an essential requirement, consistent with the definition in the Spectrum Auction Reauthorization Act of 2023 (H.R. 3565), which requires that NG911 "be capable of processing 'all types' of requests." The Commission agreed that this requirement mandates that NG911 standards support accessible technologies. *NG911 Transition Order* at **14, 61, paras. 34, 179. The Commission declined, however, to expand the scope of the proceeding to consider accessibility issues raised in comments, but consistent with its authority under the CVAA, committed to monitor the development of NG911 systems and technologies and be prepared to take necessary steps to ensure that NG911 is fully accessible to all.

¹⁵⁹ See, e.g., FCC, *Speech-to-Speech Relay Service (STS)*, www.fcc.gov/sts (Jan. 28, 2025).

¹⁶⁰ Communication Service for the Deaf, Inc., *et al. Ex Parte*, PS Docket 21–479, at 2–3 (filed Mar. 12, 2025) (stating that traditional VRS uses a communications assistant fluent in sign language to enable a 911 caller to communicate through an intermediary, so that the VRS interpreter voices what the caller signs and signs back the call taker's response, while three-way video would allow the VRS caller, the 911 call taker, and the video interpreter to all be visible to each other on the same video call).

a caller who uses sign language to place a call to a call taker who is both fluent in sign language and trained in handling emergency calls, potentially eliminating the need for a third-party intermediary.¹⁶¹ Should we amend our rules to require that NGCS systems support three-way video for relay services, and support DVC? If so, within what time frame should such support be required for either service? What conditions or qualifications, if any, should be included in requirements associated with these video calls? We seek updated data on interstate interoperability needed to meet the needs of the accessibility community, including the feasibility of providing DVC or three-way video 911 calls that include VRS, and challenges with implementation during the transition to NG911 and relevant timelines.¹⁶²

We further seek comment on any potential efficiencies that three-way video and DVC, respectively, would achieve for PSAPs in NG911 systems. Could three-way video improve accuracy and efficiency for 911 call handlers to take an emergency call and dispatch the right assistance? Could DVC improve accuracy and efficiency in the handling of emergency calls? Could emergency calling-trained DVC call handlers located at regional or nationwide PSAPs send electronic dispatchable reports directly to the local PSAP, eliminating the need for intermediary interpretation? To what extent would three-way video and DVC services need to rely on each other's facilities and capabilities?¹⁶³ What role

¹⁶¹ *Id.* at 3. See also *Structure and Practices of the Video Relay Service Program*, CG Docket 10–51, Further Notice of Proposed Rulemaking, 32 FCC Rcd 2436, 2484, para. 125 (2017), 82 FR 17613 (Apr. 12, 2017), 82 FR 17754 (Apr. 13, 2017) ("A direct video calling (DVC) customer support service . . . permits individuals who are deaf, hard of hearing, deaf-blind, or have a speech disability . . . to engage in real-time video communication in ASL without using VRS. The purpose of DVC is to provide direct telephone service to such individuals that is functionally equivalent to voice communications service provided to hearing individuals who do not have speech disabilities.").

¹⁶² Brian Rosen Comments, PS Docket 21–479, at 5 (filed July 28, 2023) (stating that from the very first version (NENA 08–003), three-way video was a firm requirement and that the requirement was there expressly for VRS: a VRS user should be able to dial 9–1–1 and be placed in a 3-way video call with the caller, the 911 call taker, and a sign language interpreter).

¹⁶³ Communication Service for the Deaf, Inc., *et al. Ex Parte*, PS Docket 21–479, at 4 (filed Mar. 20, 2025) (" . . . ASL users use either a VRS app or a video communications device provided by their VRS provider to access 911 services. Each VRS company in turn contracts with an 'Emergency Call Relay Center' provider to facilitate the routing and processing of their 911 calls to the caller's appropriate PSAP . . . If the ability to use DVC is integrated into the NG911 infrastructure, could 911 calls placed by ASL-fluent callers be placed directly

should Emergency Call Relay Centers play in processing DVC calls? Would it be possible to route these calls to a call taker at an Emergency Call Relay Center (ECRC), who would then transmit the caller's information to a dispatcher at the appropriate PSAP? Should the Commission require all VRS providers to direct all incoming 911 calls to an ECRC upon receipt, to facilitate such direct communication? What are the costs and benefits associated with each of these services? What modifications to the NG911 architecture would be needed to enable DVC calls? What modifications would be needed to enable three-way video?

We also seek comment regarding current IP-based relay¹⁶⁴ provider capabilities and how to expand them. Do commenters agree that IP-based relay services providers currently supply a VoIP audio connection through a VPC, and that, to support video 911 calls, these providers would have to provide a video and audio connection, which current VPCs cannot handle? To enable IP-based relay services providers to support such calls, should we amend our rules to require ESInets to support internet connections, including video, via VPNs, to the ESInets, and if so, within what time frame, and subject to what conditions or qualifications? In that connection, do commenters agree with Brian Rosen that, to support three-way 911 video calls, IP-based relay providers would need to use the NGCS bridge, because bridges are used extensively in NG911 system to support attended transfer (so the call taker(s) can hear/see the call while they are completing the transfer—911 calls are not placed on hold)? If so, would this represent a change to their current process, which uses a Provider bridge, at least when supporting Voice carryover/hearing carryover? What are the costs associated with requiring three-way video support at the ESInet, and would such a requirement ensure equivalence for callers who are deaf or hard of hearing or have a speech disability?

D. Implementation and Oversight

In order to assist in monitoring compliance with our proposed rules for NG911 reliability and interoperability, we propose to update our 911 reliability data collections and oversight mechanisms. In the *911 Reliability Order*, the Commission stated that “if a Covered 911 Service Provider certifies

that it has taken alternative measures to mitigate the risk of failure, or that a certification element is not applicable to its network, its certification is subject to a more detailed Bureau review.”¹⁶⁵ If the Bureau's review indicates that a provider's alternative measures are not reasonably sufficient to ensure reliable 911 service, the Commission stated that the Bureau should first engage with the provider and other interested stakeholders (e.g., affected PSAPs) to address any shortcomings. To the extent that such a collaborative process does not yield satisfactory results, the Commission stated that the Bureau may order remedial action consistent with its delegated authority.¹⁶⁶ The Commission intended this process to allow flexibility to employ alternative—but reliable—network designs and technologies, not to create an exception that would swallow the rule.¹⁶⁷

As discussed below, we believe that revised reporting requirements would be helpful to Commission staff and 911 Authorities in identifying risks to the reliability and interoperability of 911 traffic, including single points of failure, and ask commenters to identify specific information that providers should include in their certifications. We also seek comment on measures the Commission could take to limit the burden of reporting on NG911 reliability and interoperability. We also seek comment on how to better identify single points of failure that could have cascading effects on 911 traffic in multiple states. To what extent could the Commission limit the burden of any reporting requirements by providing increased flexibility for providers or businesses identified as small by the Small Business Administration?¹⁶⁸ We also propose to require disclosure of reliability and interoperability certifications to 911 Authorities. In that connection, we seek comment on establishing procedures for 911 Authorities to report concerns to the Bureau to conserve limited resources and focus attention on critical elements

¹⁶⁵ See 47 CFR 0.392(j); *911 Reliability Order*, 28 FCC Rcd at 17497 para. 62 (“The Bureau will consider a number of factors in determining whether the particular alternative measures are reasonably sufficient to ensure reliable 911 service. Such factors may include the technical characteristics of those measures, the location and geography of the service area, the level of service ordered by the PSAP, and state and local laws (such as zoning and noise ordinances).”).

¹⁶⁶ See *911 Reliability Order*, 28 FCC Rcd at 17497 para. 63.

¹⁶⁷ *2015 Reliability Recon. Order*, 30 FCC Rcd at 8654–55, paras. 2, 10–11.

¹⁶⁸ For example, the Commission's requirements for live call data reporting provide a reduced reporting schedule for non-nationwide CMRS providers. 47 CFR 9.10(i)(3)(ii)(D).

that could result in multistate outages or hamper interstate interoperability. We tentatively conclude that improving 911 Authorities' access to information about the 911 reliability measures in place within their states would amplify the Commission's ability to address potential risks to NG911 service and enable 911 Authorities to assess taking their own measures to prevent and mitigate disruptions to 911 service in their jurisdictions. We seek comment on this tentative conclusion and on the specific proposals below. In addition to enhancing reporting requirements for providers and improving information sharing with 911 Authorities, we seek comment on whether we should establish a dedicated consumer portal for 911-related outage complaints. Such a portal could provide the public with a clear and accessible means to report concerns about 911 service disruptions directly to the FCC. This approach may improve the Commission's ability to identify and address potential risks to NG911 reliability while empowering consumers to play a more active role in ensuring public safety. We invite input on the potential benefits of this proposal, including how it could complement existing reporting mechanisms and enhance transparency in addressing 911 service reliability.

1. Reform of Reliability Certification Process

Traditionally, NG911 CSPs select “alternative measures” to report reliability practices that differ from the legacy 911-specific best practice benchmarks articulated in our existing regulations, but which the Commission deemed reliable in the *2015 Reliability Recon. Order*.¹⁶⁹ We seek comment on whether one potential improvement from today's proposed changes of both defining NG911 equivalents and functional equivalents and codifying the best practice measures applicable to IP-based networks would be allowing NG911 CSPs to directly certify that they meet the benchmarks specified in our regulations, instead of having to use the alternative measures option to report IP-based network reliability practices. We seek comment on the impact of this change, and on related proposed minor changes described below.

In 2015, the Commission observed that NG911 networks achieve reliability and resiliency with geographic diversity and dynamic routing instead of traditional TDM circuit auditing and tagging, so the existing 911 reliability certification rules did not apply well to

¹⁶⁹ *2015 Reliability Recon. Order*, 30 FCC Rcd at 8656–57, paras. 12, 15.

to an ASL-fluent 911 call taker without being routed through a VRS provider?”).

¹⁶⁴ This would include VRS, IP Relay Services, and certain forms of IP Captioned Telephone Services.

NG911 networks.¹⁷⁰ The Commission similarly observed that the existing monitoring benchmark was appropriate for legacy 911 facilities but not IP facilities, as IP-based service providers do not “audit” monitoring circuits the way TDM providers do, but rather use the automated network monitoring capabilities for their resilient IP-enabled networks.”¹⁷¹ At the time, the Commission did not undertake revision of the certification form, but rather instructed NG911 CSPs to report that they are using “alternative measures” for reliable IP best practices, since the CSPs could not realistically certify to using TDM-specific best practices on IP networks.¹⁷² Accordingly, NG911 providers currently answer the legacy 911 certification questions in the negative, but then provide narrative descriptions of how IP network reliability differs from legacy 911 reliability.¹⁷³

We seek comment on whether specifying NG911 and IP-based network benchmarks directly in the rules will allow NG911 CSPs to more easily certify to meeting reasonable reliability best practices without having to describe alternative measures for the compliant IP-based network facilities they operate, reserving alternative measures for deviations from the best practice benchmarks. If so, will this proposed change improve Commission collection and analysis of certification reliability data? What are the pros and cons of this

¹⁷⁰ 2015 Reliability Recon. Order, 30 FCC Rcd at 8656, para. 15 (“The circuit auditing requirement adopted in the 911 Reliability Order was based upon a CSRIC best practice urging network operators to ‘periodically audit the physical and logical diversity . . . of their network segment(s)’ [H]owever, appropriate measures to preserve physical and logical diversity may differ between circuit-switched time division multiplexing (TDM) and IP-based networks because IP-based routing and . . . re-routing can occur dynamically over many possible paths.”).

¹⁷¹ 2015 Reliability Recon. Order, 30 FCC Rcd at 8659, para. 20.

¹⁷² 2015 Reliability Recon. Order, 30 FCC Rcd at 8656, para. 12 (“[W]e clarify that the certification framework adopted in the 911 Reliability Order allows flexibility for all Covered 911 Service Providers—legacy and IP-based—to certify reasonable alternative measures to mitigate the risk of failure in lieu of specified certification elements.”); 2015 Reliability Recon. Order, 30 FCC Rcd at 8657, para. 16 (“Technology transitions have already resulted in a variety of hybrid 911 network architectures in which some functions are provided over legacy TDM circuits and others are provided over IP-based infrastructure. In such cases, our rules as revised will permit the provider to certify reasonable alternative measures with respect to either portion of the network.”).

¹⁷³ 2015 Reliability Recon. Order, 30 FCC Rcd at 8657, para. 16 (“[E]xplanations of alternative measures with respect to circuit audits and tagging should . . . describe affirmative steps in lieu of audits and tagging to mitigate the risk of a service disruption. . . .”).

approach in terms of data reported and collected? What drawbacks are there to this approach? Should the certification form be revised to require drop-down selections for the kind of legacy or NG911 facilities being certified to (e.g., selective router central office, path from selective router to central office serving PSAP, major transport path to ESInet, LIS facility, etc.) to ensure clarity of which best practice standard (legacy or NG911) is being certified to?¹⁷⁴ We propose to direct PSHSB to consider revisions the certification form so that CSPs can specify which type(s) of 911 facilities they are operating—legacy and/or NG911—in a way that constrains which best practice standard they are certifying to. We further direct PSHSB to consider revisions to the certification form in ways that will ensure NG911 CSPs do not have to submit narrative explanations of alternative measures for IP-based facilities if those facilities meet the regulatory best practice benchmarks for IP-based networks. Will this change help the Commission identify which filers are proving NG911 services, which are providing legacy 911 services, and which are providing both? Would these changes also reduce the number of times CSPs have to answer portions of the certification form with “not applicable,” if the kind of facilities they operate and select from the drop-down menu automatically constrain which reliability and interoperability benchmarks they may certify to? We seek comment on these assessment and proposals.

Accordingly, we propose to direct PSHSB to revise the reliability and interoperability certification form to replace the current free-form text reporting option for alternative measures or “not applicable” answers with specified drop-down selection answers as determined by the Bureau, and to seek comment on a revised certification form. We tentatively conclude that this approach will best illuminate network practices for Commission staff and potentially reduce burdens on CSP filers. Similarly, if the updated form asks CSPs to select alternative measures and then list all facilities that employ them instead of vice-versa as it is now, we believe this

¹⁷⁴ See *Public Safety and Homeland Security Bureau Seeks Comment on Modifications to Network Outage Reporting system and 911 Reliability Certification System*, PS Docket Nos. 15–80, 13–75, Public Notice, 35 FCC Rcd 4409, 4413 (seeking comment on adding “drop-down fields to 911 reliability certifications that will require covered 911 service providers to indicate whether they provide” specified 911, E911, or NG911 services) (PSHSB 2020).

will also improve reporting. We seek comment on this proposal.

We further propose modifying the certification form to ask NG911 CSPs to report on the volume of 911 call traffic that their non-conforming facilities handle. In response to a previous request for comment,¹⁷⁵ state government parties suggested improvements to the certification system to enable the Commission to determine the size of potentially impacted populations from critical 911 facility failures.¹⁷⁶ We believe most CSPs handling NG911 traffic from multiple OSPs have this data readily available,¹⁷⁷ and so such reporting would constitute a minimal burden to providers while providing valuable data to the Commission and to 911 Authorities.¹⁷⁸ We therefore believe such a change would improve 911 reliability and oversight with minimal additional burden on regulated entities. We seek comment on this proposal, on the best metric and reporting format to use for 911 traffic volume data, and on any additional suggestions for improving the certification form. Should the proposal be expanded to require 911

¹⁷⁵ See *Public Safety and Homeland Security Bureau Seeks Comment on Modifications to Network Outage Reporting system and 911 Reliability Certification System*, PS Docket Nos. 15–80, 13–75, Public Notice, 35 FCC Rcd 4409, 4414–5 (PSHSB 2020).

¹⁷⁶ NASNA Comments, PS Docket 13–75, at 3 (filed July 17, 2020) (recommending changes to the reliability certification form to “allow the FCC to analyze filed Reliability Certification Systems to know what populations are being made vulnerable to outages due to lack of redundancy or diversity in 911 networks.”); Colorado Public Utility Commission Comments, PS Docket 13–75, at 2 (filed July 8, 2020) (same).

¹⁷⁷ See e.g., Bandwidth Comments, PS Docket 21–479, at 2–3 (filed Aug. 9, 2023) (“Bandwidth predominately acts as a VoIP Positioning Center (‘VPC’) where it provides stand-alone emergency location and 911 call routing capabilities for its VoIP service provider customers. . . . Bandwidth has a robust network that reaches across the United States and Canada and delivers around 3 million calls a year from 26.7 million end points. . . . To date, Bandwidth established network aggregation capabilities to route its customers’ 911 traffic through 16 ESInets.”); Inteliquent Reply Comments, PS Docket 21–479, at 1 (filed Sept. 8, 2023) (“Sinch provides a Voice over Internet Protocol (‘VoIP’) Positioning Center (‘VPC’) service to VoIP providers. Sinch’s VoIP customers contract with Sinch to facilitate VoIP 911 call delivery to the appropriate Public Safety Answering Points (‘PSAP’).”)

¹⁷⁸ Inteliquent *Ex Parte*, PS Docket 21–479, at 1 (filed Oct. 10, 2023) (“. . . Sinch explained that a subset of Next Generation Core Services Providers (‘NGCS Providers’) rely on Sinch to assist with steering Automatic Location Information (‘ALI’) queries between PSAPs and Sinch’s Voice over Internet Protocol Positioning Center (‘VPC’) platform via the ALI Database or Location Database (‘ALI/LDB’). These NGCS Providers are considered Covered 911 Service Providers under the FCC’s rules.”).

traffic volume reporting for conforming facilities as well?

We further propose to direct the Bureau to consider additional ways to improve the certification forms pursuant to its delegated authority.¹⁷⁹ The 911 reliability and interoperability certification submission form and data should simultaneously: (1) ensure the Bureau can reasonably perform its investigation¹⁸⁰ and Remediation Order¹⁸¹ delegated responsibilities to facilitate 911 reliability and interoperability; (2) provide similar reasonable oversight for 911 Authorities; and (3) impose no greater reporting burdens on CSPs than is necessary for these purposes. We direct the Bureau to prepare to appropriately implement such improvements bearing these factors in mind, consistent with today's rule proposals.

In connection with the above, we propose minor amendments to consolidate rule 9.19 in some instances, to minimize the burden on regulated entities subject to these rules by making it easier for them to identify and comply with all 911 reliability and interoperability requirements. For example, propose to consolidate the alternative measures reporting paragraphs at § 9.19(c)(1) to (3) to similarly capture both legacy and NG911 providers, and to better ensure the Bureau can revise the annual certification form to best respond to 911 Authorities' needs and obtain necessary data to make a reasonableness determination under its delegated authority.¹⁸² We also propose to consolidate and streamline the record retention paragraphs under § 9.19(d)(3) to better apply across all legacy and NG911 CSPs. We seek comment on these modifications, and any other advisable non-substantive or conforming edits to rule 9.19.

Finally, we seek comment on whether there are measures in addition to annual

certification that would promote 911 reliability and interoperability. For example, could the Commission implement an outcome-based standard that establishes how many annual user minutes of 911 traffic could be interrupted by network or facility outages and still be considered reasonable, beneath which a CSP is subject to remediation orders? Could the Commission adopt a similar interoperability standard based on percentage of interstate 911 call transfers which fail completely, or fail to include caller location or other data?

2. Access to Reliability Certifications

We propose amending the rules to provide that any 911 Authorities are entitled to receive, upon request to the CSP, the annual reliability and interoperability certifications filed with the Commission directly from CSPs operating in their jurisdictions. Furthermore, we propose to adopt the same process for NORS access that state and local governments may follow for access to the 911 reliability and interoperability certificate system. Accordingly, 911 Authorities will have options for accessing 911 reliability and interoperability certification data, and may use the option that best suits their local needs and relationships with CSPs. We seek comment on these proposals.

Under existing rules, 911 reliability certifications are presumptively confidential.¹⁸³ The Commission adopted the rule in 2013 after balancing the interests of CSPs to protect proprietary and sensitive information and the public's access to 911 reliability information.¹⁸⁴ The Commission recognized that "PSAPs and state 911 authorities have a strong interest in obtaining relevant information about the reliability and resiliency of their 911 service."¹⁸⁵ The Commission noted that PSAPs identified a limited set of

information they believed to be important in assessing reliability of their service (e.g., circuit audits), and accordingly, the Commission found no reason to address the need for disclosure of additional information to PSAPs and/or state 911 authorities.¹⁸⁶ Nonetheless, the Commission expected that CSPs "will, at the request of the PSAP (or state 911 authority, as relevant), enter into discussions concerning the content of the provider's 911 circuit auditing certification with respect to the PSAP."¹⁸⁷ In light of the wide variety of circumstances involved in how PSAPs nationwide purchase 911 service, the Commission declined "to require specific disclosure by rule, preferring to allow parties to negotiate reasonable and appropriate terms for assuring protection of proprietary information."¹⁸⁸ The Commission made clear, however, that CSPs "should respond promptly to a PSAP request in this area" and reiterated its belief "that PSAPs should have access to the details of circuit-auditing certifications, as long as the sensitive and proprietary nature of the information can be maintained."¹⁸⁹

We seek comment on whether there is an increased need for state and local government access to 911 reliability and interoperability certification data today, particularly in light of the advancing NG911 transition and the new roles being adopted by 911 Authorities and private network operators. Do other changes in network architecture evolution also change the need for state and local access to Commission data concerning 911 reliability and interoperability? For example in 2021, the Commission concluded that directly sharing NORS data with state and federal agencies, subject to appropriate and sufficient safeguards, is in the public interest, and the Commission extended this finding to include the sharing of DIRS data.¹⁹⁰ The

¹⁷⁹ 47 CFR 0.392(j) ("The Chief of the Public Safety and Homeland Security Bureau is delegated authority to . . . develop and revise forms and procedures as may be required for the administration of part 9, subpart H, of this chapter. . . .").

¹⁸⁰ 47 CFR 0.392(h) ("The Chief, Public Safety and Homeland Security Bureau or her/his designee is authorized to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the Public Safety and Homeland Security Bureau.").

¹⁸¹ 47 CFR 0.392(j) ("The Chief of the Public Safety and Homeland Security Bureau is delegated authority to . . . order remedial action on a case-by-case basis to ensure the reliability of 911 service in accordance with such rules and policies.").

¹⁸² 47 CFR 0.392(j).

¹⁸³ Specifically, Rule 0.457(d)(1)(viii) states:

"Information submitted with a 911 reliability certification pursuant to 47 CFR 12.4 [now 47 CFR 9.19] that consists of descriptions and documentation of alternative measures to mitigate the risks of nonconformance with certification elements, information detailing specific corrective actions taken with respect to certification elements, or supplemental information requested by the Commission with respect to such certification." 47 CFR 0.457(d)(1)(viii). See 47 CFR 9.19(d)(2)(i) and (ii).

¹⁸⁴ 911 Reliability Order, 28 FCC Rcd at 17533, paras. 157–158.

¹⁸⁵ For example, NENA stated that "PSAPs may be in the best position to use this information to prompt 911 service providers to make specific reliability improvements in their networks, but they may not otherwise be able to negotiate reliable access to this information through their contracts or tariffs." 911 Reliability Order, 28 FCC Rcd at 17533, para. 157.

¹⁸⁶ 911 Reliability Order, 28 FCC Rcd at 17533, para. 158.

¹⁸⁷ 911 Reliability Order, 28 FCC Rcd at 17533, para. 158.

¹⁸⁸ 911 Reliability Order, 28 FCC Rcd at 17533, para. 158.

¹⁸⁹ 911 Reliability Order, 28 FCC Rcd at 17533, para. 158.

¹⁹⁰ See NORS Information Sharing Order, 36 FCC Rcd 6136. By way of background, the Commission collects network outage information in the Network Outage Reporting System (NORS) and infrastructure status information in the Disaster Information Reporting System (DIRS). This information is sensitive for reasons concerning national security and commercial competitiveness, and the Commission thus treats it as presumptively confidential. The Commission makes this information available to the Department of Homeland Security's (DHS) National Cybersecurity

Commission limited eligibility for direct access to our NORS and DIRS databases to “need to know” agencies acting on behalf of the federal government, the 50 states, the District of Columbia, Tribal Nations, and the U.S. territories.¹⁹¹ In discussing sharing of complete NORS and DIRS reports and filings, the Commission noted “that sympathy reports and reports containing information about TSPs contain actionable information on outages that could be of use to public safety officials for emergency response or service restoration and declined to exclude these reports from NORS filings. For example, sympathy reports contain information regarding service outages that, while caused by a failure in the network of another provider, nonetheless have an effect on the reporting service provider that may have public safety implications.”¹⁹²

Under our proposal, we would retain the existing requirements under § 9.19(d)(2)(i) and (ii), but would add that 911 Authorities will be eligible to accessing the 911 reliability and interoperability certification database under the same conditions as NORS access, and also require CSPs to provide their annual certifications to 911 Authorities in their CSP service areas upon the request of a 911 Authority.¹⁹³ For example, if a 911 Authority issues a request to contacts a CSP, including a CSP that delivers 911 traffic to the in-state NG911 Delivery Point, the CSP would be required to provide the information applicable to that 911 Authority and within that 911 Authority’s jurisdiction. We believe that 911 Authorities have a strong interest in accessing certification filings to ensure the reliability of 911 traffic in their jurisdictions during the NG911 transition.¹⁹⁴ In addition, we believe

and Communications Integration Center but does not share the information more broadly with other federal, state, or local partners. *New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, ET Docket No. 04–35, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 16830, 16856, para. 47 (2004), 69 FR 68859 (Nov. 26, 2004), 69 FR 70316 (Dec. 3, 2004) (making NORS reports available to DHS “in encrypted form and immediately upon receipt”).

¹⁹¹ *NORS Information Sharing Order*, 36 FCC Rcd at 6141, para. 16.

¹⁹² *NORS Information Sharing Order*, 36 FCC Rcd at 6160, para. 78.

¹⁹³ In that connection, we would also retain the existing record retention requirements under 47 CFR 9.19(d)(3) with updates to cover interoperability certifications and streamlining as noted above.

¹⁹⁴ See, e.g., Washington Utilities and Transportation Commission Comments, PS Docket No. 14–193, p. 8 (filed March 17, 2015) (“Additionally, as part of the cooperative framework with state and local partners the Commission seeks to maintain, the UTC suggests

911 Authorities would benefit from having 911 reliability and interoperability certifications to assist with developing emergency response plans in advance of an outage.

We acknowledge that certifications are presumptively confidential under our existing rules, and CSPs and 911 Authorities must agree to confidentiality for sharing certifications. Under today’s proposed approach, CSPs must share relevant portions of certifications, but may omit or redact information relating to portions of their networks that are not located within and not providing any service directly to the requesting 911 Authority’s jurisdiction. CSPs may condition providing their certifications on the 911 Authority executing a confidentiality agreement.

We also propose extending our NORS/DIRS information sharing framework to 911 reliability and interoperability certifications to 911 Authorities only. 911 Authorities who prefer not to request confidential certifications directly from CSPs may request access to certifications from the Bureau under the same terms currently provided under rule 4.2.¹⁹⁵ CSPs receiving a request to provide a certification to a 911 Authority must provide it within 14 days under confidentiality terms no more restrictive than the same rule.¹⁹⁶ We seek comment on whether this proposal would best help ensure 911 Authorities’ access to valuable information. Would this proposal incentivize cooperation

the proposed expanded certification requirements of Rule 12.4 be modified to require that all covered entities that submit annual certification, compliance, or audit reports, should also be required to simultaneously submit such information to designated state governance officials, such as the UTC and the Washington State E911 Coordinator’s Office, that are actively involved or have some oversight responsibilities with respect to reliable 911 service delivery at the state level. Access to such information by state officials would greatly assist in understanding and tracking marketplace developments affecting 911 service delivery within the scope of their jurisdictions. State access could also greatly assist officials during times of emergency, like the April 2014 multi-state outage, in understanding and interacting with such entities as events unfold. The UTC urges the Commission to modify the certification and reporting requirements of Rule 12.4 by requiring covered 911 service providers to submit certification and compliance information and reports to the Commission’s state partners.”)

¹⁹⁵ 47 CFR 4.2.

¹⁹⁶ To protect sensitive communications status data, Participating Agencies and Downstream Agencies must preserve the confidentiality of certification filings. The Commission will grant access to certification filings only after 911 Authorities certify that they will comply with requirements for maintaining the confidentiality of the data and the security of the databases. 911 Authorities will also be responsible for ensuring downstream agencies certify that they, too, will maintain the confidentiality of the data they receive. See 47 CFR 4.2.

between states and CSPs? Do 911 Authorities prefer having the option to seek this information either directly from CSPs or from PSHSB? We seek comment on this proposal and any alternatives.

Finally, we propose to amend § 9.19(d) of the rules to require CSPs to notify their 911 Authority of cessation of service at the same time they notify the Commission. Under our current rules, CSPs that cease covered operations under this section must notify the FCC by filing a notification under penalty of perjury no later than 60 days after the cessation of service.¹⁹⁷ For the reasons discussed above, we believe that 911 Authorities would benefit from having situational awareness of when CSPs cease providing services to their jurisdictions, and seek comment on this proposal, including alternatives, and potential costs to CSPs.

3. Remedial Action and Petition Process

To promote accountability and transparency in ensuring 911 reliability and interoperability, we propose to amend § 9.19 of the rules to add a new paragraph to provide guidance regarding the Bureau’s process for responding to reliability and interoperability concerns. In addition, we seek comment on adopting a procedure for 911 Authorities to submit petitions alleging violations of the Commission’s 911 reliability and interoperability rules to the Bureau, which then would have the option to exercise its authority under § 0.392(j) to launch investigations or direct remedial action against CSPs.¹⁹⁸

Currently, § 0.392(j) references the Bureau’s delegated authority to administer the 911 reliability rule and order remedial action for deficiencies, but § 9.19 does not explicitly reference the Bureau’s delegated authority under 0.392(j).

To formalize the remediation order process, we propose to codify into the rules that when certification filings or other information available to the Commission indicate that a CSPs actions appear to be deficient or inadequate to address any of the risks to the reliability or resiliency of 911

¹⁹⁷ 47 CFR 9.19(d)(4).

¹⁹⁸ 47 CFR 0.392(j) (“The Chief of the Public Safety and Homeland Security Bureau is delegated authority to administer the communications reliability and redundancy rules and policies contained in part 9, subpart H, of this chapter, develop and revise forms and procedures as may be required for the administration of part 9, subpart H, of this chapter, review certifications filed in connection therewith, and order remedial action on a case-by-case basis to ensure the reliability of 911 service in accordance with such rules and policies.”)

networks, the Bureau Chief or other Bureau official acting on the Chief's delegated authority will first issue and serve upon the CSP a notice that describes the apparent deficiencies and proposes different or additional actions that CSP must take to mitigate the apparent deficiencies. A CSP would have 30 days to submit a written response disputing the allegations and/or providing alternatives for remediation to such a notice. Any time after the 30th day a CSP receives notice from the Bureau, the Bureau may issue and serve upon the CSP an order setting forth its findings as to such deficiencies and specifying the actions that the CSP is required to take to mitigate the deficiencies. The order may specify deadlines by which the CSP must complete the required actions and may identify information that the CSP must submit to demonstrate its compliance with the order. We seek comment on this proposal.

Second, we propose to establish a process under which a 911 Authority may file a petition with the Bureau against a CSP in the 911 Authority's jurisdiction using alternative measures or claiming inapplicability in the certification, or for inaccurate certifications, alleging a lack of reasonable network practices in conformity with our rules. The petition process would be subject to the procedural requirements set forth in § 1.41 (informal requests for Commission action), 1.45 (pleadings and filing periods), and 1.47 (service of documents) of the rules.¹⁹⁹ Prior to filing a petition with the Bureau, a 911 Authority must provide the CSP with 30 days written notice to provide the CSP an opportunity to address the issue directly with the 911 Authority. If the issue has not been addressed to the 911 Authority's satisfaction within 30 days, the 911 Authority may file a petition with the Bureau Chief for relief no later than an additional 30 days later, and the 911 Authority's filing should include the relevant correspondence with the CSP and all documentation applicable to base a finding of lack of reasonableness. Petition proceedings will be treated as non-public restricted adjudicatory matters. CSP will have the proof burden to demonstrate their network practices and facilities are reasonable under rule 9.19(b), unless they have certified to meeting all benchmarks for their facilities, in which case the burden to show unreasonableness shifts to the petitioning 911 Authority. The petition must be in the form of an affidavit

signed by the 911 Authority, and contain all relevant facts and references to this rule section alleging a violation. This proposal is similar to the petition process the Commission recently adopted for OSPs to challenge the validity of 911 Authorities' NG911 Phase 1 and Phase 2 requests.²⁰⁰ We also propose to specify that 911 Authorities may continue to informally refer alleged 911 reliability and interoperability deficiencies to the Bureau without a formal petition.²⁰¹ We seek comment on these proposals.

We invite comment on whether our proposals will promote transparency and accountability to 911 Authorities and assist 911 Authorities with local oversight. Will these proposals incentivize greater collaboration between 911 Authorities and CSPs, and serve as a backstop should 911 Authorities and CSPs reach an impasse? We invite comment on our proposals, including potential alternatives and costs on CSPs and 911 Authorities. Do commenters perceive risks in establishing that 911 Authorities contact CSPs to address reliability and interoperability concerns before filing a report with the Bureau, and encouraging 911 Authorities and providers to resolve such issues before contacting the Bureau? We seek comment on establishing such a step in our process.

Regarding providing CSPs with notice of potential Bureau remediation inquiries or orders under § 0.392(j) of our rules, do commenters agree with adopting formal procedures for Bureau actions specifying the process and time for CSPs to respond to an inquiry? We seek comments on what procedures CSPs should follow in such a process. Thus, we seek comment on whether our proposed rule would add another layer of transparency and oversight regarding the Bureau's processes to ensure CSPs are accountable for reliability and interoperability measures. We invite comment on the potential costs and risks associated with our proposal.

E. Legal Authority

We tentatively conclude that the rules we are proposing in this FNPRM are well-grounded in our broad authority to "promot[e] safety of life and property through the use of wire and radio communications,"²⁰² including through

use of the nation's 911 system.²⁰³ Congress has enacted numerous provisions in the Communications Act and other 911-related statutes "that, taken together, establish an overarching federal interest in ensuring the effectiveness of the 911 system."²⁰⁴ Beyond this general mandate, section 251(e)(3) of the Communications Act confirms the Commission's authority and responsibility for designating 911 as the universal emergency telephone number for both wireline and wireless telephone service,²⁰⁵ demonstrating Congress's intent to grant the Commission broad authority for "ensuring that 911 service is available throughout the country."²⁰⁶ In a subsequent statute, Congress found that "for the sake of our Nation's homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications

provisions of the Act. See, e.g., 47 U.S.C. 154(i), 303(r).

²⁰³ See, e.g., *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems; Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the 1610–1660.5 MHz Band*, CC Docket No. 94–102, IB Docket No. 99–67, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 25340, 25345, para. 13 (2003), 69 FR 6578 (Feb. 11, 2004), 69 FR 6595 (Feb. 11, 2004) ("We find that Congress has given the Commission broad authority to deal with public safety concerns in wire and radio communications."); *Revision of the Commission's rules to ensure compatibility with enhanced 911 emergency calling systems*, CC Docket No. 94–102, Notice of Proposed Rule Making, 9 FCC Rcd 6170, 6171, para. 7 (1994), 59 FR 54878 (Nov. 2, 1994) ("It is difficult to identify a nationwide wire or radio communication service more immediately associated with promoting safety of life and property than 911."); *Nuvio Corp. v. FCC*, 473 F.3d 302, 312 (D.C. Cir. 2006). *Nuvio Corp.*, 473 F.3d at 312 (Kavanaugh, J., concurring) (stating that Congress has granted the Commission "broad public safety and 911 authority"). Moreover, in the Net 911 Act's legislative history, Congress recognized that "[s]hould changes in the marketplace or in technology merit, the Committee expects that the Commission will reexamine its regulations as necessary, consistent with the Commission's general authority under section 1 of the Communications Act of 1934 to promote the 'safety of life and property' through the use of wire and radio communications." H.R. Rep. No. 110–442, at 13 (Nov. 13, 2007), <https://www.govinfo.gov/app/details/CRPT-110/hrpt442>.

²⁰⁴ See, e.g., *911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008*, PS Docket Nos. 20–291 and 09–14, Report and Order, 36 FCC Rcd 10804, 10810–11, para. 16 & n.41 (2021), 86 FR 45892 (Aug. 17, 2021) (*911 Fee Diversion Order*); *NG911 Transition Order* at *52, para. 154.

²⁰⁵ 47 U.S.C. 251(e)(3).

²⁰⁶ *Nuvio Corp.*, 473 F.3d at 311 (Kavanaugh, J., concurring).

¹⁹⁹ 47 CFR 9.31(c).

²⁰¹ See Public Safety Support Center at <https://www.fcc.gov/general/public-safety-support-center> (last visited Feb. 14, 2025).

²⁰² 47 U.S.C. 151. The Communications Act of 1934, as amended (the Communications Act) authorizes the Commission to make rules and regulations, issue orders, and prescribe restrictions and conditions that are consistent with the

¹⁹⁹ 47 CFR 1.41, 1.45, and 1.47.

capabilities possible should be available to all citizens in all regions of the Nation.”²⁰⁷ The D.C. Circuit consistently has affirmed the Commission’s duty to consider public safety under the Communications Act and to impose obligations to protect public safety in the public interest.²⁰⁸ The Commission’s public safety interest is among its most important responsibilities, and it informs the Commission’s exercise of its other statutory authority pursuant to Congress’s other directives.

Moreover, to the extent that 911 service providers are common carriers, section 201(b) of the Communications Act requires the providers to adopt “practices” that are “just and reasonable” and authorizes the Commission to “prescribe such rules and regulations as may be necessary in the public interest” to enforce that requirement.²⁰⁹ The Commission also may require carriers “to provide [themselves] with adequate facilities for the expeditious and efficient performance of [their] service[s]” when “reasonably required in the interest of public convenience and necessity.”²¹⁰ The Commission consistently has relied on these authorities before to regulate the provision of 911 service, including when it adopted the reliability rules we propose to modify today.²¹¹ Similar provisions empower the Commission to regulate the adequacy of the services provided by wireless and interconnected VoIP providers.²¹²

²⁰⁷ ENHANCE 911 Act of 2004, Public Law 108–494, § 102, 118 Stat. 3986, 3986 (2004) (codified at 47 U.S.C. 942 note).

²⁰⁸ See, e.g., *Nuvio Corp.*, 473 F.3d at 307–08 (upholding new E911 requirements on the basis of, in part, the Commission’s statutory duty to “‘promot[e] safety of life and property through the use of wire and radio communications’” (quoting 47 U.S.C. 151; emphasis omitted)); *U.S. Cellular Corp. v. FCC*, 254 F.3d 78, 85 (D.C. Cir. 2001) (upholding the Commission’s E911 default cost allocation rule based in part on the fact that “the Commission . . . imposed upon wireless carriers an obligation to implement a service in the public interest”).

²⁰⁹ 47 U.S.C. 201(b).

²¹⁰ 47 U.S.C. 214(d).

²¹¹ See, e.g., *911 Reliability Order*, 28 FCC Rcd at 17529, para. 149.

²¹² 47 U.S.C. 303 (“[T]he Commission . . . as public convenience, interest, or necessity requires, shall . . . (b) [p]rescribe the nature of the service to be rendered by each class of licensed stations and each station within any class” [and] “(r) [m]ake such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this chapter”) (wireless carriers); 47 U.S.C. 615a–1 (“(a) It shall be the duty of each IP-enabled voice service provider to provide 9–1–1 service and enhanced 9–1–1 service to its subscribers in accordance with the requirements of the [FCC];” “(c) The Commission . . . (3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the

We believe that the Commission also has broad authority under the Twenty-First Century Communications and Video Accessibility Act (CVAA) to regulate the provision of NG911 services specifically.²¹³ Congress enacted the CVAA to ensure that people with disabilities have “equal access to emergency services . . . as a part of the migration to a national [IP]-enabled emergency network[.]”²¹⁴ To further that goal, Congress required the FCC to establish an Emergency Access Advisory Committee (EAAC) to recommend “the most effective and efficient technologies and methods” by which to achieve the CVAA’s purpose, and Congress provided the Commission “the authority to promulgate regulations to implement the recommendations proposed by the [EAAC].”²¹⁵ Importantly, Congress also authorized the Commission to promulgate “any other regulations, technical standards, protocols, and procedures as are necessary to achieve reliable, interoperable communication that ensures access by individuals with disabilities to an [IP]-enabled emergency network, where achievable and technically feasible.”²¹⁶ Ensuring the reliability and interoperability of the nation’s NG911 network therefore is one of the Commission’s key mandates under the CVAA.

We believe the rules we propose today comport with the CVAA’s mandate because they would enhance the reliability and interoperability of the nation’s NG911 network—the IP-enabled emergency network addressed in the CVAA. The proposed rules would: (1) clarify and expand the definition of “covered 911 service providers” so that the facilities that are most critical to modern NG911 networks are subject to reliability standards; (2) require basic interoperability between ESInets; and (3) improve the process for covered 911 service providers and ESInets to certify their reliability and interoperability. These amendments are intended to reduce NG911 service outages, thereby increasing access to IP-based 911 services for people with disabilities, including through the use of internet-based TRS, which is used primarily by persons who are deaf, hard of hearing, deafblind, or have a speech disability, as well as through the use of

ability of an IP-enabled voice service provider to comply with its obligations under subsection (a)[.]” (VoIP providers).

²¹³ Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751 (2010).

²¹⁴ 47 U.S.C. 615c(a).

²¹⁵ 47 U.S.C. 615c(c), (g).

²¹⁶ 47 U.S.C. 615c(g).

wireline, CMRS, covered text, and interconnected VoIP services with multimedia capabilities that cannot be supported on legacy TDM-based networks.²¹⁷ Indeed, one of EAAC’s recommendations to the Commission was to ensure an “[a]ccessible NG9–1–1 Network” that could “support features, functions and capabilities . . . to enable individuals with disabilities to make multimedia NG9–1–1 emergency calls.” These advanced 911 features currently are the least likely to be supported by existing interoperability measures, and users of these services therefore stand to benefit most from the interoperability rules we have proposed. The EAAC also recommended that the FCC promote interoperability by allowing NG911 providers “to identify the formats for their environment[s]” and to “convert these formats where their environments interface with other environments[.]” That is the approach we are proposing to take.

As the Commission has recognized consistently in prior rulemakings, the Commission’s regulatory authority under the CVAA is not limited to services that are used exclusively by people with disabilities.²¹⁸ Nor does the CVAA “requir[e] the FCC to ensure that any rules we adopt confer zero benefits on consumers outside the disability community[.]”²¹⁹ Rather, we believe the rules we propose today would adhere to and advance the CVAA’s mandate precisely because they would promote NG911 reliability equally between people with and without disabilities on a platform-neutral basis. Moreover, the EAAC concluded that, in emergency situations, people with disabilities may

²¹⁷ See Emergency Access Advisory Committee (EAAC), Report and Recommendations, at 21–25 (Dec. 7, 2011), http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-312161A1.doc (describing NG911 functions that can benefit persons with disabilities) (EAAC Report).

²¹⁸ *NG911 Transition Order* at *53, para. 157; see also, e.g., *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11–153, 10–255, Report and Order, 28 FCC Rcd 7556, 7598, para. 119 (2013), 78 FR 32169 (May 29, 2013) (“[T]he FCC has authority under the CVAA to require action that is not limited to the disability community.”) (*Bounce-Back Order*); *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11–153, 10–255, Second Report and Order and Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 9846, 9878, para. 71 (2014), 79 FR 55367 (Sept. 16, 2014), 79 FR 55413 (Sept. 16, 2014) (affirming that “the CVAA vests the Commission with direct authority to impose 911 bounce-back requirements on both CMRS providers and other providers of interconnected text messaging applications, including [over-the-top] providers”) (*T911 Second Report and Order*).

²¹⁹ *T911 Second Report and Order*, 29 FCC Rcd at 9878, para. 71.

depend on the same wireline, CMRS, covered text, and interconnected VoIP services as those without disabilities,²²⁰ or they may rely on a caretaker or other persons using such services.²²¹ We believe the Commission's NG911 rules therefore should broadly cover different types of service providers in order to ensure that persons with disabilities will have full and equal access to emergency services when they are needed.

In addition to the CVAA, we believe that the other 911-related statutes discussed above confirm the Commission's authority and responsibility to establish and maintain a comprehensive and effective 911 system.²²² Together, the statutes give the Commission broad authority to ensure that the 911 system is available and accessible and functions effectively to process and deliver 911 calls and texts from all people in need of aid using any type of service; authorize the Commission to adopt the rules proposed herein; and represent the repeated endorsement by Congress of the Commission's ability to act in this context.²²³ The Commission previously concluded that "[i]n light of these express statutory responsibilities, regulation of additional capabilities related to reliable 911 service, both today and in an NG911 environment, would be well within Commission's . . . statutory authority."²²⁴ The Commission also has stated that "[t]he Commission already has sufficient authority to regulate the 911 and NG911 activity of, *inter alia*, wireline and wireless carriers, interconnected VoIP providers, and other IP-based service providers" and that its jurisdiction to

regulate 911 extends to the regulation of NG911 across different technologies.²²⁵

With respect to our proposals to amend the reliability certification process and to allow 911 Authorities to request relevant certifications, we note that section 218 of the Communications Act authorizes the Commission to "inquire into the management of the business of all carriers" and to obtain from them "full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created."²²⁶ Furthermore, section 4(n) of the Communications Act states that "[f]or the purpose of obtaining maximum effectiveness from the use of radio and wire communications in connection with safety of life and property," the Commission "shall investigate and study all phases of the problem and the best methods of obtaining the cooperation and coordination of these systems."²²⁷ The Commission has previously relied on section 4(n) in similar contexts, for example, as providing authority to require interconnected VoIP providers to report outages and to require emergency alerting plans to allow the Commission and other stakeholders to review and identify gaps in emergency alerting architecture and to take measures to address these shortcomings.²²⁸ The Commission also has authority under the NET 911 Act to "compile . . . information concerning 9–1–1 and enhanced 9–1–1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section."²²⁹ Thus, as part of a

cooperative governance structure for 911, "the Commission is authorized to gather and disseminate information from carriers and other regulatees for the purpose of ensuring effective public safety communications."²³⁰ We seek comment on the foregoing legal analysis.

We also note that our proposals do not seek to alter state jurisdiction over 911 or directly affect intrastate facilities. Rather, we propose to empower 911 Authorities by ensuring them access to the reliability certifications of service providers in their states and creating an optional process by which 911 Authorities can choose to address rules violations to the FCC. We also specifically propose to exempt PSAPs and other governmental entities from the reliability obligations we propose today while focusing on the interstate paths within multistate 911 networks that no individual state can regulate effectively. Similarly, the ESNet interoperability requirement we would adopt also applies only to interstate communications. Consistent with past practice, we intend to implement our proposals in partnership with state, territorial, Tribal, and local authorities while respecting their unique interest in the delivery of 911 service to their communities. We seek comment on additional considerations for striking the most effective balance between state and federal authority to ensure the reliability and interoperability of the nation's NG911 network.

F. Benefits and Costs

Benefits. To estimate benefits of today's proposals, we rely on our calculation of the benefit of improved 911 reliability in the *NG911 Transition Order*.²³¹ The Commission has previously relied on a study examining 73,706 emergency incidents in the Salt Lake City area that found that, on average, a one-minute decrease in ambulance response times would reduce the total number of post-incident deaths from 4,386 deaths to 3,640 deaths within 90 days after the incident (746 lives saved), representing a 17% reduction in mortality.²³² According to

²²⁰ EAAC Report at 19 (Recommendation P1.2); see *id.* at 14 (finding that 14.7% of persons with disabilities have a "mobility disability that does not affect [their] ability to use communications devices"). The EAAC found that respondents to its survey "overwhelmingly want to be able to call PSAPs using the same technologies they use daily and know how to use reliably (just as all other citizens can)." *Id.* at 19 ("Users need to use familiar technologies and methods, such as text/audio/video communication, when calling in an emergency and therefore both want and need to be able to access NG9–1–1 from the same devices they will use every day.").

²²¹ See also *Bounce-Back Order*, 28 FCC Rcd at 7598, para. 120 ("In emergency situations, persons with disabilities may need to access emergency services quickly and this may require them to use mobile devices owned by others.").

²²² 911 Fee Diversion Order, 36 FCC Rcd at 10810–11, para. 16 (stating that federal 911-related statutes and the Communication Act's provisions "establish an overarching federal interest in ensuring the effectiveness of the 911 system").

²²³ *Id.* at 10810–11, para. 16.

²²⁴ 911 Reliability Order, 28 FCC Rcd at 17529, para. 150.

²²⁵ FCC, *Legal and Regulatory Framework for Next Generation 911 Services, Report to Congress and Recommendations*, section 4.1.2.2 (Feb. 22, 2013), <https://docs.fcc.gov/public/attachments/DOC-319165A1.pdf>; 2014 Reliability NPRM, 29 FCC Rcd at 14223, para. 34 ("[T]he Commission has the public safety imperative to oversee each of the increasingly complex component pieces of the nation's 911 infrastructure.").

²²⁶ 47 U.S.C. 218. See also 47 U.S.C. 303(j) (authorizing the Commission to issue rules and regulations requiring wireless licensees to keep records of "programs, transmissions of energy, communications, or signals").

²²⁷ 47 U.S.C. 154(n).

²²⁸ *Ensuring the Reliability and Resiliency of the 988 Suicide & Crisis Lifeline; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; Implementation of the National Suicide Hotline Improvement Act of 2018*, PS Docket Nos. 23–5, 15–80, Report and Order, 38 FCC Rcd 6917, 6945, para. 50 & n.190 (2023), 89 FR 2503 (Jan. 16, 2024) (citing *The Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers*, PS Docket No. 11–82, Report and Order, 27 FCC Rcd 2650, 2676, para. 61 (2012), 77 FR 25088 (Apr. 27, 2012)).

²²⁹ 47 U.S.C. 615a–1(g).

²³⁰ 2014 Reliability NPRM, 29 FCC Rcd at 14235, para. 78.

²³¹ NG911 Transition Order at **63–64, **66–67, paras. 185–86, 194–96.

²³² See Elizabeth Ty Wilde, *Do Emergency Medical System Response Times Matter for Health Outcomes?*, 22(7) Health Econ. 790–806 (2013), <http://www.ncbi.nlm.nih.gov/pubmed/22700368> (Salt Lake City Study). The study examined 73,706 emergency incidents during 2001 in the Salt Lake City area. *Id.* at 794. The study found that the one-minute increase in response time caused mortality to increase 17% at 90 days past the initial

the National Association of State Emergency Medical Services Officials (NASEMSO), local Emergency Medical Services (EMS) agencies respond to nearly 28.5 million 911 dispatches each year.

We assess that improvements to 911 reliability from the proposed rules will reduce 911 call failures and outages. We estimate that, from 2019 through 2023, an average of 4.1 billion user-hours of telecommunication voice service outages per year were reported to the Commission.²³³ If these 4.1 billion user-hours of outages were distributed evenly across the total U.S. population (approximately 335 million people),²³⁴ this is equivalent to each person in the country experiencing an average of 12 hours of voice telecommunications service outages per year.²³⁵ Hence, we estimate that on average, consumers experience telecommunications outages 0.14% of the time per year.²³⁶ As noted above, available evidence shows that 911 calls resulted in 28.5 million EMS dispatches per year during the most recent year when data was available. If service outages prevent 0.14% of these 911 calls from going through, that means 39,900 potentially life-saving emergency 911 calls would be dropped per year as a result of legacy 911 system failures.²³⁷

incidence, *i.e.*, an increase of 746 deaths, from a mean of 4,386 deaths to 5,132 deaths. *Id.* at 795. Because the regression is linear, this result implies that a one-minute reduction in response time also saves 746 lives, *i.e.*, a 17% reduction from a mean of 4,386 deaths to 3,640 deaths. *NG911 Transition Order* at *66, para. 193, n.569 (“The Salt Lake City Study shows a one-minute decrease in ambulance response times reduced the likelihood of 90-day mortality from approximately 6% to 5%, representing a 17% reduction in the total number of deaths.”).

²³³ We estimate the average time consumers were affected by outages was approximately 4.1 billion user-hours per year based on data from the Commission’s Network Outage Reporting System (NORS) between 2019 and 2023. Staff calculation. FCC, *Network Outage Reporting System (NORS)* (Nov. 30, 2023), <https://www.fcc.gov/network-outage-reporting-system-nors>.

²³⁴ See U.S. Census Bureau, *National Population Totals and Components of Change: 2020–2023* (Dec. 18, 2023), <https://www.census.gov/data/tables/time-series/demo/popest/2020s-national-total.html> (Census Population Estimates) (referring to Annual Estimates of the Resident Population for the United States, Regions, States, District of Columbia and Puerto Rico: April 1, 2020 to July 1, 2023 (NST–EST2023–POP) on the page, which estimates U.S. population around 334,914,895 as of July 1, 2023).

²³⁵ We calculate the average outages a U.S. resident experience as follows: 4.1 billion user-hours/335 million residents = 12.24 hours per resident, which we round to 12 hours.

²³⁶ We estimate the average percentage of time U.S. consumers experience telecommunication network outages as follows: average 12.24 hours of outages/(24 hours per day × 365 days per year) = 0.14% outage per year.

²³⁷ We estimate the life-threatening emergency 911 calls that would be dropped due to call failures

If we conservatively estimate that our proposed rules improving 911 reliability reduce the number of 911 outages and call failures by just 1%, this will translate to a reduction in mortality risks associated with emergency medical situations for which ambulances were dispatched in response to 911 calls roughly equivalent to 23 lives saved per year.²³⁸ While we do not attempt to place a value on human life, we note that the amount consumers are willing to pay to reduce mortality risk is approximately \$13.2 million, using a methodology developed by the U.S. Department of Transportation (DOT) that the Commission has relied on in past orders.²³⁹ We seek comment on this benefits estimate.

Costs—Initial Considerations. As the Commission observed in the *NG911 Transition Order* and as remains similarly true here, many of the proposed reliability rules describe network changes which providers are already implementing due to factors independent of any rules the Commission ultimately might adopt as a result of this FNPRM.²⁴⁰ The transition

or system outages as: 28.5 million EMS dispatches × 0.14% outages = 39,900 potentially life-saving emergency 911 calls dropped per year.

²³⁸ A 1% reduction in call failures results in 23 lives saved (39,900 dropped calls per year × 1% reduction in call failures × 5.95% (90 day mortality in *Salt Lake City Study*) = 23.74, rounded down to 23). Note that this calculation conservatively equates a dropped call with an approximately 3.5-second savings in response time based in the *Salt Lake City Study*. The study finds that the one-minute increase in response time caused mortality to increase 17% at 90 days past the initial incidence, meaning that a 3.5-second increase in response time would cause a 1% (roughly 3.5/60 × 1%) mortality increase.

²³⁹ See *NG911 Transition Order* at *66, para. 194, n.574; U.S. Department of Transportation, *Departmental Guidance on Valuation of a Statistical Life in Economic Analysis* (May 7, 2024), <https://www.transportation.gov/office-policy/transportation-policy/valued-a-statistical-life-in-economic-analysis>. Twenty-three estimated lives saved per year times the 2023 value of \$13.2 million is approximately \$304 million per year. See *NG911 Transition Order* at *67, para. 195, n.580 (calculating 23 lives saved per year from increased 911 system reliability).

²⁴⁰ See *e.g.* *NG911 Transition Order* at *72, para. 209 (“Although we agree that converting TDM networks to IP networks can be costly, we reject the contention that such system upgrade costs should be attributed to the requirements in these rules. The transition from TDM to IP technology has been ongoing for over a decade as the subscriptions to voice-only local exchange telephone service (switched access lines) has fallen from nearly 141 million lines in December 2008 to 27 million in June 2022. A linear model predicts that switched access lines will be fully phased out in the near future. Therefore, since we can reasonably expect that these system upgrades will occur organically as part of the natural technological evolution, regardless of whether OSPs are required to comply with Phase 2 requests, the cost of the upgrades

to IP networks broadly and to NG911 networks in particular naturally has the capacity to increase 911 reliability, partly due to the fact that IP reliability measures are a standard industry best practice from a quality-of-service standpoint.²⁴¹ Provider concerns about various liabilities or risks to their business as a consequence of 911 outages preventing people from reaching 911 will also cause network operators to independently implement the measures we propose today.²⁴² Finally, the Commission has already assessed the costs of transitioning to IP-based 911 facilities with their greater inherent reliability in the *NG911 Transition Order*.²⁴³ Accordingly, we assess that any additional cost impact of today’s proposed rules will be limited in light of the independent factors of technological advancement, ordinary market forces, and prior Commission actions, all of which will accomplish a substantial portion of the reliability and interoperability improvements we seek today for certain networks.

Furthermore, in calculating these costs, we emphasize that the only affirmative operational requirement we propose today is for network reliability practices to be *reasonable*. The specific benchmarks we propose for path physical diversity, network monitoring, and operational integrity are merely measures we have identified which—if network operators meet them for critical facilities—presumptively demonstrate

cannot be attributed to these requirements. Instead, they should be considered baseline costs of operating telecommunications business.”).

²⁴¹ *NG911 Transition Order* at *64, para. 186 (“[T]he more extensive use of IP routing in the Phase 2 architecture is inherently more reliable than legacy TDM selective routing because of the greater capability of IP traffic to be dynamically rerouted among various available paths.”).

²⁴² *NG911 Transition Order* at *59, paras. 172, 174 (“RLEC commenters express concern that they will face increased liability costs for 911 call failures occurring within the networks of the third-party transport services they will retain to deliver 911 calls beyond their service areas”)

However, “the implementation of NG911 is far more likely to reduce the risk of dropped 911 calls than to increase it. OSPs that make the necessary changes to fully implement NG911 will be able to leverage improvements to 911 security and reliability, including the ability to reroute 911 calls in response to network congestion or outages. Indeed, OSPs may face greater exposure to liability due to the risk of dropped 911 calls if they fail to implement NG911 in a timely and prudent manner as the NG911 rules require.”).

²⁴³ *NG911 Transition Order* at *61–62, paras. 180–81 (estimated benefits from 911 improvement to reduction in mortality of approximately \$617 billion over ten years, and costs of approximately \$321 million over ten years). See also *NG911 Transition Order* at *26, *28, paras. 71, 78 (describing OSP’s NG911 Phase 1 and Phase 2 technology deployment obligations triggered by a 911 Authority’s transition readiness request); 47 CFR 9.29 (same).

reasonableness. Networks can continue to use alternative measures that they certify are reasonable to ensure reliability. Accordingly, no network will be required to meet our benchmarks for their critical facilities even if we adopt today's rule proposals. We are not proposing to change the fundamental structure of the 911 reliability regulation, which requires a separate and subsequent Bureau inquiry and finding of an unreasonable network practice in a Remediation Order prior to imposing costs. Such a Remediation Order would require its own separate weighing of the costs and benefits for any targeted directive to improve the reliability of specific network facilities, and that analysis must stand on its own. Today we propose to preserve a regulatory structure that was already adopted in 2013 and was found at that time to have substantial benefits which greatly outweighed the limited costs.²⁴⁴ In sum, the only potential costs of today's item would be to those covered network operators that are failing to take measures widely deemed "reasonable" by industry standards, including reasonable interoperability. Accordingly, we estimate that the costs of these proposed regulations on their own is not substantial. We further assess that, to the extent commenting parties estimate that the costs are substantial, this would indicate a higher level of unreasonableness or negligence on the part of private entities operating the nation's critical 911 call traffic bottleneck facilities than we currently estimate.

Finally, today's proposals leave the 2013 best-practice benchmarks for legacy 911 circuits, monitoring, and backup power in place, imposing no new obligations on entities operating legacy 911 facilities. Moreover, the reasonableness obligation has always applied to NG911 facilities in certain central offices or with direct contractual relationships with 911 Authorities or PSAPs through the "functional equivalent" and "equivalent NG911 facilities" language in the current rules.²⁴⁵ Accordingly, we view the impact of today's changes even on NG911 network facilities to be minimal. Further, we observe that most of any potential new cost impact would apply to NG911 networks and facilities, many

of which are in the process of being designed and constructed, and which—given NG911's inherent increased reliability²⁴⁶—would mostly be constructed with the specified benchmarks we articulate today.

Nevertheless, despite the fact that these rules reflect steps that providers will undertake as an ordinary baseline cost of doing business, the fact the rules require only reasonableness and do not dictate substantial investment in specific technologies, and the likely minimal impact to both legacy TDM and NG911 IP critical facilities, we will err on the side of conservatism and estimate the following network cost elements as a potential impact of today's proposals.

Anticipated Affected Entities. 290 entities filed 911 Reliability Certifications in 2024. The large majority of these entities filed to certify legacy 911 facilities only, with a smaller group certifying for NG911 equivalent facilities. We anticipate that, over the estimated five years of the NG911 transition,²⁴⁷ the overall number of CSPs will shrink as smaller RLEC CSPs exit direct contractual 911 services to state and local government and retire their legacy 911 facilities of selective routers, TDM CAMA trunks, and ALI/ANI databases,²⁴⁸ leaving other entities as the critical bottleneck facilities providers in the NG911 ecosystem.²⁴⁹

²⁴⁶ *NG911 Transition Order* at *63, para. 185 ("... NG911 will reduce the likelihood of 911 service outages because it will facilitate deployment of new facilities to replace the aging and failure-prone infrastructure used to operate the legacy 911 system.").

²⁴⁷ *NG911 Transition Order* at *61, para. 180, n.533 ("We estimate that, nationwide, both NG911 transition phases will be complete within five years, due in significant part to the provisions of this Order that remove obstacles to completion of the transition, but this estimate is quite conservative because the full transition will likely be completed sooner in many states and regions.").

²⁴⁸ *NG911 Transition Order* at *64, para. 186 ("Today's rules will accelerate the full retirement of the legacy TDM-based 911 system and facilitate use of an NG911 architecture that uses newer and less failure-prone facilities. Selective routers will be replaced with NGCS IP routing at the ESInet, ALI/ANI databases will be replaced with IP-based systems with more precise location information, TDM trunks will be replaced with IP transmission to provide faster connections, and traffic will be routed to more reliable and efficient IP-based NG911 Delivery Points").

²⁴⁹ *NG911 Transition Order* at *59, para. 174 ("[C]ertain commenters suggest that we should apply 911 network reliability and PSAP outage notification requirements to additional categories of service providers in an NG911 environment."); *NG911 Transition Order* at *69 para 202 ("... OSPs could significantly lower the overall costs of transmitting 911 calls to ESInets by taking advantage of third-party aggregators' services."); See also Home Telephone Comments, PS Docket 21–479, at 4–7 (filed Aug. 9, 2023) (new NG911 Service Providers will assume most responsibility for NG911 critical architecture but are currently unregulated by the Commission, as they are not

Indeed, as of today, multiple previously-covered RLECs have already notified the Bureau that they have ceased providing the services of a CSP.²⁵⁰ We estimate that this new smaller group of mostly larger national or regional providers will provide most of the specialized critical bottleneck facilities in the NG911 environment, including "LIS as a service" provided to OSPs,²⁵¹ major transport facilities,²⁵² VoIP Positioning Centers and traffic aggregation facilities,²⁵³ and LNG facilities at the NG911 Delivery Point.²⁵⁴ We anticipate

required to comply with the Commission's 911 reliability reporting rules); NTC Reply Comments, PS Docket 21–479, at 7–8 (filed Sept. 8, 2023).

²⁵⁰ 47 CFR 9.19(d)(4); See also PSHSB Announces Compliance Date and Instructions for Information Collection Requirement Associated with Improving 911 Reliability, Public Notice, DA 24–524, PS Docket Nos. 15–80 and 13–75, p. 1 (PSHSB June 4, 2024) ("Beginning July 4, 2024 . . . notifications of cessation of operations should be filed with the Bureau staff via email to 911reliabilitycertification@fcc.gov"), at <https://docs.fcc.gov/public/attachments/DA-24-524A1.pdf>.

²⁵¹ *NG911 Transition Order* at *71, para. 206 ("CSRIC explains that LIS as a service is contemplated as an NG911 solution at 'minimal expense' to small OSPs, as it relieves OSPs of most costs beyond monthly services, and an LNG and can be provided either by a commercial vendor or the 911 authority."); *NG911 Transition Order* at *72, para. 208 ("AT&T, in its role as the lead NGCS and ESInet contractor in Virginia, has already provided a solution that allows legacy OSP wireline ALI and MSAG location data to be used for NG911–compliant LIS as a service, which eliminates TDM OSPs' needs to upgrade their networks to IP.").

²⁵² *NG911 Transition Order* at *59, para. 174. See also Home Telephone Comments, PS Docket 21–479, at 5 (filed Aug. 9, 2023) ("[S]everal large Aggregators will be consolidating massive portions of the country's critical emerging NG911 services on their systems with little Commission oversight."); *Id.* at iii ("[T]he Commission should focus on the back-end for-profit entities that aggregate front-end 911 transmissions from multiple jurisdictions, process, and then deliver via back-end connections IP-based information to the appropriate local [PSAPs]. The Commission should establish standards and reporting requirements for these 'Aggregators' to ensure the NG911 network is safe and reliable for IP emergency transmissions destined to local PSAPs."); USTelecom Comments, PS Docket 21–479, at 5 (filed Aug. 9, 2023); Windstream Reply Comments, PS Docket 21–479, at 2–3 (filed Sept. 8, 2023).

²⁵³ See Inteliquent Reply Comments, PS Docket 21–479, at 1 (filed Sept. 8, 2023) ("Sinch provides a Voice over internet Protocol ('VoIP') Positioning Center ('VPC') service to VoIP providers. Sinch's VoIP customers contract with Sinch to facilitate VoIP 911 call delivery to the appropriate Public Safety Answering Points ('PSAP')."); see also Bandwidth Comments, PS Docket 21–479, at 2–3 (filed Aug. 9, 2023) ("Bandwidth predominately acts as a VoIP Positioning Center ('VPC') where it provides stand-alone emergency location and 911 call routing capabilities for its VoIP service provider customers Bandwidth has a robust network that reaches across the United States and Canada and delivers around 3 million calls a year from 26.7 million end points To date, Bandwidth established network aggregation capabilities to route its customers' 911 traffic through 16 ESInets.").

²⁵⁴ 47 CFR 9.33(a)(2) (OSPs are responsible for the bearing the costs of "IP Conversion using a Legacy

²⁴⁴ 911 Reliability Order, 28 FCC Rcd 17500–01, paras. 73, 75 (conservatively underestimating a life-saving mortality reduction benefit from the 911 improvements of at least one life per year, for a minimum statistical economic impact of \$9.1 million annually, which easily outweighed the estimated maximum one-time costs of approximately \$9 million total).

²⁴⁵ 47 CFR 9.19(a)(4)(i)(A) and 9.19(a)(4)(i)(B).

these larger entities will provide critical 911 facilities and services on a contract and for-hire basis to the larger group of approximately 2,200 OSPs offering 911 call origination service to the public.²⁵⁵

Based on the foregoing, we tentatively estimate that the 911 reliability rule amendments we propose today will apply to approximately 100 larger entities, most of which are currently subject to the existing reliability rules for providing NG911 equivalent services. We further estimate that, of those entities currently providing only legacy 911 critical facilities, most will phase out in approximately 5 years and revert to providing 911 call origination services only, surrendering CSP status but otherwise remaining subject to the “911 call transmission” obligations and liability standard for originators.²⁵⁶ We seek comment on this estimate.

Finally, we estimate that most of the benchmarks articulated here would already apply to covered entities providing NG911 equivalent services, because the majority of those providers are already subject to the reasonableness requirement which must be met with either alternative measures or the current articulated best practices. Furthermore, we assess that the new benchmark practices described today are standard IP network reliability measures that are generally being implemented as baseline costs for communications networks to meet expected quality of service standards, and so will only result in new costs to a few CSPs. In addition, because these rules impose a reasonableness requirement only, with safe harbor benchmarks that are mandatory obligations, we anticipate the cost impact will be even more narrow. Accordingly, we estimate that the changes to the rule would impact the network decisions of no more than one-quarter of these 100 entities, or 25

Network Gateway or the functional equivalent, if necessary”); *NG911 Transition Order* at *49, para. 145, n.425 (“ . . . OSPs also are responsible for the cost of the hardware and software components needed to transform TDM transmissions into the appropriate IP-based format (if necessary) At Phase 1, these components will typically include LNG facilities”); *NG911 Transition Order* at *51, para. 151 (“At Phase 1, our rules require OSPs to deliver 911 traffic in the IP-based SIP format requested by the 911 Authority, using either IP origination or IP translation through an LNG or other solution.”); *NG911 Transition Order* at *45, para. 132 (“ . . . OSPs must transmit and deliver 911 traffic to NG911 Delivery Points designated by 911 Authorities and must bear the financial responsibility for such transmission, including costs associated with completing any needed TDM-to-IP translation”).

²⁵⁵ *NG911 Transition Order* at *68, para. 198, n.588 (“Based on FCC Form 477 data as of June 2023, there are a total of 2,287 OSPs”).

²⁵⁶ See 47 CFR 9.4, 9.10(b), and 9.11(a)(2)(ii).

entities total. We seek comment on this estimate as well.

Critical IP Path Diversity for Major Transport Providers and IP 911 Aggregators. The primary cost for ensuring IP path diversity is redundancy of routers capable of load-balancing and automatic re-routing. We conservatively estimate the cost of such network routers at approximately \$40,000 each.²⁵⁷ Assuming 25 CSPs acquire new redundant routers to meet the proposed IP path diversity benchmark, the total cost would be approximately \$1 million. We seek comment on this estimate.

To the extent CSPs must acquire additional IP transport to ensure diverse paths in and out of their facilities, we rely in part on our estimates of IP transport in the *NG911 Transition Order*.²⁵⁸ We assess that most CSPs affected by today’s proposals will be larger providers that are already aggregating or transporting aggregated NG911 IP traffic over SIP trunks with diverse and redundant paths.²⁵⁹ We conservatively estimate that additional IP transport to connect to third-party networks will not exceed \$3,000 per month relying on record evidence from the *NG911* proceeding.²⁶⁰ Furthermore, to the extent any CSP must acquire dedicated long-haul transport or SIP trunking, we rely on record evidence

²⁵⁷ See “NetMode,” network router cost quotes of \$18,295 (<https://netmode.com/product/new-cisco-ncs-5001-ncs-5001-series-router-ncs-5001-bun>), of \$72,995 (<https://netmode.com/product/juniper-ptx10003-80c-ac-80x100ge-16x400ge-port-ac-or-dc-router-new>), and of \$30,995 (<https://netmode.com/product/new-cisco-systems-asr1002-x-5g-vpn-bundle-asr1002x-5g-vpnk9/>) (last visited Feb. 14, 2025); See also *FCC Announces Final Supply Chain Reimbursement Program Procedures*, Public Notice, DA 21-947, WC Docket No. 18-89, 36 FCC Rcd 12190, 12255 (WCB 2021), 86 FR 48521 (Aug. 31, 2021) (identifying Multiprotocol Label Switching L3 router cost at \$4,500).

²⁵⁸ *NG911 Transition Order* at *69, paras. 200–202.

²⁵⁹ Based on FCC Form 477 data as of June 2023, there are a total of 2,287 OSPs. Of the 291 large OSPs that serve more than 10,000 subscribers each, there are only 2 wireline OSPs that do not offer any form of IP services (e.g., broadband or VoIP services), 20 wireline OSPs that also provide broadband services, 232 VoIP OSPs, and 37 wireless OSPs which provide IP services. Staff Calculation. FCC Form 477 Data as of June 2023. See also Jessica Dine and Joe Kane, *The State of US Broadband in 2022* (Dec. 5, 2022) (“4G covers almost 100 percent of the population.”), <https://itif.org/publications/2022/12/05/state-of-us-broadband-in-2022-reassessing-the-whole-picture/>; TechTarget, *What is 4G (fourth-generation wireless)?* (“4G is also an all-IP (internet protocol)-based standard for both voice and data”), <https://www.techtarget.com/searchmobilecomputing/definition/4G> (last visited Feb. 14, 2025).

²⁶⁰ See *NG911 Transition Order* at *69, para. 201 (staff estimated the transport cost would be \$3,000 per month for OSPs that currently only offer TDM-based voice services, which should be treated as an upper bound for in-state transport cost).

that such costs would be approximately \$7,000 per month.²⁶¹ Conservatively estimating that 25 entities will acquire both additional last-mile transport and long-distance transport in response to our proposed rules, the estimated cost would be \$3 million annually.²⁶² We seek comment on this estimate.

Furthermore, while the aggregated 911 traffic circuits of CSPs providing direct service to PSAPs have always been covered critical facilities under our rules, out of an abundance of caution, we include an estimate here, relying on the calculation in the *2013 Reliability Order*.²⁶³ There, the Commission estimated that the total incremental cost of the critical circuit auditing and tagging best practice for all critical 911 circuits was \$6.4 million annually.²⁶⁴ We estimate less than a quarter of these critical legacy 911 circuits are impacted given that the previous record indicates “only a segment of critical 911 circuits are not already subject to regular audits,”²⁶⁵ so any incremental cost would not exceed \$2.4 million annually after adjusting for inflation.²⁶⁶ We seek comment on this estimate.

Operational Integrity for LIS and LNG. We estimate the costs of meeting this benchmark would include servers, UPS devices, and collocation space. Based on data in the *NG911* proceeding, we conservatively estimate the cost of diverse LNG or LIS servers at approximately \$5,000 each.²⁶⁷ We

²⁶¹ South Carolina Revenue and Fiscal Affairs Office Comments, PS Docket 21–479, at 4–5 (filed Aug. 8, 2023) (stating that the network transport costs to deliver SIP traffic from South Carolina to two delivery points in Dallas, Texas and Raleigh, North Carolina are \$172,000 per year). This amounts to \$86,000 per path, or approximately \$7,000 per month.

²⁶² Total IP transport costs = (\$3,000 + \$7,000) per month × 12 months × 25 entities = \$3 million per year.

²⁶³ *911 Reliability Order*, 28 FCC Rcd at 17510–14, paras. 100–105.

²⁶⁴ *911 Reliability Order*, 28 FCC Rcd at 17513, para. 103.

²⁶⁵ *911 Reliability Order*, 28 FCC Rcd at 17512, para. 102. See also *2013 Reliability Order*, 28 FCC Rcd at 17511, para. 101 (most CSPs “already perform regular diversity audits for many . . . critical 911 circuits”).

²⁶⁶ We estimate a 146% inflation adjustment between December 2013 and September 2024. See Federal Reserve Bank of St. Louis, *Average Hourly Earnings of All Employees, Total Private* (CES0500000003), <https://fred.stlouisfed.org/series/CES0500000003> (last visited Feb. 14, 2025) (*Inflation Adjustment*) (showing that the average hourly private wage increased from to \$35.36 in September 2024, approximately 146% of the average hourly wage of \$24.18 in December 2013). Therefore, we estimate the total cost as \$6.4 million × (1/4) × 146% = \$2,336,000, rounded to \$2.4 million.

²⁶⁷ Brian Rosen Reply Comments, PS Docket 21–479, at 2 (filed Sept. 8, 2023) (“The RLECS commenting on this proceeding wildly overestimate the cost of the gateway required to convert TDM to

further estimate the cost of uninterruptible power supply or UPS devices on the high-end of approximately \$3,000 per unit.²⁶⁸ Finally, we conservatively estimate the cost of any needed diverse secondary server collocation “full rack” space at approximately \$700 per month.²⁶⁹ Collectively, assuming the same 25 entities would acquire this reasonable reliability—and would not have done so absent today’s proposals—this amounts to \$200,000 in one-time costs and recurring cost of \$210,000 annually.²⁷⁰ We seek comment on this estimate.

IP Network Monitoring. We estimate the costs of IP network monitoring capability as similar in facilities as those of operational integrity for LIS and LNG. Accordingly, we start with the same \$200,000 in one-time costs and \$210,000 annually as an impact of this proposal. However we add an additional estimated \$2,000 per year in monitoring software licensing costs,²⁷¹ which we multiply by 25 estimated entities to \$50,000, for a total to \$260,000 annually. We seek comment on this estimate.

Interoperability. We tentatively estimate the costs of acquiring interoperability capability as substantially similar to those of IP network monitoring. Accordingly, we tentatively estimate \$200,000 in one-time costs and \$260,000 annually as an impact of this proposal. We seek comment on this estimate.

Labor Costs—Software, Engineering, and Installation. We estimate additional labor costs for programming, engineering, and installation for integrating and/or testing each of the above reliable and interoperable facilities. Assuming the average wage of

a software developer is \$63.75/hour,²⁷² with a 45% markup for benefits,²⁷³ we arrive at \$92.44/hour as the compensation rate for software developers. Assuming the average wage of computer network engineers is \$54.95/hour,²⁷⁴ with a 45% markup for benefits, we arrive at \$79.68/hour as the compensation rate for network engineers. We also assume the average benefits-adjusted wage for telecommunications equipment installers and repairers is \$46.78 per hour.²⁷⁵

We tentatively estimate additional labor costs of meeting benchmarks not already implemented would be approximately 160 labor-hours total in each of those three categories. Accordingly, the estimated labor costs would be approximately \$14,790 in software labor, \$12,748 in engineering labor, and \$7,484 in installation labor, for a total of \$35,023 per CSP. Estimating the same figure of 25 CSPs that will newly decide to begin meeting the reasonableness benchmarks as a result of today’s proposed rules, the total estimated one-time labor cost is \$875,568. We seek comment on this estimate.

²⁷² The mean hourly wage for software developers in the telecommunications industry in May 2023 is \$63.75. See Bureau of Labor Statistics, *May 2023 National Industry-Specific Occupational Employment and Wage Estimates NAICS 517000—Telecommunications*, https://www.bls.gov/oes/current/naics4_517000.htm (BLS Telecommunications Wages) (see Occupation Code 15–1252 “Software Developers”).

²⁷³ We markup wages for software developers by 45% to account for benefits. According to the Bureau of Labor Statistics, as of June 2024, civilian wages and salaries across all sectors averaged \$31.80/hour and benefits averaged \$14.41/hour. Total compensation therefore averaged \$31.80 + \$14.41, rounded to \$46.21. See Press Release, Bureau of Labor Statistics, *Employer Costs for Employee Compensation—June 2024* (Sept. 10, 2024), <https://www.bls.gov/news.release/pdf/ecec.pdf>. Using these figures, benefits constitute a markup of \$14.41/\$31.80 = 45% (Compensation Benefit Markup).

²⁷⁴ The mean hourly wage for computer network architects in the telecommunications industry in May 2023 is \$54.95. BLS Telecommunications Wages (see Occupation Code 15–1241 “Computer Network Architects”). The Bureau of Labor Statistics considers the title “computer network architect” to be synonymous with “network engineer.” Bureau of Labor Statistics, *Computer Network Architects: What Computer Network Architects Do*, <https://www.bls.gov/ooh/computer-and-information-technology/computer-network-architects.htm#tab-2> (visited Feb. 15, 2025).

²⁷⁵ The mean hourly wage for telecommunications equipment installers and repairers in the telecommunications industry in May 2023 is \$32.26. BLS Telecommunications Wages (see Occupation Code 49–2022 “Telecommunications Equipment Installers and Repairers, Except Line Installers”). We mark up wages for telecommunications equipment installers and repairers by 45% to account for benefits. $\$32.26 \times 1.45 = \$46.78$.

Labor Costs—Annual 911 Reliability and Interoperability Certification. The Commission recently estimated that the existing 911 Reliability Certification filing requirement imposes a total cost for all CSPs of \$14,446,785 annually.²⁷⁶ This figure estimates 168,651 total burden hours across all CSPs at appropriate labor costs,²⁷⁷ for an average compliance cost of \$48,156 for each of 300 estimated annual filers. We anticipate these costs will be reduced consistent with the reduction in total filing entities to approximately 100 as the NG911 transition progresses. Using the average cost of \$48,156 and multiplying by 100, that would result in a total annual estimated cost for all CSPs of \$4,815,600. However, those figures represent the costs of an existing requirement adopted in 2013. We therefore further estimate that the incremental costs from today’s proposals further specifying the NG911 equivalent facilities, functional equivalents, and best practice benchmarks of CSPs will be minimal, which we conservatively estimate at a 10% increase, or \$481,560 per year. We seek comment on this estimate. We also seek comment on whether our proposals to move to drop-down reporting, and to allow certification to NG911 IP-specific benchmarks instead of requesting alternative measures reports for those practices, will further reduce reporting burdens.

Comparison of Costs and Benefits. Based on the foregoing, we conservatively estimate the benefits of today’s proposals at approximately \$304 million annually,²⁷⁸ and the maximum

²⁷⁶ See *Improving 911 Reliability*, OMB Control No. 3060–1202, Supporting Statement at 10 (Oct. 10, 2023), https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202309-3060-007 (October 2023 OMB Submission).

²⁷⁷ For certification labor cost estimates used in the *October 2023 OMB Submission*, we used the job categories of “Miscellaneous Media and Communication Worker,” “Chief Executive,” and “Electronic Engineer, Except Computer” and their respective mean hourly wages. See Bureau of Labor Statistics, *Economic News Release, National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2022* (May 2022) <https://www.bls.gov/news.release/ocwage.t01.htm>. For miscellaneous communications worker, we began with the mean hourly wage \$36.94 and multiplied by 1.5 to account for benefits to \$55.41, then rounded down to \$55. For chief executive, we used the mean hourly wage of \$118.48, multiplied by 1.5 to account for benefits, and rounded up. $\$118.48 \times 1.5 = \$177.72$, rounded to \$178/hour. For electronic engineer, we used the mean hourly wage of \$56.95, multiplied by 1.5 to account for benefits, and rounded down. $\$56.95 \times 1.5 = \$85.425$, rounded to \$85/hour.

²⁷⁸ The mortality reduction benefit per fatality in 2023 is estimated at \$13.2 million by the U.S. Department of Transportation, *Departmental Guidance on Valuation of a Statistical Life in*

Continued

SIP. An Audiocodes Mediant 500 gateway, for example, costs approximately \$1000, and a Mediant 1000, which has much more capability than a smaller carrier requires is approximately \$5000.”)

²⁶⁸ See “Industrial Networking Solutions,” UPS cost quote of \$3,075 at 75 <https://www.industrialnetworking.com/Manufacturers/APC-Tower-Uninterruptible-Power-Supplies-UPS/APC-Smart-UPS-X-Uninterruptible-power-supply-SMX3000RMLV2UNC> (last visited Feb. 14, 2025).

²⁶⁹ See “QuoteColo,” server collocation quote at <https://www.quotecolo.com/rack-space-rental/> (\$700 per month for “Full rack space—appropriate for medium and large web based companies seeking a primary and/or disaster recovery rack space data center.”) (last visited Feb. 14, 2025).

²⁷⁰ We calculate total one-time costs as follows: $(\$5,000 \text{ server cost} + \$3,000 \text{ UPS device}) \times 25 \text{ entities} = \$200,000$. The collocation cost is calculated as: $\$700/\text{month} \times 12 \text{ months} \times 25 \text{ entities} = \$210,000 \text{ per year}$.

²⁷¹ See “Enterprise Networking Planet,” IP network monitoring pricing of approximately \$2,000 per year at <https://www.enterprisenetworkingplanet.com/guides/network-monitoring-tools/> (last visited Feb. 14, 2025).

worst-case costs at approximately \$2.5 million in one-time expenses²⁷⁹ and \$6.7 million in annual recurring costs.²⁸⁰ The benefits therefore outweigh the costs. We seek comment on this conclusion.

G. Pursuing a Deregulatory Agenda

As discussed above, today we propose to eliminate, consolidate, or streamline existing regulations contained in Part 9, Subpart H of our regulations.²⁸¹ Specifically, today we propose the following regulatory reductions. Current reliability rules 9.19(c)(1) to (3) contain 25 subparts and 876 words. Today's proposed amendments reduce rules 9.19(c)(1) to (3) to 9 subparts and 574 words. In addition, we propose that the recordkeeping requirements at rule 9.19(d)(3), which currently contain three subparts and total 251 words, be reduced to a single section containing 102 words. We also propose to substantially reduce the complexity and time-burdens of filing annual reliability certifications by streamlining and simplifying our CSP reporting obligations. These regulatory reductions are described further above in this FNPRM, the anticipated cost savings of these reductions are described above, and the rules reductions are shown below in the proposed rules. We tentatively conclude that these regulatory reductions will make our rules easier "for the average person or business to understand," reduce compliance costs, and "reduce the risk of costs of non-compliance."²⁸² We seek comment on any additional 911 reliability rules at Part 9, Subpart H and related certification filing compliance burdens that should be eliminated,

consolidated, or streamlined consistent with the public interest.

Procedural Matters

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA),²⁸³ requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."²⁸⁴ Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in this FNPRM. The IRFA is set forth in Appendix B. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act. This FNPRM may contain proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on any information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, we seek specific comment on how we might "further reduce the information collection burden for small business concerns with fewer than 25 employees."²⁸⁵

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the Further Notice of Proposed Rulemaking (FNPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines in the FNPRM. The Commission will send

a copy of the FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the FNPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

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

In the FNPRM, the Commission takes steps to improve the reliability and interoperability of Next Generation 911 (NG911) networks nationwide to ensure the American public can continue to reach emergency services without undue delay or disruption. Following the devastating impact of the June 2012 "derecho" storm to 911 services, the Commission determined that reliability, resiliency, and availability of 911 services could be improved through implementation of network-reliability best practices and other sound engineering principles, and accordingly adopted 911 reliability certification rules in 2013 applicable to certain entities providing 911 services to Public Safety Answering Points (PSAPs). These entities were designated as "covered 911 service providers" (CSPs). Since 2013, the Commission has taken steps to facilitate the transition from legacy 911 to NG911. Most recently, the Commission adopted a Report and Order to facilitate an orderly and coordinated transition from legacy 911 systems to NG911 systems for 911 Authorities and originating service providers (OSPs). The proposals in the FNPRM aim to ensure that NG911 is fully accessible to all Americans which requires that among other things NG911 networks have the capacity to handle multimedia NG911 calls from users including those with disabilities that include the transmission of texts, photos, videos, and data, and that NG911 networks have the requisite reliability and interoperability to seamlessly transfer 911 calls and data.

The NG911 transition represents a significant change in the 911 network architecture which will substantially alter the class of entities that are providing critical 911 services, requiring an update to which entities are CSPs under the Commission's 911 reliability rules. In legacy 911 systems, a single entity such as the local Incumbent Local Exchange Carrier (ILEC) or Rural Local Exchange Carrier (RLEC) handles most critical 911 functions for the PSAPs in its service areas, including routing to PSAPs, maintaining caller location information databases, and providing call delivery via trunk lines. In contrast, NG911 systems perform these critical functions by a variety of service providers, including Emergency

Economic Analysis (May 7, 2024), <https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis>). 23 estimated lives saved per year times \$13.2 million is approximately \$304 million per year.

²⁷⁹ Total one-time costs include \$1 million in router costs, \$200,000 in server and UPS costs, \$200,000 in IP network monitoring one-time cost, \$200,000 in interoperability one-time cost and \$875,568 in software, engineering, and installation labor costs = \$2,475,568, rounded up to \$2.5 million.

²⁸⁰ Annual costs of \$6.7 million include \$3 million in transport path diversity costs, \$2.4 million in incremental cost of the critical circuit auditing and tagging per year, \$210,000 in annual collocation costs, \$260,000 in annual IP network monitoring cost, \$260,000 in annual interoperability cost, and \$481,560 in incremental annual reporting costs, summed to \$6,611,560 and rounded up to \$6.7 million.

²⁸¹ See *Unleashing Prosperity Through Deregulation*, Executive Order (Jan. 31, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-prosperity-through-deregulation/>.

²⁸² *Id.*

²⁸³ 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

²⁸⁴ 5 U.S.C. 605(b).

²⁸⁵ 44 U.S.C. 3506(c)(4).

Services IP Network (ESInet) operators, Next Generation Core Services (NGCS) providers, and various third-party platforms providing services to OSPs. As the NG911 transition progresses, many smaller RLECs who are currently CSPs will stop providing these critical 911 functions to state and local government and retire their legacy 911 facilities, as larger NG911 service providers start performing the functions previously performed by these smaller entities.

The Commission estimates that this new group of NG911 CSPs will be mostly larger national or regional providers, and they will provide most of the specialized critical bottleneck facilities in the NG911 environment, including “Location Information Servers (LIS) as a service” provided to OSPs, major transport facilities, VoIP Positioning Centers or traffic aggregation facilities, and LNG facilities at the NG911 Delivery Point. We anticipate these larger entities will provide critical 911 facilities and services on a contract and for-hire basis to the larger group of approximately 2,200 OSPs offering 911 call origination service to the public. We further anticipate that, over the estimated five years of the NG911 transition, the overall number of CSPs will shrink, leaving mostly a different group of entities as the critical bottleneck facilities providers in the NG911 ecosystem. Multiple RLECs that were CSPs have already notified the Commission’s public Safety and Homeland Security Bureau (Bureau) that they have ceased providing the services of a CSP.

The FNPRM proposes rules intended to account for these developments in the NG911 transition, and to ensure the reliability and interoperability of NG911 as the technological and regulatory landscape evolves. In particular, the FNPRM proposes to revise the Commission’s 911 reliability rules to ensure their continued effectiveness for NG911 systems. The rules adopted in 2013 codified in § 9.19 require CSPs to certify annually that they have “take[n] reasonable measures to provide reliable 911 service with respect to circuit diversity, central-office backup power, and diverse network monitoring.” The FNPRM proposes to update the Commission’s reliability rules in § 9.19 as described below.

The Commission proposes to update the definition of “covered 911 service provider” or CSP in § 9.19(a) of the Commission’s existing 911 reliability rules to specify how the rules apply to service providers that control or operate critical pathways and components of NG911 ecosystem networks. The current

CSP definition focuses on providers of certain network facilities and capabilities directly serving PSAPs using descriptions specific to legacy 911 systems, but also states that the rules apply to the “functional equivalents” or “equivalent facilities” in the NG911 environment. We propose to specify which critical NG911 ecosystem facilities and capabilities are among the functional equivalents referred to in the current rule, and that providers of these capabilities therefore fall within the definition of CSPs.

We also propose to expand the CSP definition to apply to additional providers of critical connectivity in the NG911 environment, whether they directly serve PSAPs or not. These new proposed CSP entities are: (1) operators of LISs or equivalent IP 911 location databases; (2) operators of Legacy Network Gateways (LNGs); (3) operators of Major Transport Facilities that exceed Optical Carrier 3 (OC3) capacity and carry 911 traffic from multiple OSPs for ultimate delivery to NG911 Delivery Points or Emergency Services IP Networks (ESInets); (4) operators of IP Traffic Aggregation Facilities that carry 911 traffic from multiple OSPs towards ultimate transmission to an NG911 Delivery Point or ESInet; and (5) operators of interstate interconnecting facilities between ESInets. We also update § 9.19(a) to include defined terms consistent with the proposed rules we discuss in the FNPRM.

In § 9.19(c) the Commission proposes to update the reasonable reliability standards that providers of critical NG911 ecosystem functions must employ to ensure the reliable delivery of 911 traffic to NG911 delivery points. We believe such action is needed to ensure the reliability of critical transport, aggregation, and data facilities in NG911 networks at the interstate and national level and the accessibility of NG911 services.

In § 9.19(c)(4) the Commission proposes updates to establish NG911 interoperability requirements for interstate transfer of 911 traffic between ESInets to optimize PSAP call transfer capabilities during service disruptions. We seek to ensure that PSAPs can transfer calls to nearby PSAPs located across state borders with minimal need for the traffic to be retranslated or reformatted in order for such transfers to occur. We further propose to harmonize this action with our current 911 reliability certification rules in § 9.19(c) by adding an interoperability certification to the rules. We also seek updated information on interstate interoperability by type of service, with particular emphasis on services used by

consumers, including those with accessibility needs.

In § 9.19(d) the Commission proposes updates to modify the certification and oversight mechanisms in our 911 reliability rules to improve implementation of reliability and interoperability in NG911 systems. We propose expansion of the “Confidential Treatment” provisions to enable state and local 911 Authorities to obtain reliability and interoperability certifications directly from CSPs, so that 911 Authorities can more easily exercise their existing authority to address reliability, interoperability, and accessibility needs within their jurisdictions. We also propose to modify § 9.19(d) to include the compliance schedule for the NG911 reliability and interoperability phase-in in the FNPRM.

The Commission also proposes to add a new § 9.19(e) to provide guidance on the Bureau’s procedures for remediation investigations and handling reports from 911 Authorities regarding reliability and interoperability concerns. In addition, we seek comment on adding a new § 9.19(f) to create a petition process for 911 Authorities to submit allegations of violations of our 911 reliability and interoperability rules to the Bureau.

Finally, the Commission believes that the proposals we discuss in the FNPRM and summarize above will facilitate a more effective and reliable 911 system resulting in a national 911 service that is more accessible, reliable and interoperable increasing the lifesaving benefits for the public.

B. Legal Basis

The proposed action is authorized pursuant to sections 1, 2, 4(i), 201, 214, 222, 225, 251(e), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201, 214, 222, 225, 251(e), 301, 303, 316, 332; the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, 47 U.S.C. 615 note, 615, 615a, 615a–1, 615b; and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c.

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

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”

In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration’s (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.

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

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

into the category of “small governmental jurisdictions.”

Advanced Wireless Services (AWS)—(1,710–1,755 MHz and 2,110–2,155 MHz bands (AWS–1); 1,915–1,920 MHz, 1,995–2,000 MHz, 2,020–2,025 MHz and 2,175–2,180 MHz bands (AWS–2); 2,155–2,175 MHz band (AWS–3); 2,000–2,020 MHz and 2,180–2,200 MHz (AWS–4)). Spectrum is made available and licensed in these bands for the provision of various wireless communications services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 4,472 active AWS licenses. The Commission’s small business size standards with respect to AWS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of AWS licenses, the Commission defined a “small business” as an entity with average annual gross revenues for the preceding three years not exceeding \$40 million, and a “very small business” as an entity with average annual gross revenues for the preceding three years not exceeding \$15 million. Pursuant to these definitions, 57 winning bidders claiming status as small or very small businesses won 215 of 1,087 licenses. In the most recent auction of AWS licenses 15 of 37 bidders qualifying for status as small or very small businesses won licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as

small under the SBA’s small business size standard.

All Other Telecommunications. This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (e.g., dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on this data, the Commission estimates that the majority of “All Other Telecommunications” firms can be considered small.

Broadband Personal Communications Service. The broadband personal communications services (PCS) spectrum encompasses services in the 1,850–1,910 and 1,930–1,990 MHz bands. The closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

Based on Commission data as of November 2021, there were approximately 5,060 active licenses in the Broadband PCS service. The Commission’s small business size standards with respect to Broadband PCS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. In auctions for these licenses, the Commission defined “small business” as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three

years, and a “very small business” as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. Winning bidders claiming small business credits won Broadband PCS licenses in C, D, E, and F Blocks.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA’s small business size standard.

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

Competitive Local Exchange Carriers (CLECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local

exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 3,378 providers that reported they were competitive local service providers. Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees. Consequently, using the SBA’s small business size standard, most of these providers can be considered small entities.

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

Interexchange Carriers (IXCs). Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for

the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA’s small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

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

Lower 700 MHz Band Licenses. The lower 700 MHz band encompasses spectrum in the 698–746 MHz frequency bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business

size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 2,824 active Lower 700 MHz Band licenses. The Commission's small business size standards with respect to Lower 700 MHz Band licenses involve eligibility for bidding credits and installment payments in the auction of licenses. For auctions of Lower 700 MHz Band licenses the Commission adopted criteria for three groups of small businesses. A very small business was defined as an entity that, together with its affiliates and controlling interests, has average annual gross revenues not exceeding \$15 million for the preceding three years, a small business was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and an entrepreneur was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for the preceding three years. In auctions for Lower 700 MHz Band licenses seventy-two winning bidders claiming a small business classification won 329 licenses, twenty-six winning bidders claiming a small business classification won 214 licenses, and three winning bidders claiming a small business classification won all five auctioned licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Offshore Radiotelephone Service. This service operates on several UHF

television broadcast channels that are not used for television broadcasting in the coastal areas of states bordering the Gulf of America,²⁸⁶ and is governed by subpart I of Part 22 of the Commission's Rules. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to this service. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small. Additionally, based on Commission data, as of December 2021, there was one licensee with an active license in this service. However, since the Commission does not collect data on the number of employees for this service, at this time we are not able to estimate the number of licensees that would qualify as small under the SBA's small business size standard.

Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment. The SBA small business size standard for this industry classifies businesses having 1,250 employees or less as small. U.S. Census Bureau data for 2017 show that there were 656 firms in this industry that operated for the entire year. Of this number, 624 firms had fewer than 250 employees. Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

Rural Radiotelephone Service. Neither the Commission nor the SBA have developed a small business size standard specifically for small businesses providing Rural Radiotelephone Service. Rural Radiotelephone Service is radio service in which licensees are authorized to offer and provide radio telecommunication services for hire to

subscribers in areas where it is not feasible to provide communication services by wire or other means. A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio System (BETRS). Wireless Telecommunications Carriers (*except* Satellite), is the closest applicable industry with a SBA small business size standard. The SBA small business size standard for Wireless Telecommunications Carriers (*except* Satellite) classifies firms having 1,500 or fewer employees as small. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this total, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that the majority of Rural Radiotelephone Services firm are small entities. Based on Commission data as of December 27, 2021, there were approximately 119 active licenses in the Rural Radiotelephone Service. The Commission does not collect employment data from these entities holding these licenses and therefore we cannot estimate how many of these entities meet the SBA small business size standard.

Satellite Telecommunications. This industry comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$44 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than \$25 million. Consequently, using the SBA's small business size standard most satellite telecommunications service providers can be considered small entities. The Commission notes however, that the SBA's revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau's Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of

²⁸⁶ Exec. Order No. 14172, 90 FR 8630, 2025 WL 343885 (Jan. 20, 2025). The Gulf of America, formerly known as the Gulf of Mexico.

satellite telecommunications providers that would be classified as a small business under the SBA size standard.

Semiconductor and Related Device Manufacturing. This industry comprises establishments primarily engaged in manufacturing semiconductors and related solid state devices. Examples of products made by these establishments are integrated circuits, memory chips, microprocessors, diodes, transistors, solar cells and other optoelectronic devices. The SBA small business size standard for this industry classifies entities having 1,250 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 729 firms in this industry that operated for the entire year. Of this total, 673 firms operated with fewer than 250 employees. Thus under the SBA size standard, the majority of firms in this industry can be considered small.

Telecommunications Relay Service (TRS) Providers. Telecommunications relay services enable individuals who are deaf, hard of hearing, deafblind, or who have a speech disability to communicate by telephone in a manner that is functionally equivalent to using voice communication services. Internet-based TRS connects an individual with a hearing or a speech disability to a TRS communications assistant using an internet Protocol-enabled device via the internet, rather than the public switched telephone network. Video Relay Service (VRS) one form of internet-based TRS, enables people with hearing or speech disabilities who use sign language to communicate with voice telephone users over a broadband connection using a video communication device. Internet Protocol Captioned Telephone Service (IP CTS) another form of internet-based TRS, permits a person with hearing loss to have a telephone conversation while reading captions of what the other party is saying on an internet-connected device. A third form of internet-based TRS, internet Protocol Relay Service (IP Relay), permits an individual with a hearing or a speech disability to communicate in text using an internet Protocol-enabled device via the internet, rather than using a text telephone (TTY) and the public switched telephone network. Providers must be certified by the Commission to provide VRS and IP CTS and to receive compensation from the TRS Fund for TRS provided in accordance with applicable rules. Analog forms of TRS, text telephone (TTY), Speech-to-Speech Relay Service, and Captioned Telephone Service, are provided through state TRS programs, which also must be certified by the Commission.

Neither the Commission nor the SBA have developed a small business size standard specifically for TRS Providers. All Other Telecommunications is the closest industry with a SBA small business size standard. Internet Service Providers (ISPs) and Voice over internet Protocol (VoIP) services, via client-supplied telecommunications connections are included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$35 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on Commission data there are 14 certified internet-based TRS providers and two analog forms of TRS providers. The Commission however does not compile financial information for these providers. Nevertheless, based on available information, the Commission estimates that most providers in this industry are small entities.

Upper 700 MHz Band Licenses. The upper 700 MHz band encompasses spectrum in the 746–806 MHz bands. Upper 700 MHz D Block licenses are nationwide licenses associated with the 758–763 MHz and 788–793 MHz bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 152 active Upper 700 MHz Band licenses. The Commission's small business size standards with respect to Upper 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the

auction of licenses. For the auction of these licenses, the Commission defined a “small business” as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$40 million for the preceding three years, and a “very small business” an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$15 million for the preceding three years. Pursuant to these definitions, three winning bidders claiming very small business status won five of the twelve available licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

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

The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964

firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Wireless Communications Services. Wireless Communications Services (WCS) can be used for a variety of fixed, mobile, radiolocation, and digital audio broadcasting satellite services. Wireless spectrum is made available and licensed for the provision of wireless communications services in several frequency bands subject to Part 27 of the Commission's rules. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

The Commission's small business size standards with respect to WCS involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in WCS. When bidding credits are adopted for the auction of licenses in WCS frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in the designated entities section in Part 27 of the Commission's rules for the specific WCS frequency bands.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated.

Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Wireless Telephony. Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable industry with an SBA small business size standard is Wireless Telecommunications Carriers (*except* Satellite). The size standard for this industry under SBA rules is that a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 331 providers that reported they were engaged in the provision of cellular, personal communications services, and specialized mobile radio services. Of these providers, the Commission estimates that 255 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

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

The FNPRM proposes and seeks comment on revisions to requirements that may affect the reporting, recordkeeping, and/or other compliance requirements for small and other entities that provide 911 services. As explained previously in this IRFA, the Commission anticipates the NG911 transition, and the conforming proposals in today's FNPRM will eliminate the burdens on most small entities currently subject to the 911 reliability rules since most small entities currently designated as CSPs will likely cease providing the services of a CSP. Therefore, the Commission also anticipates the proposals in the FNPRM will not continue to subject these small entities to the CSP regulations, and will not impose compliance obligations that require small entities to hire professionals. We expect the new requirements proposed in the FNPRM will generally apply to larger entities. Nevertheless, we summarize these requirements here.

In the FNPRM, the Commission proposes to maintain the current structure of the existing reliability regulations, which require all 911 CSPs (including those providing NG911 services) to take reasonable measures to ensure reliability, and allows the presumptive demonstration of "reasonableness" by meeting certain "best practice" benchmarks codified in the rules and reported in an annual certification filing. The new compliance measures we proposed in the FNPRM update best practice benchmarks applicable to NG911 facilities, add a "reasonable interoperability" requirement and best practice benchmarks for certain CSPs, and modify the certification reporting process for CSPs.

The Commission tentatively estimates that the proposed reasonable reliability and interoperability requirements would affect approximately twenty-five NG911 providers imposing costs they are not already incurring. We further estimate the new certification reporting requirements will result in incremental compliance costs for approximately one-hundred NG911 providers. In the FNPRM, we seek comment on these estimates, and provide a breakdown of the estimated costs below for the relevant groups of NG911 providers.

NG911 Reliability Best Practices. The Commission anticipates that some entities will choose to satisfy the "reasonable reliability" requirement by meeting the three best practice

benchmarks to demonstrate presumptive reasonability. The first benchmark is physical diversity of network paths and circuits, to eliminate single points of failure in the call chain. For NG911 facilities, we propose that “physical diversity” would mean that critical paths established by CSPs must be geographically diverse, load-balanced, and capable of automatic failover to the backup element (*e.g.*, redundant routers or node connections and links) and automatic reroutes to redundant paths in the transport layer in the event of path failure. Redundant routers or node paths and links should be located in different geographic locations (*i.e.*, in different physical facilities). We propose that this benchmark would apply to Major Transport Providers and IP Aggregation Facilities. The Commission estimates that all entities choosing to meet the physical diversity benchmark will incur approximately \$1 million in redundant router costs, and \$3 million annually in short and long distance transport costs for the 25 estimated affected CSPs.

The second benchmark is operational integrity. For NG911 facilities, the operational integrity benchmark means maintaining redundant and geographically distributed backups located in different facilities sufficient to ensure that a failure of any localized facility will not interrupt 911 traffic, and having appropriate continuous power, such as an uninterruptible power supply (UPS) device. In 2014, the Commission observed that network architectures using “two active databases in different geographic locations, each of which is capable of handling all 911 call traffic in the event of a fault in the other database, will be more reliable and resilient than those that route all calls through a single active database with backup equipment on passive ‘standby’ mode.” We propose this benchmark would apply to LIS and LNG facilities used in NG911 ecosystems.

Relying on data in the NG911 proceeding, the Commission conservatively estimates the cost of diverse LNG or LIS servers at approximately \$5,000 each. We further estimate the cost of uninterruptible power supply or UPS devices on the high-end of approximately \$3,000 per unit. Finally, we conservatively estimate the cost of any needed diverse secondary server collocation “full rack” space at approximately \$700 per month. This amounts to \$200,000 in one-time costs, and recurring cost of \$210,000 annually for the estimated 25 CSPs that will be affected.

The third benchmark is network monitoring. The Commission proposes to specify NG911 monitoring technologies identified in prior Commission orders as methods of compliance. Specifically, we propose NG911-appropriate standards for network monitoring relying on automatic disruption detection and alarms. We propose this monitoring benchmark would apply to path diversity facilities of Major Transport Providers and IP Aggregation Facilities such as routers, nodes, and node links, as well as to LNG and LIS facilities used in NG911 ecosystems. The Commission estimates the costs of IP network monitoring capability as similar in facilities as those of operational integrity for LIS and LNG. Thus, our cost estimate starts with \$200,000 in one-time costs, and \$210,000 annually similar to LIS and LNG, and we add an additional estimated \$50,000, for \$2,000 per year in monitoring software licensing costs, which we multiply by the 25 estimated affected CSPs for a total cost of \$260,000 annually.

NG911 Reasonable Interoperability and Best Practices. The Commission proposes to adopt interstate interoperability reasonableness requirement for entities operating ESInet interstate interconnecting facilities. We also propose to apply the existing annual certification requirement for interoperability to these new CSPs. In the annual certification our proposed requirement would require CSPs operating interstate ESInet interconnecting facilities to certify whether their facilities achieve interoperability for exchanged 911 traffic sufficiently to enable complete interstate transfers between ESInets. To demonstrate presumptive reasonableness, we propose that CSPs annually certify that their interstate interconnecting ESInet facilities have deployed conformance-tested equipment as well as annually certify that it has tested its interstate interoperability capabilities. If a CSP does not conform to the benchmark elements, the CSP would be required to certify to its alternative measures used, as the current rules require all CSPs to do for reliability. The Commission tentatively estimates the costs of acquiring interoperability capability as substantially similar to those of IP network monitoring. Accordingly, we tentatively estimate \$200,000 in one-time costs and \$260,000 annually as the cost of compliance of this proposal.

Technical Labor Costs for Compliance. The Commission estimates that there will be additional labor costs for programming, engineering, and

installation for integrating and/or testing each of the above reliable and interoperable facilities. First, we assume the average wage of a software developer is \$63.75/hour, with a 45% markup for benefits, to arrive at \$92.44/hour as the compensation rate for software developers. Next, we assume the average wage of computer network engineers is \$54.95/hour, with a 45% markup for benefits, to arrive at \$79.68/hour as the compensation rate for network engineers. We also assume the average benefits-adjusted wage for telecommunications equipment installers and repairers is \$46.78 per hour. For additional labor costs of meeting benchmarks not already implemented we tentatively estimate approximately 160 labor-hours total in each of those three categories. We therefore calculate an estimated labor cost of approximately \$14,790 for software labor, \$12,748 for engineering labor, and \$7,484 for installation labor, for a total cost of \$35,023 per CSP. Applying this cost estimate to the 25 CSPs that will begin meeting the reasonableness benchmarks for the first time as a result of today’s proposed rules, the total estimated one-time labor cost is \$875,568.

911 Reliability and Interoperability Annual Certification. In the FNPRM, the Commission proposes that all NG911 CSPs must file an annual 911 reliability and interoperability certification indicating whether they meet the best practice benchmarks or are using alternative measures to achieve reasonable reliability or interoperability. This is an expansion of the existing annual 911 reliability requirement. In the next section of this IRFA we discuss the measures and revisions we propose in the FNPRM to streamline the certification form and reporting process to minimize burdens for affected entities.

The Commission recently estimated that the existing 911 Reliability Certification filing requirement imposes a total cost for all CSPs of \$14,446,785 annually. This cost estimates 168,651 total burden hours across all CSPs at appropriate labor costs, for an average compliance cost of \$48,156 for each of 300 estimated annual filers. As the NG911 transition progresses, the Commission anticipates these costs will decrease consistent with the reduction in the total number of filing entities. We estimate the filing entities will decrease from 300 to approximately 100 filing entities. Using the average cost of \$48,156 per CSP and multiplying by 100, would result in a total annual estimated cost for all CSPs of \$4,815,600. These costs however

represent the costs of compliance with the existing requirements the Commission adopted in 2013. To account for the incremental costs for the proposals in the FNPRM further specifying the NG911 equivalent facilities, functional equivalents, and best practice benchmarks of CSPs which will be minimal, we conservatively estimate a 10% increase. The incremental cost of a 10% increase results in \$481,560 per year.

Record Retention and Compliance Timeframe. The proposed rules in the FNPRM include revision of the existing record retention requirement in § 9.19(d)(3) to include a requirement for CSPs to retain internal reports concerning reliability and interoperability compliance, records of action to achieve reliability and interoperability compliance, and testing and maintenance of reliability, and interoperability measures and technology, to support the Annual 911 reliability and interoperability certification. The FNPRM also proposes codification of the compliance timeframe for the NG911 reliability and interoperability phase-in which grants CSPs that would be subject to the proposed requirements if adopted, one year after all of the information and recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) have been approved to comply.

The Commission estimates that the maximum costs of the compliance and reporting obligations imposed on CSPs subject to the proposals in the FNPRM would be approximately \$2.5 million in one-time expenses and \$6.7 million in annual recurring costs. At the same time the Commission estimates that there will be a benefit of approximately \$304 million annually for the estimated lives saved as a result of the proposals in the FNPRM.

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

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for such small entities; (3) the use of performance, rather than

design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

Some Alternatives Considered. To reduce the burdens for small entities, the Commission specifically considers and seeks comment on whether providing increased flexibility to providers or businesses classified by SBA’s small business size standards as small could alleviate the burden of any reporting requirements. Further, the Commission considers, but declines to include all indirect service providers—which could include small entities, within the definition of CSPs to avoid imposing burdens of outage reporting and certification requirements on indirect providers of essential NG911 services. Instead we retain the direct service requirement amending § 9.19 to specify that CSPs directly serving PSAPs are responsible for ensuring the reliability of all of the NG911 capabilities they provide to the PSAP regardless of how the NG911 capabilities are provisioned. Coincident with the Commission’s proposed expansion of the classes of entities covered by our NG911 reliability rules to include entities that perform critical NG911 functions, we also consider whether to amend the outage reporting requirements in § 4.5(e) to include the NG911 entities subject to our 911 reliability rules. Additionally, we explore whether there are measures in addition to the annual certification that can be taken to further promote 911 reliability and interoperability, such as implementing an outcome-based standard that establishes how many annual user minutes of 911 traffic could be interrupted by network or facility outages and still be considered reasonable, beneath which a CSP is subject to remediation orders, or adopting a similar interoperability standard based on the percentage of interstate 911 call transfers which fail completely, or fail to include caller location or other data.

Eliminating Compliance Burdens on Small Businesses. Today’s FNPRM declines to extend the current reliability regulatory regime to continue to cover small entities—OSPs and RLECs who will be retiring from the provision of certain legacy 911 facilities during the NG911 transition. While all entities in the 911 call chain including small OSPs play critical roles in ensuring 911 traffic gets delivered to PSAPs, the Commission recognizes as some small entities indicate that the rules we propose in the FNPRM should only apply to “bottleneck” network facilities upon which multiple OSPs and PSAPs depend. Accordingly, we propose that

smaller OSPs such as RLECs will no longer be subject to the reliability regulations or the annual certification filing requirement once they retire their legacy 911 routing, location, and trunking facilities and no longer provide direct services to PSAPs. This proposal should eliminate the economic burdens for the significant number of OSP and RLEC small entities that are currently subject to the reliability rules and to the annual certification filing requirement.

Cost Flexibility for Smaller Government Entities. As discussed above, the Commission tentatively proposes to keep the existing “direct service to PSAPs” condition for qualifying as a CSP for most entities that provide 911 routing, location services, and critical delivery paths to PSAPs. This preserves flexibility under our rules for portions of the NG911 networks on the state government and 911 Authority side of the NG911 cost allocation demarcation point. By keeping this condition, we ensure that 911 Authorities and state governments will have maximum flexibility in their service contracts with NG911 vendors, and the ability to make locally-appropriate decisions as to whether their vendors provide services directly to PSAPs or to another branch of government. This proposal ensures that state and local governments will not be constrained by federal regulations that would automatically impose costs on any private entity that does business with state and local government, which could impose undue burdens on the smallest local government entities such as PSAPs. By preserving flexibility in state and local government NG911 deployments, the Commission ensures that related cost decisions involving small government entities will be made at the state and local level, not by the Commission.

Compliance Timelines. The compliance timeframe the Commission proposes in today’s FNPRM provides CSPs subject to the requirements one year to comply after approval of all information and recordkeeping requirements subject to approval by the Office of Management and Budget (OMB). The one-year post OMB approval period would include the time needed for OMB to review and approve of a revised 911 reliability and interoperability certification form which we direct the PSHSB to implement. The Commission expects the burdens of compliance to be minimal since most of the benchmarks in the proposed rules already apply to covered entities providing NG911 equivalent services, which includes the reasonableness requirement which requires compliance

with either the alternative measures, or the current best practices. Thus, many CSPs that will be required to comply with the proposed rules are likely already in compliance. Further, the new benchmark practices we adopt are also standard IP network reliability measures that are generally being implemented for communications networks to meet expected quality of service standards. Therefore, the Commission believes this proposed compliance timeframe will give CSPs adequate notice and advance opportunity to prepare in accordance with ordinary business cycles, and at minimal cost.

Consolidations, Streamlining, and Simplifications of Compliance and Reporting Requirements. Today's FNPRM takes steps to ensure that all CSPs subject to the proposed reliability and interoperability rules can comply with the minimum necessary burden, reducing the compliance costs for regulated entities. For example, by specifying the NG911 best practice benchmarks in the regulations along with the legacy 911 benchmarks, CSPs will have greater certainty of what constitutes reasonable reliability and interoperability in the NG911 environment. Including these NG911 benchmarks in the regulations will further ease certification reporting burdens by allowing NG911 providers to certify they meet the benchmarks, rather than having to certify that they do not meet the legacy 911 benchmarks and then describe their alternative NG911 measures in narrative format for dozens or hundreds of facilities. Providing a description of alternative measures would be reserved for instances when there were deviations from the best practice benchmarks.

We also consider and propose to streamline the certification form by allowing CSPs to select alternative measures from a drop-down menu and then identify all facilities that use them, rather than the current process where CSPs list each facility and describe its alternative measure separately and narratively. We further propose to revise the certification form so that CSPs can select which facilities they operate from a drop-down menu, to reduce the burden of having to complete inapplicable portions of a form to answer "not applicable" and to provide a narrative explanation of why. Additionally, the FNPRM proposes to consolidate portions of rule 9.19 concerning alternative measures for reasonable reliability in order to reduce the complexity of complying with the certification form. The Commission specifically directs PSHSB to consider revisions to the certification form that,

(1) allow CSPs to specify the type(s) of 911 facilities they are operating—legacy and/or NG911—in a way that constrains which best practice standard they are certifying to, (2) that will ensure NG911 CSPs do not have to submit narrative explanations of alternative measures for IP-based facilities if those facilities meet the regulatory best practice benchmarks for IP-based networks, and (3) that contain specified drop-down menu answers to replace the current free-form text reporting option for alternative measures or "not applicable" responses.

Finally, today's FNPRM proposes measures to minimize the burden on regulated entities subject the proposed requirements of § 9.19 by for example seeking to consolidate the paragraphs addressing alternative measures reporting in § 9.19(c)(1) to (3) to capture both legacy and NG911 providers. We also propose to consolidate and streamline the recordkeeping requirements in § 9.19(d)(3), to simplify compliance and better apply to all legacy 911 and NG911 CSPs.

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

None.

Ordering Clauses

Accordingly, *it is ordered*, pursuant to sections 1, 2, 4(i), 201, 214, 225, 251(e), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201, 214, 225, 251(e), 301, 303, 316, 332; the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, as amended, 47 U.S.C. 615 note, 615, 615a, 615a–1, 615b; and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c, that this Further Notice of Proposed Rulemaking *is adopted*.

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

List of Subjects

47 CFR Part 0

Authority delegations (Government agencies), Classified information, Communications, Communications common carriers, Equal access to justice, Freedom of information, Government publications, Infants and children, Investigations, Organization and functions (Government agencies),

Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Sunshine Act, Telecommunications.

47 CFR Part 9

Communications, Communications common carriers, Communications equipment, Internet, Radio, Reporting and recordkeeping requirements, Satellites, Security measures, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 0 and 9 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 409, and 1754, unless otherwise noted.

■ 2. Amend § 0.392 by revising paragraph (j) to read as follows:

§ 0.392 Authority delegated.

* * * * *

(j) The Chief of the Public Safety and Homeland Security Bureau is delegated authority to administer the communications reliability, interoperability, and redundancy rules and policies contained in part 9, subpart H, of this chapter, develop and revise forms and procedures as may be required for the administration of part 9, subpart H, of this chapter, review certifications filed in connection therewith, and order remedial action on a case-by-case basis to ensure the reliability and interoperability of 911 service in accordance with such rules and policies.

* * * * *

■ 3. Amend § 0.457 by revising paragraph (d)(1)(viii) to read as follows:

§ 0.457 Records not routinely available for public inspection.

* * * * *

(d) * * *

(1) * * *

(viii) Information submitted in connection with a 911 reliability and interoperability certification pursuant to 47 CFR 9.19 that consists of non-public information or descriptions of networks or facilities, compliance plans, or supplemental information requested by

the Commission with respect to such certification.

* * * * *

PART 9—911 REQUIREMENTS

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

Authority: 47 U.S.C. 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a–1, 616, 620, 621, 623, 623 note, 721, and 1471, and Section 902 of Title IX, Division FF, Pub. L. 116–260, 134 Stat. 1182, unless otherwise noted.

■ 5. The heading for subpart H is revised to read as follows:

Subpart H—Resiliency, Redundancy, Interoperability, and Reliability of 911 Communications

■ 6. Amend § 9.19 by:

- a. Revising the section heading;
 - b. Revising the heading of paragraph (a)(1);
 - c. Revising paragraphs (a)(2)(iv), and (a)(4)(i)(A) and (B);
 - d. Adding paragraphs (a)(4)(i)(C) through (G);
 - e. Revising paragraphs (a)(4)(ii)(A) and (B), (a)(5), (6), and (8);
 - f. Removing paragraphs (a)(9) and (10), and redesignating paragraph (a)(11) as paragraph (a)(9);
 - g. Adding paragraphs (a)(10) through (18);
 - h. Revising paragraphs (b), (c), and (d); and
 - i. Adding paragraphs (e) through (g).
- The revisions and additions read as follows:

§ 9.19 Reliability and interoperability of covered 911 service providers.

(a) * * *

(1) *Monitoring aggregation point.*

* * *

(2) * * *

(iv) The term “certification” shall include the annual 911 reliability and interoperability certification under paragraph (c) of this section.

* * * * *

(4) * * *

(i) * * *

(A) Provides 911, E911, or NG911 (where “NG911” has the meaning given in § 9.28) capabilities such as call routing, automatic location information (ALI), automatic number identification (ANI), or the functional equivalent of those capabilities (including, but not limited to, NG911 Core Services (NGCS) Location Facilities or NGCS Routing Facilities), directly, by contract or tariffed service, whether via owned and operated facilities or leased or

contracted facilities, to a public safety answering point (PSAP), statewide default answering point, or appropriate local emergency authority as defined in § 9.3;

(B) Operates one or more central offices that directly serve a PSAP. For purposes of this section, a central office directly serves a PSAP if it hosts a selective router or ALI/ANI database, provides equivalent NG911 capabilities (including NGCS Location Facilities or NGCS Routing Facilities), or is the last service-provider facility through which a 911 trunk or administrative line passes before connecting to a PSAP;

(C) Operates a Location Information Server (LIS) as defined in § 9.28 or equivalent IP 911 location database;

(D) Operates a Legacy Network Gateway (LNG) used for conversion of Time Division Multiplexing (TDM) 911 traffic to Session Initiation Protocol (SIP) as defined in § 9.28;

(E) Operates a Major Transport Facility;

(F) Operates an IP Traffic Aggregation Facility; and/or

(G) Operates interstate interconnecting facilities between ESNets.

(ii) * * *

(A) Constitutes a PSAP, 911 Authority, or other governmental authority to the extent that it provides 911 capabilities; or

(B) Offers the capability to originate 911 calls, except to the extent the entity also operates the facilities or provides the services described in paragraph (a)(4)(i) of this section.

(5) *Critical 911 circuits and paths.* 911 facilities that either:

(i) Originate at a selective router or its functional equivalent (including facilities that collect or aggregate 911 traffic from multiple OSPs when performed at sites other than the central office hosting a selective router) and terminate in the central office that serves the PSAP(s) to which the selective router or its functional equivalent delivers 911 calls, including all equipment in the serving central office necessary for the delivery of 911 calls to the PSAP. Critical 911 circuits also include ALI and ANI facilities that originate at the ALI or ANI database and terminate in the central office that serves the PSAP(s) to which the ALI or ANI databases deliver 911 caller information, including all equipment in the serving central office necessary for the delivery of such information to the PSAP(s).

(ii) Transport 911 traffic via Major Transport Facilities to ultimate delivery at an NG911 Delivery Point or ESNets,

including any intermediate paths in the chain of delivery.

(iii) Transport 911 traffic via IP Traffic Aggregation Facilities towards ultimate delivery at an NG911 Delivery Point or ESNets, including any intermediate paths in the chain of delivery.

(6) *Diversity audit.* A periodic analysis of the geographic routing of network components to determine whether they are physically diverse. Diversity audits may be performed through manual or automated means, or through a review of paper or electronic records, as long as they reflect whether critical 911 circuits and paths are physically diverse.

* * * * *

(8) *Physically diverse.* Circuits or paths are physically diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits to fail. Circuits or paths that share a common segment such as a fiber-optic cable or circuit board are not physically diverse even if they are logically diverse for purposes of transmitting data. IP routers create physically diverse paths if routers are redundant, geographically diverse, load balanced, and each capable of automatic reroutes to more than one path in the event of failure.

* * * * *

(10) *Geographically distributed.* 911 network architecture is geographically distributed if 911 traffic can be delivered through more than one critical facility in different geographic locations in different physical facilities.

(11) *Load balanced.* 911 network architecture is load balanced if call volume is dynamically distributed among multiple active databases or call processing facilities to accommodate changes in traffic volume.

(12) *Major Transport Facility.* Dedicated SIP transport facilities meeting or exceeding Optical Carrier 3 (OC3) in capacity that collect and/or transmit IP 911 traffic, either segregated or mixed with non-911 traffic, originated from multiple OSPs and transported over interstate routes, for ultimate transport and delivery to an NG911 Delivery Point or ESNets.

(13) *IP Traffic Aggregation Facility.* Facilities that collect and segregate IP 911 traffic from non-911 traffic for multiple OSPs, or transport such traffic for ultimate delivery to an NG911 Delivery Point or ESNets.

(14) *Operational integrity.* Network capability to ensure continuity of services via necessary continuous power and automated switchover to geographically diverse backup facilities

and configurations to prevent service disruption.

(15) *NGCS Location Facilities.* The Location Validation Function (LVF) and the Geographic Information System (GIS).

(16) *NGCS Routing Facilities.* The Emergency Call Routing Function (ECRF), Emergency Services Routing Proxy (ESRP), and the Policy Routing Function (PRF).

(17) *Interoperability standards testing.* Testing of a covered 911 service provider facilities that validates its NG911 interoperability solution conforms to a relevant commonly accepted standard in a way that increases the likelihood of interoperability.

(18) *Interoperability conformance testing.* Testing conducted between two or more NG911 covered 911 service providers in different states that validate the interoperable exchange of information via their facilities.

(b) *Provision of reliable and interoperable 911 service.* All covered 911 service providers shall take reasonable measures to provide reliable and interoperable 911 service that ensures physical diversity, operational integrity, network monitoring, and interoperability for their covered 911 facilities. Performance of the elements of the certification set forth in paragraphs (c)(1) through (4) of this section shall be deemed to satisfy the requirements of this paragraph (b). If a covered 911 service provider cannot certify that it has performed a given element, the Commission may determine that such provider nevertheless satisfies the requirements of this paragraph (b) based upon a showing in accordance with paragraph (c) of this section that it is taking alternative measures with respect to that element that are reasonably sufficient to mitigate the risk of failure, or that one or more certification elements are not applicable to its network.

(c) *Annual 911 reliability and interoperability certification.* A certifying official of every covered 911 service provider shall submit an annual certification to the Commission. The certification shall address the following elements of reliability and interoperability:

(1) *Physical diversity.* (i) A covered 911 service provider shall certify that it has physical diversity for all critical 911 circuits and paths in its network. Physical diversity can be achieved for IP facilities by ensuring automatic rerouting capabilities, load balancing, and geographic distribution of routing facilities, transport nodes, and node links sufficient to eliminate all single

points of failure; or for legacy facilities by conducting a diversity audit within the current calendar year and that all of the critical 911 circuits and paths in its network are tagged and are physically diverse such that no network or facility element constitutes a single point of failure.

(ii) If a covered 911 service provider does not conform with the applicable elements in paragraph (c)(1)(i) of this section, it must certify with respect to its non-conforming facilities: whether it has taken alternative measures to mitigate the risks of lack of physical diversity; whether it believes that the physical diversity requirement is not applicable to portions of its network; and to answer additional questions about the non-conforming portions of its network as directed by the Public Safety and Homeland Security Bureau (Bureau).

(2) *Operational integrity.* (i) A covered 911 service provider shall certify whether its central offices hosting selective routers, ALI/ANI, or functioning as the last central office serving a PSAP; its LNG facilities; and/or its LIS facilities achieve operational integrity, which can be satisfied for IP facilities with automatic switchover capability to geographically diverse facilities and continuous power necessary to maintain operations; or with backup power facilities for covered legacy 911 central office facilities for at least 24 hours at full office load if the central office directly serves a PSAP, or, for at least 72 hours at full office load if the central office hosts a selective router, including all necessary testing, equipment maintenance, generator design, and proper installation necessary to ensure the automatic and independent function of backup power generator facilities.

(ii) If a covered 911 service provider does not conform with the applicable elements in paragraph (c)(2)(i) of this section it must certify with respect to its non-conforming facilities: whether it has taken alternative measures to mitigate the risk of a loss of service; whether it believes that one or more of the requirements of paragraph (c)(2)(i) of this section are not applicable to its facilities; and to additional questions about the non-conforming facilities as directed by the Bureau.

(3) *Network monitoring.* (i) A covered 911 service provider shall certify whether it uses physically diverse monitoring systems to detect outages and disruptions in its covered 911 facilities. Physically diverse monitoring can be achieved for IP systems through the use of geographically distributed automatic disruption detection and

alarm systems; or for legacy facilities, by maintaining and annually auditing physically diverse monitoring aggregation points, monitoring links, and NOCs.

(ii) If a covered 911 Service Provider does not conform with the applicable elements in paragraph (c)(3)(i) of this section, it must certify with respect to its non-conforming facilities: whether it has taken alternative measures to mitigate the risk of network monitoring failures; whether it believes that one or more of the requirements of paragraph (c)(3)(i) of this section are not applicable to its network; and to additional questions about the non-conforming facilities as directed by the Bureau.

(4) *Interoperability.* (i) A covered 911 service provider shall certify whether its interstate interconnecting ESInet facilities achieve interoperability for exchanged 911 traffic, as defined in section 9.28, sufficiently to enable complete transfers between ESInets. Interoperability can be achieved by conducting annual standards conformance testing and annual interoperability testing that validate the covered 911 service provider's interoperability for its interstate facilities.

(ii) If a covered 911 service provider does not conform with the applicable elements in paragraph (c)(4)(i) of this section, it must certify with respect to those facilities: whether it has taken alternative measures to ensure interoperability between ESInets in multiple states and providers to facilitate the exchange of 911 traffic, as defined in section 9.28; whether it believes that one or more of the requirements of paragraph (c)(4)(i) of this section are not applicable to its facilities; and to additional questions about the non-conforming facilities as directed by the Bureau.

(d) *Other matters—(1) NG911 reliability and interoperability phase-in.* Compliance for covered 911 service providers specified at paragraphs (a)(4)(i)(C) through (G) of this section that are not currently covered by paragraph (a)(4)(i)(A) or (B) will not be required until one year after Commission announcement in the **Federal Register** of approval of all information and recordkeeping requirements that may require review of the Office of Management and Budget, at which time this paragraph (d) will contain the compliance date.

(2) *Confidential treatment and 911 Authority access.* (i) The fact of filing or not filing an annual 911 reliability and interoperability certification and the responses on the face of such

certification forms shall not be treated as confidential.

(ii) Information submitted with such certifications shall be presumed confidential to the extent that it consists of non-public descriptions of networks or facilities, compliance plans, or additional information requested by the Bureau in or with respect to a certification.

(iii) 911 Authorities may request access to 911 reliability and interoperability certification data from the Chief of the Public Safety and Homeland Security Bureau, and such access shall be granted under the same terms and conditions as provided for access to NORS data under § 4.2 of this chapter. Notwithstanding other 911 reliability certifications data collection and reporting requirements in this section, covered 911 service providers must provide 911 reliability and interoperability certification information submitted to the Commission to 911 Authorities, as defined in § 9.28, upon request, except that they may omit or redact information relating to portions of their networks or facilities that are not located within and do not provide any service directly to the requesting 911 Authorities' jurisdiction. Covered 911 service providers must provide such information to 911 Authorities in the areas where they provide covered services or operate covered facilities, and the information must be provided no later than 14 days after a request. Covered 911 service providers may condition the granting of such requests on the 911 Authority executing a confidentiality agreement under terms not more restrictive than those set forth in § 4.2 of this chapter.

(3) *Record retention.* A covered 911 service provider shall retain records supporting the responses in a certification for two years from the date of such certification, and shall make such records available to the Commission upon request. To the extent that a covered 911 service provider maintains records in electronic format, records supporting a certification hereunder shall be maintained and supplied in an electronic format. Such records shall include, at a minimum, any audit records, internal reports concerning reliability and interoperability compliance, records of action to achieve reliability and interoperability compliance, and testing and maintenance of reliability and interoperability measures and technology.

(4) *Covered service cessation notices.* Covered 911 service providers that cease covered operations under this section

must notify the FCC by filing a notification under penalty of perjury no later than 60 days after the cessation of service. Upon filing a notification with the Commission, covered 911 service providers must provide the same notifications to the 911 Authorities where their covered facilities are located and provide service to the 911 Authority.

(e) *Remedial action orders and procedures.* When acting pursuant to authority delegated under § 0.392(j) of this Title to order remedial actions, the Chief of the Public Safety and Homeland Security Bureau (Bureau Chief) will initiate restricted non-public proceedings with parties regulated under this subpart as follows:

(1) If certification filings or other information available to the Commission indicate that a covered 911 service provider's actions are deficient to demonstrate reasonable reliability or interoperability addressed in this subpart, the Bureau Chief may issue and electronically serve upon the covered 911 service provider a notice that describes any apparent deficiencies and proposes different or additional actions that the covered 911 service provider must take to mitigate the apparent deficiencies.

(2) A covered 911 service provider may submit a written response to a notice issued pursuant to paragraph (e)(1) of this section within 30 days of service of such notice. Service shall be made as directed by the Bureau.

(3) At any time after the 30th day following service of a notice issued pursuant to paragraph (e)(1) of this section, the Bureau Chief or other Bureau official acting on the Chief's delegated authority may issue and serve upon the covered 911 service provider an order setting forth its findings as to such deficiencies and specifying the actions that the covered 911 service provider is required to take to mitigate the deficiencies. The order may specify deadlines by which the covered 911 service provider to complete the required actions and may identify information that the provider must submit to demonstrate its compliance with the order.

(4) In addition to the procedures in paragraphs (e)(1) through (3) of this section, a 911 Authority may make referrals of concerns with covered 911 service providers' use of alternative measures or claims of inapplicability in the certification, or failure to accurately certify, or other reliability or interoperability concerns in the 911 Authority's jurisdiction to the Bureau Chief, for the Bureau Chief's evaluation,

investigation, and other action at the Bureau Chief's discretion.

(f) *Petition process.* A 911 Authority may file a petition with the Bureau against a covered 911 service provider in its jurisdiction for using insufficient alternative measures or claiming inapplicability in its certification, or failure to accurately certify, or for other lack of reasonable network practices in conformity with paragraph (b) of this section. In such proceedings, the covered 911 service provider will have the burden of demonstrating that its covered facilities and network practices are reasonable, unless it has demonstrated presumptive reasonability by affirmatively certifying it has met all benchmarks specified in paragraph (c) of this section for all its applicable covered facilities, in which case the burden shifts to the petitioning 911 Authority. The Bureau may review the petition and determine whether to order the requested relief, issue a remediation order, or take other action as necessary.

(1) 911 Authorities may file petitions via the Public Safety and Homeland Security Bureau's Public Safety Support Center. The petition process shall be subject to the procedural requirements set forth in §§ 1.41, 1.45, and 1.47 of this chapter, and will be a restricted non-public proceeding.

(2) Prior to filing a petition, a 911 Authority must provide the covered 911 service provider with 30 days written notice, and the service provider shall have an opportunity to address the issue directly with the 911 Authority. If the issue has not been addressed to the 911 Authority's satisfaction within 30 days, the 911 Authority may file a petition with the Bureau Chief for relief, including the correspondence with the covered 911 service provider and all documentation on which to base a finding of lack of reasonableness. After receiving a petition, the Bureau Chief may issue an order at any time as specified in paragraph (e)(3) of this section, or take other intermediate actions as warranted.

(3) The petition must be in the form of an affidavit signed by a director or officer of the 911 Authority. The petition must contain all relevant facts and references to this rule section alleging a violation sufficient for the Bureau to make a determination or grant the requested relief.

(4) The covered 911 service provider may file an opposition to the 911 Authority's petition, and the 911 Authority may file a reply to the opposition in accordance with § 1.45 of this chapter. A copy of the document (petition, opposition, or reply) must be served on the other party (911 Authority

or covered 911 service provider) at the time of the filing in accordance with § 1.47 of this chapter.

(g) *Compliance dates.* Paragraphs (c) through (f) of this section may contain

revised information collection and recordkeeping requirements that require review by the Office of Management and Budget. Compliance with paragraphs (c) through (f) of this section will not be

required until this paragraph (g) is removed or contains a compliance date(s).

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Part III

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Alaska Department of Transportation and Public Facilities Prince William Sound Ferry Terminal Improvement Projects in Cordova, Chenega, and Tatitlek, Alaska; Notice

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648-XE765]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Alaska Department of Transportation and Public Facilities Prince William Sound Ferry Terminal Improvement Projects in Cordova, Chenega, and Tatitlek, Alaska

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

ACTION: Notice; proposed incidental harassment authorizations; request for comments on proposed authorizations and possible renewals.

SUMMARY: NMFS has received a request from the Alaska Department of Transportation and Public Facilities (ADOT&PF) for authorization to take marine mammals incidental to the Prince William Sound Ferry Terminal Improvement Projects (PWS Projects) in Cordova, Chenega, and Tatitlek, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue three incidental harassment authorizations (IHAs) to incidentally take marine mammals during the specified activities associated with each of the three projects. NMFS is also requesting comments on possible one-time, 1-year renewals that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than July 7, 2025.

ADDRESSES: Comments should be addressed to Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.hotchkinn@noaa.gov. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA requests.

Summary of Request

On September 9, 2024, NMFS received a request from ADOT&PF for three IHAs to take marine mammals incidental to pile driving (installation and removal) associated with construction to improve three existing ferry terminals in Cordova, Chenega, and Tatitlek, Alaska. Following NMFS' review of the application, ADOT&PF submitted revised versions of their request on December 23, 2024, February 18, 2025, and March 13, 2025. The application was deemed adequate and complete on April 15, 2025. ADOT&PF's request is for take of 8 species (13 stocks) of marine mammals by Level B harassment and, for a subset of 5 of these species, Level A harassment. Neither ADOT&PF nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity**Overview**

The ADOT&PF, in cooperation with the Maritime Administration and the Prince William Sound Economic Development District, proposes to improve and modify three existing ferry terminals and associated structures at the Cordova Ferry Terminal (Cordova Project), the Chenega Ferry Terminal (Chenega Project), and the Tatitlek Ferry Terminal (Tatitlek Project) located in

the Prince William Sound (PWS), Alaska.

The Cordova Project would modify the existing stern- and side-berth docking facilities in Cordova, Alaska. The Chenega Project would construct a new side-loading ferry terminal and this includes an approach causeway, vehicle transfer bridge support floats, and mooring structures in Chenega Bay, Alaska. The Tatitlek Project would require retrofitting the existing end-loading ferry terminal facility and construction includes a vehicle transfer bridge, a bridge support float (or bridge support) to replace the existing tidal ramp facility in Tatitlek, Alaska.

The ferry terminals require the proposed modifications to accommodate larger Alaska Marine Highway System (AMHS) Alaska Class Ferry Vessels (ACFV) which would replace the existing smaller class ferry vessels that would be phased out. Construction activities included as part of the PWS Projects with the potential to result in Level A and B harassment of marine mammals from underwater sound production include vibratory and impact installation, vibratory removal, and down-the-hole (DTH) installation (Chenega and Tatitlek only) of steel pipe piles.

Dates and Duration

Each of the three separate IHAs would be effective for one year from January 1, 2027 through December 31, 2027. ADOT&PF anticipates that in-water construction for the Cordova Project would occur over 60 non-consecutive days within a 3-month construction window beginning in the summer of 2027, with 20 days for pile removal, 12 days for the installation of temporary piles, and 28 days for the installation of permanent mooring dolphins. Construction for the Chenega Project is anticipated to occur over 156 non-consecutive days within a 4-month construction window beginning in the summer of 2027, with 20 days for installation and removal of temporary

piles and 136 days for the installation of permanent piles and tension anchors. The Tatitlek Project construction is anticipated to occur over a total of 76 non-consecutive days within a 4-month construction window beginning in the summer of 2027, with 4 days for pile removal, 14 days for temporary pile installation and removal, and 58 days for permanent pile installation. The ADOT&PF conservatively estimated pile installation and removal rates at all three project sites to account for weather conditions, construction and mechanical delays, protected species shutdowns, and logistical constraints.

Specific Geographic Region

The Cordova, Chenega, and Tatitlek Project sites are located throughout the PWS southeast of Anchorage, Alaska (figure 1). The Cordova Project is located on the east side of PWS in Orca Inlet, northwest of the Copper River Delta in Cordova, Alaska (figure 2). Orca Inlet is approximately 28 kilometers (km) long, varies from 2.5 to 5 km wide, and leads to the Strawberry Channel out to the Gulf of Alaska. The southern and central areas of the inlet are filled with sediment, making the area very shallow with exposed mudflats during low tides. The bathymetry is predominantly mud and sand, with rocks closer to shore. Depths are shallower toward the mouth of Orca Inlet, generally 4 meters (m) or less with few, discontinuous channels. Freshwater inputs to Orca Inlet near the Cordova Project vicinity include multiple anadromous streams: Fleming Creek, Ocean Dock Creek, Odiak Slough, and Eccles Creek. Orca Inlet is generally characterized by semidiurnal tides averaging 3.5 m that can exceed 6.5 m during the highest spring tides (Adelfio 2016). The city of Cordova has elevated background in-air and underwater acoustic conditions within proximity to the Cordova Project site because of the industrial activities, commercial fishing, and recreational boating.

The Chenega Project site is located between Crab Bay and Sawmill Bay on

the east side of Evans Island, in the southwest corner of PWS (figure 3). Chenega is connected to the Gulf of Alaska through Elrington Passage to the south. The bathymetry of Sawmill Bay is variable depending on location and proximity to shore, islands, or rocks; depths range from 20 to 60 m, and up to 155 m toward the mouth of the bay. Freshwater input into Crab Bay includes an anadromous stream, O'Brien Creek, and a couple of its unnamed tributaries. Sawmill Bay is generally characterized by semidiurnal tides with a typical tidal range of up to 5 m. Chenega has regular vessel activities including commercial fishing and recreation boating as well as limited industrial activities, all of which contribute to background in-air and underwater noise within proximity to the project site.

The Tatitlek Project is located north of Port Fidalgo, at the entrance to Boulder Bay and the Tatitlek Narrows on the east side of PWS (figure 4). Tatitlek is a secluded area separated from the Pacific Ocean by a series of islands. The bathymetry of the project area is variable by location and depends on the proximity shore, islands or rocks. Depths approach 140 m or more within Port Fidalgo, up to 37 m in Boulder Bay, and as shallow as 3 m within the Tatitlek Narrows. The main navigation channel for Valdez, Alaska is within 15 km of the project site. Freshwater inputs to the Tatitlek Narrows and Boulder Bay include multiple anadromous streams: Nunu Creek, Borodkin Creek, Tedishoff Creek, Brown Creek, Boardwalk Creek, and Katelnikoff Creek are nearest. The Tatitlek Narrows are generally characterized by semidiurnal tides with mean tidal ranges of around 5 m. The navigation channel has regular oil tanker, tug boat, commercial fishing, and recreational boating traffic which contribute to background in-air and underwater noise levels within proximity to the project site.

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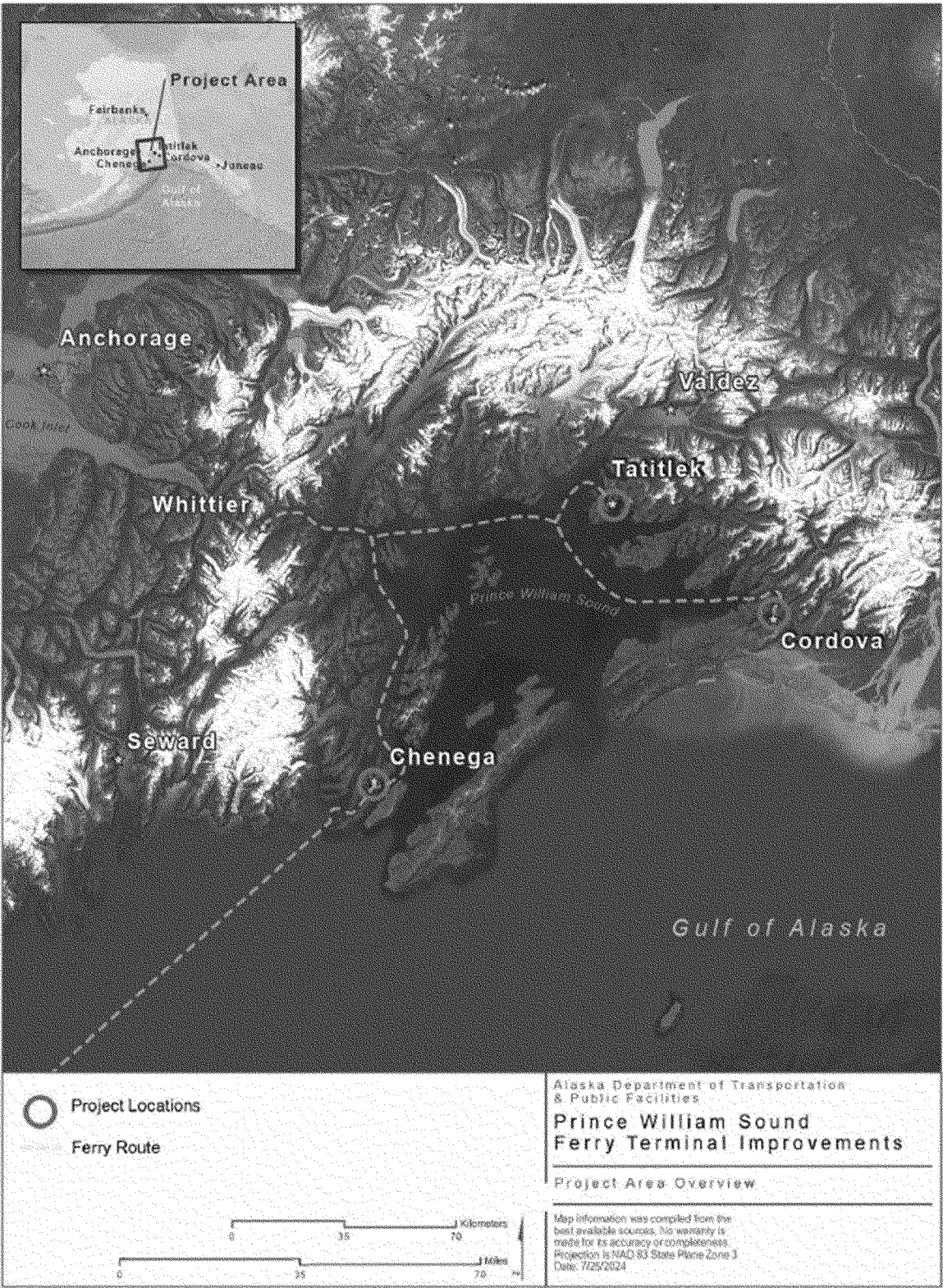


Figure 1 – Three Ferry Terminal Construction Sites in Prince William Sound



Figure 2 – Location of the Cordova Project in Prince William Sound, Alaska

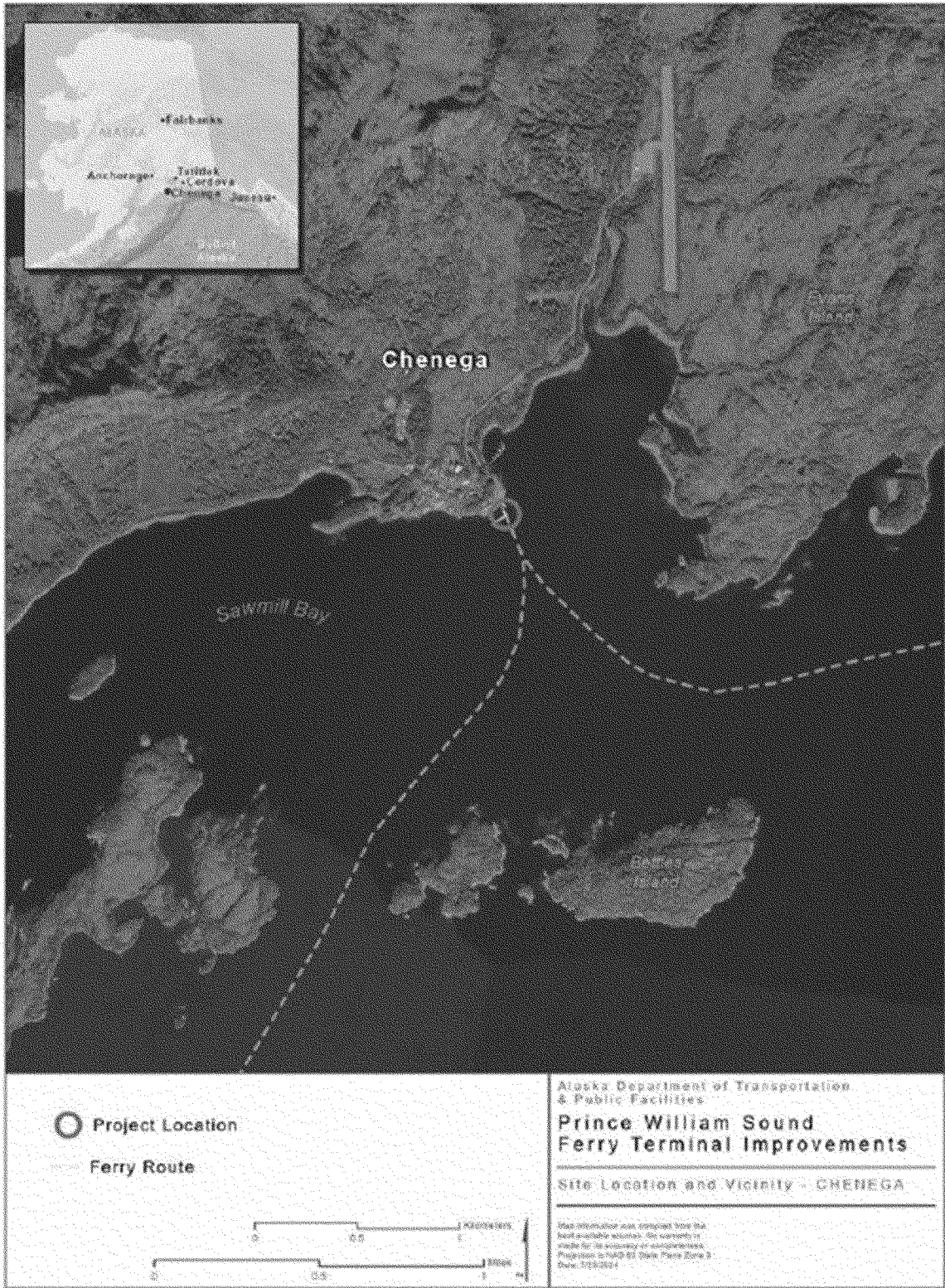


Figure 3 – Location of the Chenega Project in Prince William Sound, Alaska

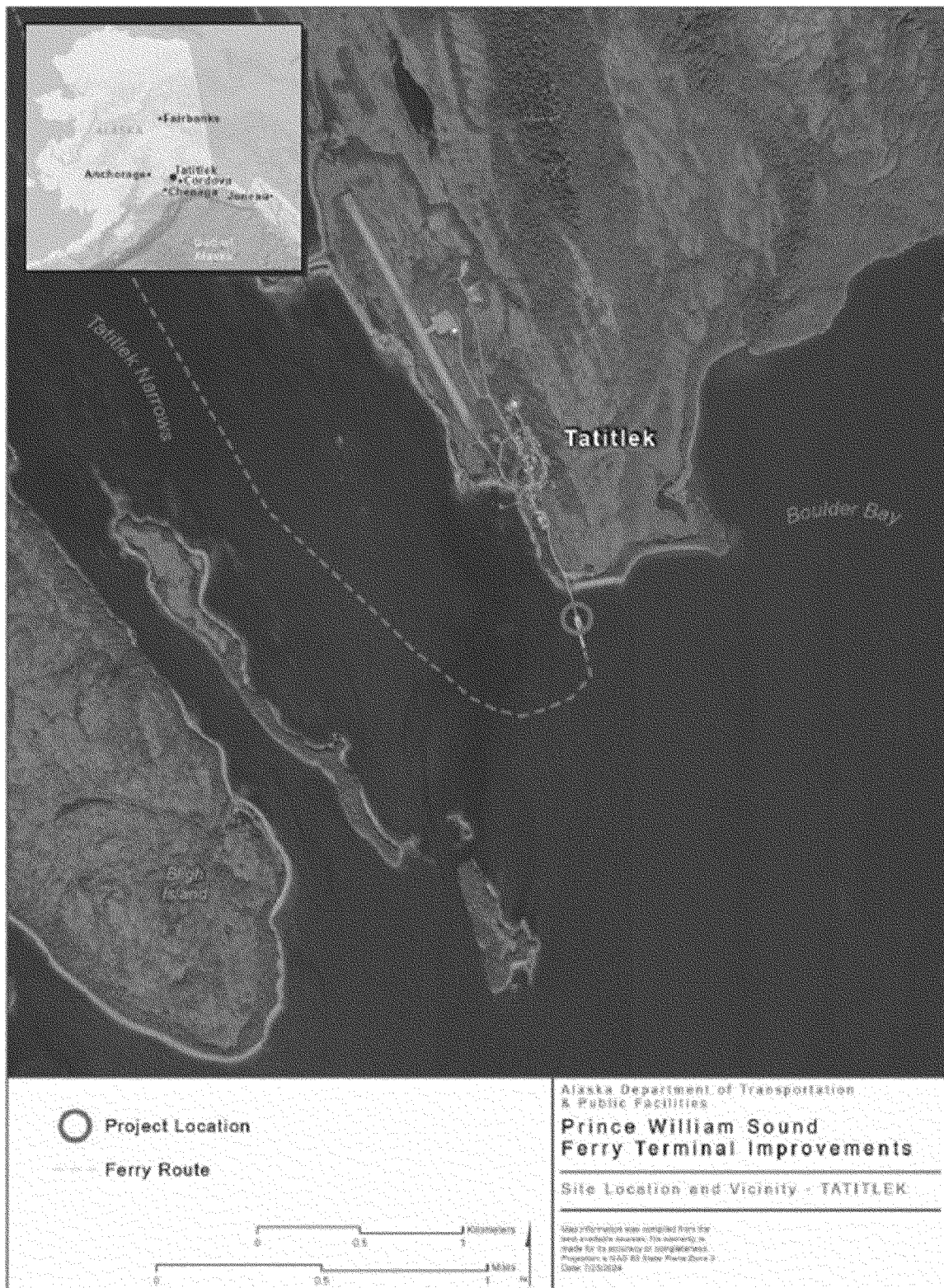


Figure 4 – Location of the Tatitlek Project in Prince William Sound, Alaska

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Detailed Description of the Specified Activity

The overall Project's purpose is to ensure that the Cordova, Chenega, and

Tatitlek ferry terminals can accommodate the new ACFVs, as existing vessels serving these ports will be retired and the ACFVs cannot be accommodated without reconfiguring

existing facilities or installing a separate facility. This Project would ensure that ferry service, including the delivery of critical goods, supplies, and passenger transportation, is not lost to these coastal Alaska communities.

Cordova Ferry Terminal—The current stern berth of the Cordova Ferry Terminal has a shallow water approach that can cause landing issues for larger ACFVs, as it was built for a vessel that is no longer being operated by the AMHS. The proposed side berth modifications will make landing more efficient and reliable for the larger and newer ACF vessels that are now being used to service this community.

The Cordova Project will involve the removal of five floating fender dolphins, a four-pile dolphin fixed fender dolphin, and a 2-pile catwalk support structure. Pile removal will include six

vertical steel pipe piles (30-inch (76 cm) diameter), three vertical steel pipe piles (18-inch (46 cm) diameter), and 15 battered steel pipe piles (18-inch (46 cm) diameter). 23 vertical and 18 battered steel pipe piles (30-inch (76 cm) diameter) will be installed to create five new 5-pile floating fender dolphins, and two new 4-pile fixed fender dolphins. Up to 36 temporary 24-inch (61 cm) steel pipe piles will be installed to support pile installation and will be removed following completion of construction.

The installation of the permanent mooring dolphins would include the installation of 20 30-inch (76 cm) steel pipe (ten vertical and ten battered) piles, which would initially be installed with a vibratory hammer to the point of refusal and then driven approximately 3 m with an impact hammer to ensure

structural capacity and pile embedment. See table 1 for anticipated production rates for all pile types and installation or removal methods. The exact duration or staging of each pile installation method used will depend on sediment depth and conditions at each pile location. Pile installation and removal will occur in waters approximately 2–10 meters in depth.

Dredging would also occur around the stern berth of the fender line to –7.6 m. Dredging is not expected to cause take of marine mammals because dredging activities would not last for sufficient duration to present the reasonable potential for disruption of behavioral patterns, do not produce sound levels with likely potential to result in marine mammal harassment, or some combination of the above, and are thus not addressed further.

TABLE 1—SUMMARY OF PILES TO BE INSTALLED AND REMOVED AS PART OF THE CORDOVA PROJECT

Pile diameter and type	Number of piles	Impact strikes per pile (duration in minutes)	Vibratory duration per pile (minutes)	Total duration of activity per pile (hours)	Typical production rate in piles per day (range)	Estimated days of installation or removal (range)
Installation						
24-inch (64 cm) steel pipe piles (temporary).	36	N/A	30	0.5	3 (2–4)	12 (9–18)
30-inch (76 cm) steel pipe piles (permanent mooring dolphins).	23 (vertical), 18 (battered)	600 (60)	60	2	1.5 (1–2)	28 (21–41)
Removal						
18-inch (46 cm) steel pipe piles ...	3 (vertical), 15 (battered)	N/A	60	1	3 (2–4)	6 (5–18)
24-inch (61 cm) steel pipe piles (temporary).	36	N/A	30	0.5	3 (2–4)	12 (9–18)
30-inch (76 cm) steel pipe piles ...	6	N/A	60	1	3 (2–4)	2 (2–3)
Totals	138	N/A	N/A	N/A	N/A	60 (46–98)

Note: N/A means not applicable.

Chenega Ferry Terminal—The purpose of the Chenega Project is to construct a new side berth facility to accommodate the ACFVs. The Chenega Project will involve the installation of piles to support an approach trestle, bridge abutment, two lift towers, and three mooring dolphins. The approach trestle will involve the installation of 30 24-inch (61 cm) vertical steel pipe piles. The bridge abutment will necessitate the installation of six 30-inch (76 cm) vertical steel pipe piles. The lift towers will involve the installation of eight 36-inch (91 cm) vertical steel pipe piles. Twelve 30-inch (76 cm) steel pipe piles (six vertical, six battered) will be used to support the three mooring dolphins. Rock sockets will be required on all vertical permanent piles, and tension anchors on most vertical and battered

permanent piles. Up to 30 temporary 24-inch (61 cm) steel pipe piles will be installed to support pile installation and will be removed following completion of construction.

Tension anchors would be installed in 36 permanent piles (eight 36-inch (91 cm), 18 30-inch (76 cm), and 10 24-inch (61 cm) piles). Tension anchors are installed within piles that are drilled into the bedrock below the elevation of the pile tip after the pile has been driven through the sediment layer to refusal. A 6- or 8-inch (15 or 20 cm) diameter steel pipe casing would be inserted inside the larger diameter production pile and may be seated with a small pneumatic hammer. A rock drill would be inserted into the casing, and a 6- to 8-inch (15 to 20 cm) diameter hole would be drilled into bedrock with

rotary and percussion drilling methods. The drilling work is contained within the steel pile casing and the steel pipe pile. The typical depth of the drilled tension anchor hole varies, but 20–30 feet (ft; 6.1–9.1 meters (m)) is common. Rock fragments would be removed through the top of the casing with compressed air. A steel rod would then be grouted into the drilled hole and affixed to the top of the pile. The purpose of a tension anchor is to secure the pile to the bedrock to withstand uplift forces. It is estimated that tension anchor installation would take between 1–4 hours per pile.

Pile removal would be conducted using a vibratory hammer. Pile installation would be conducted using both a vibratory and an impact hammer and DTH pile installation methods.

Piles would be advanced to refusal using a vibratory hammer. After DTH pile installation, the final approximately 10 ft (3.0 m) of driving would be conducted using an impact hammer so that the structural capacity of the pile embedment can be verified. The exact duration or staging of each pile installation method would depend on

sediment depth and conditions at each pile location. Pile installation and removal would occur in waters approximately 6–7 m (20–23 ft) in depth. See table 2 for anticipated production rates for all pile types and installation or removal methods. Above-water construction activities or fill placement to support the new approach

causeway would also occur, but would not last for sufficient duration to present the reasonable potential for disruption of behavioral patterns, would not produce sound levels with likely potential to result in marine mammal harassment, or some combination of these, and are thus not addressed further.

TABLE 2—SUMMARY OF PILES TO BE INSTALLED AND REMOVED AS PART OF THE CHENEGA PROJECT

Pile diameter and type	Number of piles	Number of rock sockets ¹	Number of tension anchors ²	Impact strikes per pile (duration in minutes)	Vibratory duration per pile (minutes)	Rock socket DTH pile installation duration (range) per pile (minutes)	Tension anchor DTH pile installation duration (range) per pile (minutes)	Total duration of activity per pile (hours)	Typical production rate in piles per day (range)	Estimated days of installation or removal (range)
Installation										
24-inch (61 cm) steel pipe piles (temporary).	30	N/A	N/A	N/A	15	N/A	N/A	0.25	3 (2–4)	10 (7.5–15)
24-inch (61 cm) steel pipe piles (permanent; Approach Trestle).	30 (vertical).	30	10	50 (30)	15	240 (60–480)	120 (60–240)	6.75 (vertical).	0.33 (0–1)	70 (30–100)
30-inch (76 cm) steel pipe piles (permanent; mooring dolphins).	6 (vertical) 6 (battered).	6	12	50 (30)	15	240 (60–480)	120 (60–240)	6.75 (vertical). 2.75 (battered).	0.33 (0–1)	36 (12–36)
30-inch steel (76 cm) piles (Permanent; Bridge Abutment).	6 (vertical)	6	6	50 (30)	15	240 (60–480)	120 (60–240)	6.75 (vert)	0.33 (0–1)	18 (6–24)
36-inch (91 cm) steel piles (permanent; lift towers).	8 (vertical)	8	8	50 (30)	15	240 (60–480)	120 (60–240)	6.75	0.33 (0–1)	24 (8–32)
Removal										
24-inch (61 cm) steel pipe piles (temporary).	30	N/A	N/A	N/A	30	N/A	N/A	0.5	3 (2–4)	10 (7.5–15)
Totals	116	50	36	N/A	N/A	N/A	N/A	N/A	N/A	156 (72–222)

¹ Battered piles would not require rock sockets.

² Maximum rock socket and tension anchor production rates assumes two days of drilling per socket, one day of drilling for tension anchors, and one day for impact/vibratory seating.

Note: N/A means not applicable.

Tatitlek Ferry Terminal—The Tatitlek Ferry Terminal is a multipurpose dock structure that only supports stern berthing from the Aurora Class vessels. Improvements to the dock are required to allow the larger ACFVs to access Tatitlek and provide critical transportation needs into the future. The Tatitlek Project ferry terminal modifications would include a retrofit to the existing end-loading ferry terminal facility to replace the existing tidal ramp facility, including a new vehicle transfer bridge, mechanical support system for the seaward end of the bridge, and two dolphins. These modifications would require the removal of 11 existing steel pipe piles (20- and 30-inch (51 and 76 cm) diameter) that support the existing dolphin and ramp structures. To install

the new access gangway, six 30-inch (76 cm) steel piles would be installed for the bridge abutment, eight 36-inch (91 cm) steel piles would be installed to support the lift towers, and four vertical and four battered 30-inch (76 cm) piles would be installed as mooring dolphins. Up to 20 temporary 24-inch (61 cm) steel pipe piles would be installed to support pile installation and would be removed following completion of construction. Tension anchors would be required on all permanent piles, and rock sockets would be required on all vertical permanent piles.

Piles would be installed via vibratory, impact, and DTH methods as described for the Chenega Project. All permanent piles (vertical and battered) would require tension anchors and all vertical permanent piles would require rock sockets. Piles would be advanced to

refusal using a vibratory hammer. After DTH pile installation, the final seating of the pile will be conducted using an impact hammer so that the structural capacity of the pile embedment could be verified (*i.e.*, proofing). Pile removal would be conducted using a vibratory hammer. The exact duration or staging of each pile installation method would depend on sediment depth and conditions at each pile location. Pile installation and removal would occur in waters approximately 6–9 m in depth. See table 3 for anticipated production rates for all pile types and installation or removal methods.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

TABLE 3—SUMMARY OF PILES TO BE INSTALLED AND REMOVED AS PART OF THE TATITLEK PROJECT

Pile diameter and type	Number of piles	Number of rock sockets ¹	Number of tension anchors ²	Impact strikes per pile (duration in minutes)	Vibratory duration per pile (minutes)	Rock socket DTH pile installation duration (range) per pile (minutes)	Tension anchor DTH pile installation duration (range) per pile (minutes)	Total duration of activity per pile (hours)	Typical production rate in piles per day (range)	Estimated days of installation or removal (range)
Installation										
24-inch (61 cm) steel pipe piles (temporary).	20	N/A	N/A	N/A	15	N/A	N/A	0.25	3 (2–4)	7 (5–10)
30-inch (76 cm) steel pipe piles (permanent; bridge abutment).	6	6	6	50 (30)	15	240 (60–480)	120 (60–240)	6.75	0.33 (0–1)	18 (6–24)
30-inch (76 cm) steel pipe piles (permanent; mooring dolphins).	4 (vertical) 4 (battered).	4	8	50 (30)	15	240 (60–480)	120 (60–240)	6.75 (vertical). 2.75 (battered).	0.5 (0–1)	16 (8–24)
36-inch (76 cm) steel pipe piles (permanent; lift towers).	8	8	8	50 (30)	15	240 (60–480)	120 (60–240)	6.75	0.33 (0–1)	24 (8–32)
Removal										
20-inch (51 cm) steel pipe piles (dolphin).	3	N/A	N/A	N/A	60	N/A	N/A	1.0	3 (2–3)	1 (1–2)
24-inch (61 cm) steel pipe piles (temporary).	20	N/A	N/A	N/A	30	N/A	N/A	0.5	3 (2–4)	7 (5–10)
30-inch (76 cm) steel pipe piles (ramp).	8	N/A	N/A	N/A	60	N/A	N/A	1.0	3 (2–4)	3 (2–4)
Totals	73	18	22	N/A	N/A	N/A	N/A	N/A	N/A	76 (35–105.5)

¹ Battered piles would not require rock sockets.

² Maximum rock socket and tension anchor production rates assumes two days of drilling per socket, one day of drilling for tension anchors, and one day for impact/vibratory seating.

Note: N/A means not applicable.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 4 lists all species or stocks for which take is expected and proposed to be authorized for each project activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprise that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. 2023 SARs. All values presented in table 4 are the most recent available at the time of publication (including from the draft 2024 SARs) and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 4—SPECIES WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ¹	Stock abundance (CV, Nmin, most recent abundance survey) ²	PBR	Annual M/SI ³
<i>Family Balaenopteridae (rorquals):</i>						
Humpback Whale	<i>Megaptera novaeangliae</i>	Mexico-North Pacific	T, D, Y	N/A (N/A, N/A, 2006)	UND4	0.57
Minke Whale ⁴	<i>Balaenoptera acutorostrata</i>	Hawai'i	-, -, N	11,278 (0.56, 7,265, 2020) ..	127	27.09
		AK	-, -, N	N/A (N/A, N/A, N/A)	UND	0
<i>Family Delphinidae:</i>						

TABLE 4—SPECIES WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ¹	Stock abundance (CV, Nmin, most recent abundance survey) ²	PBR	Annual M/SI ³
Killer Whale	<i>Orcinus orca</i>	Eastern North Pacific Alaska Resident.	-, -, N	1,920 (N/A, 1,920, 2019)	19	1.3
		AT1 (Chugach) Transient ⁵ ..	-, D, Y	7 (N/A, 7, 2019)	0.1	0
		Eastern Northern Pacific Northern Resident.	-, -, N	302 (N/A, 302, 2018)	2.2	0.2
		West Coast Transient	-, -, N	349 (N/A, 349, 2018)	3.5	0.4
Pacific White-Sided Dolphin.	<i>Lagenorhynchus obliquidens</i>	N Pacific	-, -, N	26,880 (N/A, N/A, 1990)	UND	0
Family Phocoenidae (porpoises):						
Dall's Porpoise ⁶	<i>Phocoenoides dalli</i>	AK	-, -, N	UND (UND, UND, 2015)	UND	37
Harbor Porpoise	<i>Phocoena phocoena</i>	Gulf of Alaska	-, -, Y	31,046 (0.21, N/A, 1998)	UND	72
Order Carnivora—Pinnipedia						
Family Otariidae (eared seals and sea lions):						
Steller Sea Lion ⁷	<i>Eumetopias jubatus</i>	Western	E, D, Y	49,837 (N/A, 49,837, 2022)	299	267
		Eastern	-, -, N	36,308 (N/A, 36,308, 2022)	2,178	93.2
Family Phocidae (earless seals):						
Harbor Seal	<i>Phoca vitulina</i>	Prince William Sound	-, -, N	44,756 (N/A, 41,776, 2015)	1,253	413

¹ Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

² NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is the coefficient of variation; Nmin is the minimum estimate of stock abundance. In some cases, CV is not applicable.

³ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

⁴ Reliable population estimates are not available for this stock. Please see Friday *et al.* (2013) and Zerbini *et al.* (2006) for additional information on numbers of minke whales in Alaska.

⁵ Nest is based upon counts of individuals identified from photo-ID catalogs. PBR has been calculated, however, a reliable estimate of the maximum net productivity rate is not available for this stock, and the default cetacean maximum theoretical net productivity rate was used for the PBR calculation.

⁶ The best available abundance estimate is likely an underestimate for the entire stock because it is based upon a survey that covered only a small portion of the stock's range.

⁷ Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only.

As indicated above, all 8 species (with 13 managed stocks) in table 4 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. While gray whales (*Eschrichtius robustus*), sperm whales (*Physeter microcephalus*), northern elephant seals (*Mirounga angustirostris*), and northern fur seals (*Callorhinus ursinus*) have been documented in PWS, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. These species are all considered rare (no sightings in recent years), very rare (no local knowledge of sightings within the project vicinity), or are generally restricted to offshore waters in deep water, thus take is not expected to occur, and it is not discussed further in this notice.

Sea otters may be found in PWS, however, sea otters are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

Humpback Whale

Humpback whales are the most commonly observed baleen whale in Alaska and have been observed in

Southeast Alaska in all months of the year (Baker *et al.*, 1986). They undergo seasonal migrations in Alaska from spring until fall with other whale species present.

Three stocks may occur in the project areas: the Western North Pacific stock, the Mexico-North Pacific stock, and the Hawaii Stock. In the project areas, Hawaii stock is the most predominant and make up approximately 89 percent of humpbacks occurring in the Gulf of Alaska. The Mexico-North Pacific stock is expected to represent approximately 11 percent, while the Western North Pacific stock represents less than 1 percent of humpbacks observed within the project areas (Wade, 2021).

Critical habitat for humpback whales in Alaska was updated in 2021 (86 FR 21082). This designated critical habitat overlaps with all three of the proposed PWS Project sites. All three PWS Project sites would also occur within (Chenega, Tatitlek) or in close proximity to (Cordova) a seasonal humpback whale feeding Biologically Important Area (BIA) for the months of September through December, and March through May (Wild *et al.* 2023).

Minke Whale

Minke whales are found throughout the northern hemisphere in polar, temperate, and tropical waters. The International Whaling Commission has identified three minke whale stocks in the North Pacific: one near the Sea of Japan, a second in the rest of the western Pacific (west of 180° W), and a third, less concentrated stock throughout the eastern Pacific. NMFS further splits this third stock between Alaska whales and resident whales of California, Oregon, and Washington (Muto *et al.*, 2018). Minke whales are found in all Alaska waters, however no population estimates are currently available for the Alaska stock.

Minke whales are generally found in shallow, coastal waters within 200 m (656 ft) of shore (Zerbini *et al.*, 2006). Dedicated surveys for cetaceans in southeast Alaska found that minke whales were scattered throughout inland waters from Glacier Bay and Icy Strait to Clarence Strait, with small concentrations near the entrance of Glacier Bay. Surveys took place in spring, summer, and fall, and minke whales were present in low numbers in all seasons and years (Dahlheim *et al.*, 2009). Additionally, minke whales were

observed during the Biorka Island Dock Replacement Project at the mouth of Sitka Sound (Turnagain Marine Construction, 2018).

Killer Whale

Killer whales have been observed in all oceans, but the highest densities occur in colder and more productive waters found at high latitudes. Killer whales occur along the entire coast of Alaska (Braham and Dahlheim, 1982), inland waterways of British Columbia and Washington (Bigg *et al.*, 1990), and along the outer coasts of Washington, Oregon, and California (Green *et al.*, 1992; Barlow, 1995, 1997; Forney *et al.*, 1995). Resident killer whales in the eastern North Pacific primarily feed on salmonids, and show distinct preference for Chinook salmon, whereas transient killer whales primarily hunt and feed on marine mammals, including harbor seals, Dall's porpoise, harbor porpoises, and sea lions (Muto *et al.*, 2020). Eight stocks of killer whales are recognized within the Pacific U.S. Exclusive Economic Zone (Muto *et al.*, 2020). Of those, four stocks are that are most likely to occur in the PWS at all three project sites and include: (1) Eastern North Pacific Alaska Resident stock, (2) AT1 (Chugach) Transient stock, (3) Eastern North Pacific Northern Resident stock, and (4) West Coast Transient stock. For the PWS Projects at Cordova, Chenega, and Tatitlek, all stocks are expected to occur in the proposed project areas during the proposed in-water work.

Pacific White-Sided Dolphins

The Pacific white-sided dolphin is found in temperate waters of the North Pacific from the southern Gulf of California to Alaska. Across the North Pacific, it appears to occur between 33° N and 47° N (Young *et al.*, 2023; Waite and Shelden, 2018). In the eastern North Pacific Ocean, the Pacific white-sided dolphin is one of the most common cetacean species, occurring primarily in shelf and slope waters (Green *et al.*, 1993; Barlow 2003, 2010). During winter, this species is most abundant in California slope and offshore areas; as northern waters begin to warm in the spring, it appears to move north to slope and offshore waters off Oregon/Washington (Green *et al.*, 1992, 1993; Forney *et al.*, 1995; Buchanan *et al.*, 2001; Barlow, 2003). Pacific White-sided are highly gregarious and typically observed in groups from 10 to 100 individuals but groups can range into the thousands.

Dall's Porpoise

Dall's porpoise is found in temperate to subarctic waters of the North Pacific and adjacent seas (Jefferson *et al.*, 2015). It is widely distributed across the North Pacific over the continental shelf and slope waters, and over deep (greater than 2,500 m) oceanic waters (Friday *et al.*, 2012; Friday *et al.*, 2013). It is probably the most abundant small cetacean in the North Pacific Ocean, and its abundance changes seasonally, likely in relation to water temperature (Becker, 2007).

Dall's porpoises are common in the PWS and have been documented in a wide range of habitats, such as bays, shallow water, and nearshore waters. Observations of groups in the Prince William Sound Range between 1 to 18 animals per group (Moran *et al.*, 2018).

Harbor Porpoise

There are six harbor porpoise stocks in Alaska: the Bering Sea stock occurs throughout the Aleutian Islands and all waters north of Unimak Pass; the Gulf of Alaska stock occurs from Cape Suckling to Unimak Pass; the Northern Southeast Alaska Inland Waters stock includes Cross Sound, Glacier Bay, Icy Strait, Chatham Strait, Frederick Sound, Stephens Passage, Lynn Canal, and adjacent inlets; the Southern Southeast Alaska Inland Waters stock encompasses Summer Strait, including areas around Wrangell and Zarembo Islands, Clarence Strait, and adjacent inlets and channels within the inland waters of Southeast Alaska north-northeast of Dixon Entrance; and the Yakutat/Southeast Alaska Offshore Waters stock includes offshore habitats in the Gulf of Alaska west of the Southeast Alaska inland waters and the areas around Yakutat Bay (Young *et al.*, 2023). Only the Gulf of Alaska stocks are expected to be encountered throughout all three PWS Project sites.

Steller Sea Lion

The Steller sea lion's range extends across the North Pacific Rim from northern Japan to California with areas of abundance in the Gulf of Alaska and Aleutian Islands (Muto *et al.*, 2020). In 1997, based on demographic and genetic dissimilarities, NMFS identified two DPSs of Steller sea lions under the ESA: a western DPS (western stock) and an eastern DPS (eastern stock). The western DPS breeds on rookeries located west of 144° W in Alaska and Russia, whereas the eastern DPS breeds on rookeries in southeast Alaska through California.

Movement occurs between the western and eastern DPSs of Steller sea lions, and increasing numbers of

individuals from the western DPS have been seen in southeast Alaska in recent years (Muto *et al.*, 2020; Fritz *et al.*, 2016). This DPS-exchange is especially evident in the outer southeast coast of Alaska, including Sitka Sound. Hastings *et al.* (2020) indicates that the Eastern stock is increasing while the Western stock is decreasing, influencing mixing of both populations at new rookeries in northern southeast Alaska. Steller Sea Lion critical habitat has been defined in Alaska within 20 nautical miles (nmi; 37 km) of major haulouts and major rookeries (50 CFR 226.202). All three project sites have identified haulouts within this radius; the nearest haulouts are 35.7 km from Cordova, 14 km from Chenega, and 25.9 km from Tatitlek.

Harbor Seal

Harbor seals are common in the coastal and inside waters of the project areas. Harbor seals in Alaska are typically non-migratory with local movements attributed to factors such as prey availability, weather, and reproduction (Scheffer and Slipp, 1944; Fisher, 1952; Bigg 1969, 1981; Hastings *et al.*, 2004). Harbor seals haul out of the water periodically to rest, give birth, and nurse their pups. There are 12 stocks of harbor seals in Alaska but only the Prince William Stock is expected to occur at all three PWS Project action areas.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.*, Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, etc.). Subsequently, NMFS (2018, 2024) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65-decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007)

retained. We note that the names of two hearing groups and the generalized

hearing ranges of all marine mammal hearing groups have been recently

updated (NMFS 2024) as reflected below in table 5.

TABLE 5—MARINE MAMMAL HEARING GROUPS
[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.*, 2007) and PW pinniped (approximation).

Hz = hertz; kHz = kilohertz.

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

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far (American National Standards Institute (ANSI), 1995). The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.*, waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.*, sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.*, vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise “ambient” or “background” sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.*, 1995). The result is that, depending on the source type and its intensity, sound from the specified activities may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the proposed project would include impact pile driving, vibratory pile driving and removal, and DTH. The sounds produced by these activities fall into one of two general sound types: impulsive and non-impulsive. Impulsive sounds (*e.g.*, explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI, 1986; National Institute for Occupational Safety and Health (NIOSH), 1998; ANSI, 2005; NMFS, 2018). Non-impulsive sounds (*e.g.*, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal,

brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with rapid rise/decay time that impulsive sounds do (ANSI, 1995; NIOSH, 1998; NMFS, 2018). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.*, Ward 1997 in Southall *et al.*, 2007).

Three types of pile hammers would be used on PWS Projects: impact, vibratory, and DTH. Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment. Vibratory hammers produce significantly less sound than impact hammers. Peak sound pressure levels (SPLs) may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.*, 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.*, 2005).

Rock socket or tension anchoring would be conducted using a DTH hammer. A DTH hammer is essentially a drill bit that drills through the bedrock using a rotating function like a normal drill, in concert with a hammering mechanism operated by a pneumatic (or sometimes hydraulic) component integrated into the DTH hammer to increase speed of progress through the substrate (*i.e.*, it is similar to a “hammer drill” hand tool). Rock anchoring or socketing involves using DTH

equipment to create a hole in the bedrock inside which the pile is placed to give it lateral and longitudinal strength. Tension anchoring involves creating a smaller hole below the bottom of a pile. A length of rebar is typically inserted in the small hole and is long enough to run up through the middle of a hollow pile to reach the surface where it is connected to the pile to provide additional mechanical support and stability to the pile. The sounds produced by DTH systems contain both a continuous, non-impulsive component from the drilling action and an impulsive component from the hammering effect. Therefore, NMFS treats DTH systems as both impulsive (for estimating Level A harassment zones) and non-impulsive (for estimating Level B harassment zones) sound source types simultaneously.

The likely or possible impacts of the ADOT&PF's proposed activity on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment and personnel; however, any impacts to marine mammals are expected to primarily be acoustic in nature.

Potential Effects of Underwater Sound on Marine Mammals

The introduction of anthropogenic noise into the aquatic environment from DTH and pile driving and removal is the means by which marine mammals may be harassed from the ADOT&PF's specified activity. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life from none or minor to potentially severe responses depending on received levels, duration of exposure, behavioral context, and various other factors. Broadly, underwater sound from active acoustic sources, such as those in the Project, can potentially result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.*, 1995; Gordon *et al.*, 2003; Nowacek *et al.*, 2007; Southall *et al.*, 2007; Götz *et al.*, 2009).

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly as we do not expect that use of pile driving hammers (impact, vibratory, and DTH) are reasonably likely to result in such effects (see below for further discussion). Potential effects from impulsive sound sources can range in severity from effects such as behavioral

disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.*, 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (e.g., change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.*, 2006; Southall *et al.*, 2007; Zimmer and Tyack, 2007; Tal *et al.*, 2015). The Project activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.*, 2007, 2019). Exposure to anthropogenic noise has the potential to result in auditory threshold shifts and behavioral reactions (e.g., avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). It can also lead to non-observable physiological responses, such as an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions, such as communication and predator and prey detection.

The degree of effect of an acoustic exposure on marine mammals is dependent on several factors, including, but not limited to, sound type (e.g., impulsive vs. non-impulsive), signal characteristics, the species, age and sex class (e.g., adult male vs. mom with calf), duration of exposure, the distance between the noise source and the animal, received levels, behavioral state at time of exposure, and previous history with exposure (Wartzok *et al.*, 2004; Southall *et al.*, 2007). In general, sudden, high-intensity sounds can cause hearing loss as can longer exposures to lower-intensity sounds. Moreover, any temporary or permanent loss of hearing, if it occurs at all, will occur almost exclusively for noise within an animal's hearing range. We describe below the specific manifestations of acoustic effects that may occur based on the activities proposed by ADOT&PF.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur in relation to distance from a source and assuming that the signal is within an animal's hearing range. First (at the greatest distance) is the area within

which the acoustic signal would be audible (potentially perceived) to the animal but not strong enough to elicit any overt behavioral or physiological response. The next zone (closer to the receiving animal) corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. The third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (i.e., when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

Below, we provide additional detail regarding potential impacts on marine mammals and their habitat from noise in general, starting with hearing impairment, as well as from the specific activities ADOT&PF plans to conduct, to the degree it is available.

Auditory Injury (AUD INJ) and Permanent Threshold Shift (PTS)—NMFS defines auditory injury as “damage to the inner ear that can result in destruction of tissue . . . which may or may not result in PTS” (NMFS, 2024). NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024). PTS does not generally affect more than a limited frequency range, and an animal that has incurred PTS has incurred some level of hearing loss at the relevant frequencies; typically, animals with PTS are not functionally deaf (Au and Hastings, 2008; Finneran, 2016). Available data from humans and other terrestrial mammals indicate that a 40-dB threshold shift approximates PTS onset (see Ward *et al.*, 1958, 1959, 1960; Kryter *et al.*, 1966; Miller, 1974; Ahroon *et al.*, 1996; Henderson *et al.*, 2008). PTS levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.*, 2008), there are no empirical data measuring PTS in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS, 2018).

Temporary Threshold Shift (TTS)—TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an

individual's hearing range above a previously established reference level (NMFS, 2018). Based on data from cetacean TTS measurements (Southall *et al.*, 2007, 2019), a TTS of 6 dB is considered the minimum TS clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Schlundt *et al.*, 2000; Finneran *et al.*, 2000, 2002). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SELcum) in an accelerating fashion: At low exposures with lower SELcum, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SELcum, the growth curves become steeper and approach linear relationships with the noise SEL.

Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during a time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.*, 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015) and Southall *et al.* (2019) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 2013). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*),

bearded seals (*Erignathus barbatus*) and California sea lions (*Zalophus californianus*) (Kastak *et al.*, 1999, 2007; Kastelein *et al.*, 2019b, 2019c, 2021, 2022a, 2022b; Reichmuth *et al.*, 2019; Sills *et al.*, 2020). These studies examined hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of TS at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds at low frequencies, well below the region of best sensitivity for a species or hearing group, are less hazardous than those at higher frequencies, near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.*, a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.*, 2019a, 2019c). Note that in general, harbor seals have a lower TTS onset than other measured pinniped species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Mooney *et al.*, 2009; Finneran *et al.*, 2010; Kastelein *et al.*, 2014, 2015). This means that TTS predictions based on the total, SELcum will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describes measurements of hearing sensitivity of multiple odontocete species (*i.e.*, bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and

placement of inner ear structures (Ketten *et al.*, 2021). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several dBs above that inducing mild TTS (*e.g.*, a 40-dB TS approximates PTS onset (Kryter *et al.*, 1966; Miller, 1974), while a 6-dB TS approximates TTS onset (Southall *et al.*, 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS SELcum thresholds are 15 to 20 dB higher than TTS SELcum thresholds (Southall *et al.*, 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

Pile installation at PWS Project Sites would require a combination DTH, impact, and vibratory pile driving and removal. Construction at each of PWS Project sites would occur independently and only one method of pile installation or removal would occur at each site at a time. Proposed construction activities at each project site are not expected to be constant and pauses in the activities producing sound are likely to occur each day. Given these pauses and that many marine mammals are likely moving through the project areas and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment—Exposure to noise from pile driving and removal also have the potential to behaviorally disturb marine mammals. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.*, Lusseau and

Bejder, 2007; Weilgart, 2007; NRC, 2005).

Disturbance may result in changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006). Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (e.g., species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (e.g., Richardson *et al.*, 1995; Wartzok *et al.*, 2004; Southall *et al.*, 2007, 2021; Weilgart, 2007; Archer *et al.*, 2010). Behavioral reactions can vary not only among individuals but also within exposures of an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.*, 2012, Southall *et al.*, 2021), and can vary depending on characteristics associated with the sound source (e.g., whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. For a review of the studies involving marine mammal behavioral responses to sound, see Southall *et al.*, 2007; Gomez *et al.*, 2016; and Southall *et al.*, 2021 reviews.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (e.g., bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (e.g., Croll *et al.*, 2001; Nowacek *et al.*, 2004; Madsen *et al.*, 2006; Yazvenko *et al.*, 2007). A determination of whether foraging disruptions incur fitness consequences would require information on estimates of the

energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Airborne Acoustic Effects—Pinnipeds that occur near the project sites could be exposed to airborne sounds associated with pile driving or DTH that have the potential to cause behavioral harassment, depending on their distance from the activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project sites within the range of noise levels elevated above the airborne acoustic harassment criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when swimming with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been ‘taken’ because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Stress Response—An animal’s perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (e.g., Seyle, 1950; Moberg, 2000). In many cases, an animal’s first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal’s fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-

adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (e.g., Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.*, 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and “distress” is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (e.g., Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.*, 2002b) and, more rarely, studied in wild populations (e.g., Romano *et al.*, 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as “distress.” In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2005), however distress is an unlikely result of this project based on observations of marine mammals during previous, similar construction projects around PWS.

Auditory Masking—Sound can disrupt behavior through masking, or

interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (e.g., those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.*, 1995; Erbe *et al.*, 2016). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (e.g., snapping shrimp, wind, waves, precipitation) or anthropogenic (e.g., shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (e.g., signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (e.g., sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (e.g., on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is man-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of

communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (e.g., Clark *et al.*, 2009) and may result in energetic or other costs as animals change their vocalization behavior (e.g., Miller *et al.*, 2000; Foote *et al.*, 2004; Parks *et al.*, 2007; Di Iorio and Clark, 2009; Holt *et al.*, 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.*, 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species (e.g., Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (e.g., Branstetter *et al.*, 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand, 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (e.g., from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking. Project sites at Cordova, Chenega, and Tatitlek are in areas with commercial and recreational fishing, recreational boating, ferry operations, vessel traffic associated with crude oil transport from Valdez, Alaska, and local industrial activities; therefore, background sound levels are generally already elevated.

Marine Mammal Habitat Effects

The ADOT&PF's proposed construction activities could have localized, temporary impacts on marine mammal habitat, including prey, by increasing in-water SPLs and slightly decreasing water quality. Increased noise levels may affect acoustic habitat (see Auditory Masking) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During DTH, impact, and vibratory pile driving, elevated levels of underwater noise would ensnify project areas where both fish and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during

construction; however, displacement due to noise is expected to be temporary and is not expected to result in long-term effects to the individuals or populations.

Water Quality—In-water pile driving activities would also cause short-term effects on water quality due to increased turbidity. Temporary and localized increase in turbidity near the seafloor would occur in the immediate area surrounding where piles are installed or removed and where dredging and fill placement occurs due to benthic sediment disturbance. In general, turbidity associated with pile installation is localized to about a 25 ft (7.6 m) radius around the pile (Everitt *et al.*, 1980). The suspended solids from disturbed sediment at project sites would settle out of the water column within a few hours. Studies of the effects of turbid water on fish (marine mammal prey) suggest that concentrations of suspended sediment can reach thousands of milligrams per liter before an acute toxic reaction is expected (Burton, 1993).

Effects from turbidity and sedimentation are expected to be short-term, minor, and localized. Suspended solids in the water column should dissipate and quickly return to background levels in all construction scenarios. Turbidity within the water column has the potential to reduce the level of oxygen in the water and irritate the gills of prey fish species in the proposed project area. However, suspended sediment associated with the project would be temporary and localized, and fish in the proposed project area would be able to move away from and avoid the areas where plumes may occur. Therefore, it is expected that the impacts on prey fish species from turbidity, and therefore on marine mammals, would be minimal and temporary. In general, the area likely impacted by the proposed construction activities is relatively small compared to the total available marine mammal habitat as well as the critical habitat and the BIA in PWS. Therefore, we expect the impact from increased turbidity levels to be discountable to marine mammals and do not discuss it further.

In-water Effects on Potential Foraging Habitat—The proposed activities would not result in permanent impacts to habitats used directly by marine mammals and no increases in vessel traffic are expected in either location as a result of the specified activities. The areas likely impacted by the proposed actions are relatively small compared to the total available habitat in PWS. The proposed project areas are highly influenced by anthropogenic activities

and provide limited foraging habitat for marine mammals. The total seafloor area affected by piling activities is small compared to the vast foraging areas available to marine mammals at any of the proposed construction sites. At best, the areas impacted provide marginal foraging habitat for marine mammals and fishes. Furthermore, pile driving at the project locations would not obstruct movements or migration of marine mammals.

In-Water Effects on Potential Prey—Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (e.g., crustaceans, cephalopods, fish, zooplankton, and other marine mammals). Marine mammal prey varies by species, season, and location. Here, we describe studies regarding the effects of noise on known marine mammal prey.

Construction activities would produce continuous, non-impulsive (i.e., vibratory pile driving, DTH) and intermittent impulsive (i.e., impact pile driving, DTH) sounds. Fish utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (Zelick *et al.*, 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.*, 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

Fish react to sounds which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (e.g., feeding, spawning, migration), and other environmental factors. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, several of which are based on studies in support of large, multiyear bridge construction projects (e.g., Scholik and Yan, 2001;

Popper and Hastings, 2009). Many studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (e.g., Pearson *et al.*, 1992; Skalski *et al.*, 1992; Santulli *et al.*, 1999; Fewtrell and McCauley, 2012; Paxton *et al.*, 2017). In response to pile driving, Pacific sardines (*Sardinops sagax*) and northern anchovies (*Engraulis mordax*) may exhibit an immediate startle response to individual strikes but return to “normal” pre-strike behavior following the conclusion of pile driving with no evidence of injury as a result (see NAVFAC, 2014). However, some studies have shown no or slight reaction to impulse sounds (e.g., Wardle *et al.*, 2001; Popper *et al.*, 2005; Jorgenson and Gyselman, 2009; Peña *et al.*, 2013).

SPLs of sufficient strength have been known to cause injury to fish and fish mortality. However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012b) showed that a TTS of 4–6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long. Injury caused by barotrauma can range from slight to severe and can cause death, and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.*, 2012a; Casper *et al.*, 2013) and the greatest potential effect on fish during the proposed project would occur during impact pile driving, if it is required. However, the duration of impact pile driving would be limited to a contingency in the event that vibratory driving does not satisfactorily install the pile depending on observed soil resistance. In-water construction activities would only occur during daylight hours allowing fish to forage and transit the project area at night. Vibratory pile driving may elicit behavioral reactions from fish such as temporary avoidance of the area but is unlikely to cause injuries to fish or have persistent effects on local fish populations. In addition, it should be noted that the area in question is low-quality habitat since it is already developed and experiences anthropogenic noise from vessel traffic.

The most likely impact to fishes from pile driving and DTH activities in the project areas would be temporary behavioral avoidance of the area. The

duration of fish avoidance of the area after pile driving stops is unknown but a rapid return to normal recruitment, distribution, and behavior is anticipated. There are times of known seasonal marine mammal foraging when fish are aggregating but the impacted areas are small portions of the total foraging habitats available in the regions. In general, impacts to marine mammal prey species are expected to be minor and temporary. Further, it is anticipated that preparation activities for pile driving and DTH (i.e., positioning of the hammer) and upon initial startup of devices would cause fish to move away from the affected area where injuries may occur. Therefore, relatively small portions of the proposed project area would be affected for short periods of time, and the potential for effects on fish to occur would be temporary and limited to the duration of sound-generating activities.

Construction activities, in the form of increased turbidity, also have the potential to adversely affect forage fish in the project area. Pacific herring (*Clupea pallasii*) is a primary prey species of Steller sea lions, humpback whales, and many other marine mammal species that occur in the project areas. As discussed earlier, increased turbidity is expected to occur in the immediate vicinity (approximately 25 ft (7.6 m) or less) of construction activities (Everitt *et al.*, 1980). However, suspended solids are expected to dissipate quickly within a single tidal cycle. Given the limited area affected and high tidal dilution rates any effects on forage fish are expected to be minor or negligible. In addition, best management practices would be in effect to limit the extent of turbidity to the immediate project areas. Finally, exposure to turbid waters from construction activities is not expected to be different from the current exposure; fish and marine mammals in the regions are routinely exposed to substantial levels of suspended sediment from glacial sources.

In summary, given the short daily duration of sound associated with pile driving and DTH, and the relatively small areas being affected, pile driving and DTH activities associated with the proposed action are not likely to have a permanent adverse effect on any fish habitat, or populations of fish species. Thus, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine

mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHAs, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

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

Authorized takes would primarily be by Level B harassment, as use of the acoustic sources (*i.e.*, impact pile installation, vibratory pile installation and removal, and DTH pile installation) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for AUD INJ (Level A harassment) to result, primarily for low frequency cetaceans, very high frequency cetaceans, phocids, and otariids because predicted AUD INJ zones are larger than other high frequency cetaceans. AUD INJ is unlikely to occur for other high frequency cetaceans. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

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

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes the best available science indicates marine mammals will likely be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the

density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment). We note that the criteria for AUD INJ, as well as the names of two hearing groups, have been recently updated (NMFS 2024) as reflected below in the Level A harassment section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1

micropascal (re 1 μ Pa)) for continuous (*e.g.*, vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, estimates of take by Level B harassment based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

ADOT&PF's proposed activity includes the use of continuous (vibratory pile installation/removal and DTH pile installation) and impulsive (impact pile driving and DTH pile installation) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μ Pa is/are applicable.

Level A Harassment—NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). ADOT&PF's proposed activity includes the use of impulsive (impact pile installation and DTH pile installation) and non-impulsive (vibratory pile installation/removal and DTH pile installation) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in table 6 below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>.

TABLE 6—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ Onset Acoustic Thresholds * (Received Level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 197 dB
High-Frequency (HF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	Cell 4: $L_{E,HF,24h}$: 201 dB
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	Cell 6: $L_{E,VHF,24h}$: 181 dB
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	Cell 8: $L_{E,PW,24h}$: 195 dB
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	Cell 10: $L_{E,OW,24h}$: 199 dB

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization (ISO) standards (ISO 2017; ISO 2020). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.*, 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

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

The sound field in the proposed project areas is the existing background noise plus additional construction noise from the proposed projects. Marine mammals are expected to be affected via sound generated by the primary components of PWS Projects activities (*i.e.*, pile installation and removal).

Sound Source Levels and TL of Proposed Activities—The intensity of

pile driving sounds is greatly influenced by factors such as the type of piles (material and diameter), hammer type, and the physical environment (*e.g.*, sediment type) in which the activity takes place. PWS Projects include vibratory pile installation and removal, impact pipe pile installation, and DTH pile installation. ADOT&PF estimated source levels and transmission loss coefficient measurements using empirical measurements from similar activities elsewhere in Alaska or outside of Alaska and relied on the best available and most relevant sound source verification studies to determine appropriate proxy levels for their

proposed activities. Recently proposed and issued IHAs from southeast Alaska were also reviewed to identify the most appropriate proxy SPLs and TL coefficients. NMFS agrees that the SPL values and TL coefficients that the ADOT&PF proposed are appropriate proxy levels for their proposed activities (see table 7 for proposed proxy levels and TLs). Source levels for vibratory removal of piles are assumed to be the same as source levels for vibratory installation of piles of the same diameter. Note that the values in table 7 and those discussed herein represent SPL values referenced at a distance of 10 m from the source.

TABLE 7—SUMMARY OF UNATTENUATED IN-WATER PILE DRIVING PROXY LEVELS (AT 10 M) AND TRANSMISSION LOSS COEFFICIENTS

Pile size and type	RMS SPL (dB re 1 μ Pa)	SEL (dB re 1 μ Pa ² -sec)	Peak SPL (dB re 1 μ Pa)	TL coefficient (log10)	Reference	Relevant project location
Vibratory pile installation and removal						
18-inch (46 cm) steel piles.	161	N/A	N/A	15	CALTRANS 2020	Chenega, Cordova
20-inch (51 cm) steel piles.	161	N/A	N/A	15	CALTRANS 2020 (cited in NMFS 2023).	Tatitlek
24-inch (61 cm) steel piles.	161	N/A	N/A	15	CALTRANS 2020 (cited in NMFS 2023).	All
30-inch (76 cm) steel piles.	166	N/A	N/A	15	U.S. Navy 2015	All
36-inch (91 cm) steel piles.	166	N/A	N/A	15	U.S. Navy 2015	Tatitlek
Impact pile installation						
24-inch (61 cm) steel piles.	193	181	207	15	CALTRANS 2020 (cited in NMFS 2023) and U.S. Navy 2015.	All
30-inch (76 cm) steel piles.	193	184	211	15	U.S. Navy 2015	All
36-inch (91 cm) steel piles.	193	184	211	15	U.S. Navy 2015	Tatitlek

TABLE 7—SUMMARY OF UNATTENUATED IN-WATER PILE DRIVING PROXY LEVELS (AT 10 M) AND TRANSMISSION LOSS COEFFICIENTS—Continued

Pile size and type	RMS SPL (dB re 1 μ Pa)	SEL (dB re 1 μ Pa ² -sec)	Peak SPL (dB re 1 μ Pa)	TL coefficient (log10)	Reference	Relevant project location
DTH of rock sockets and tension anchors						
24-inch (61 cm) steel piles, (rock socket).	167	159	184	17	NMFS 2022; Reyff <i>et al.</i> 2025.	Chenega, Tatitlek
30- and 36-inch (76 and 91 cm) steel piles (rock socket).	174	164	194	17	NMFS 2022; Reyff <i>et al.</i> 2025.	Chenega, Tatitlek
8-inch (20 cm) tension anchors.	156	144	170	18	NMFS 2022; Reyff <i>et al.</i> 2025.	Chenega, Tatitlek

Note: N/A means not applicable.

NMFS (2022) recommends that DTH system installation be treated as a continuous sound source for Level B behavioral harassment calculations and as an impulsive source for Level A harassment calculations given these systems produce noise including characteristics of both source types (described above in the Description of Sound Sources section). Source levels proposed by ADOT&PF for all DTH pile installations match those recommended by NMFS (2022), and thus are deemed acceptable by NMFS as proxy levels for the proposed Projects. The TL coefficients proposed by ADOT&PF for DTH pile installation differ from those recommended by NMFS (2022), but for reasons explained below are acceptable proxy TL coefficients for the proposed Projects.

TL data from the proposed Project sites or from areas with similar physical and environmental conditions were not available for vibratory pile installation, vibratory pile removal, and impact driving; therefore, ADOT&PF proposed practical spreading (*i.e.*, the default TL coefficient of 15) as the proxy TL coefficient to determine distances to the Level A harassment and Level B harassment thresholds for these activities. For DTH and tension anchoring activities, ADOT&PF made comparisons with Chenega and Tatitlek to other ferry terminal locations where underwater sound source verification (SSV) studies have been conducted in south central and southeast Alaska. Among the sites where SSV studies have been conducted, it was determined that similar environmental characteristics, including water temperature, substrate type, and bathymetry were similar to the Chenega and Tatitlek project sites. Data from Alaska DTH studies provide evidence that sounds from drilling rock sockets for the pile sizes proposed in the PWS Projects decay at a greater rate than practical spreading, with TL coefficients from all but one study in Alaska ranging from an average of 15.5 to 19.5 (Reyff *et*

al. 2025). Therefore, ADOT&PF proposed an average TL coefficient of 17.0 for rock sockets.

Tension anchors of 8- to 10-inch (20 to 25 cm) diameter have been measured throughout Alaska with variable results. Despite this, underwater noise from tension anchor construction has typically been low, possibly because the bedrock is overlain with sediments, which together attenuate noise production from the drilling and reduce noise propagation into the water column. Additionally, the casing used during drilling is inside the larger-diameter pile, further reducing noise levels. TL coefficients have ranged from 17 to 24, with a mean TL of approximately 18 (J. Reyff, Pers. Coms.). For the proposed Projects, ADOT&PF have proposed to use the TL coefficients for the DTH installation of 8- to 10-inch (20 to 25 cm) tension anchors. Due to the similarity in site characteristics of the proposed PWS Projects and the measured TL coefficients, NMFS concurs that ADOT&PF's proposed TL coefficients for DTH pile installation are acceptable as proxy coefficients for the proposed Projects.

Estimated Harassment Isopleths—All estimated Level B harassment isopleths are reported in table 11. At all proposed Project sites, Level B harassment isopleths would be truncated by the surrounding coastlines and certain bathymetric features (*e.g.*, mud flats exposed during low tides).

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth

estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ.

To account for potential variations in daily productivity during DTH pile installation, ADOT&PF calculated ensonified areas for Level A harassment were for different durations of installation, ranging from 60 minutes minimum up to 480 minutes for rock sockets, and from 60 minutes to 240 minutes for tension anchors. For vibratory installation, harassment zones were calculated based on the maximum number of piles and duration for any given day for contactor flexibility.

The pulse rate or frequency for DTH pile installation is generally negatively correlated with borehole diameter but varies by the equipment used. ADOT&PF have estimated that rock socket boreholes would be constructed by equipment operating at approximately 15 Hz, or 15 cycles per second, which is equivalent to 900 strikes per minute. Due to the smaller diameter of tension anchor boreholes, ADOT&PF have estimated that a strike rate of 30 Hz (30 cycles per second) is appropriate for the DTH installation of tension anchors.

ADOT&PF estimate that impact installation of all pile sizes would require 50 strikes per pile for proofing; however, this may vary based on the embedment. At Cordova Ferry Terminal, where the use of DTH methods is not anticipated, full impact installation of permanent piles is estimated to be 600 strikes per pile. Inputs used in the optional User Spreadsheet tool, and the

resulting estimated isopleths, are reported in tables 8, 9, 10, and 11.

TABLE 8—NMFS USER SPREADSHEET INPUTS FOR THE CORDOVA PROJECT

Pile diameter	Spreadsheet tab used	Source level (SPL)	Weighting factor adjustment	Transmission loss coefficient	Activity duration (minutes)	Number of strikes per pile	Number of piles per day	Distance of sound pressure level measurement (m)
Vibratory installation								
24-inch (61 cm)	A.1) Vibratory Pile Driving.	161 dB RMS	2.5	15	30	N/A	4	10
30-inch (76 cm)		166 dB RMS	2.5	15	60	N/A	2	10
Vibratory removal								
18-inch (46 cm)	A.1) Vibratory Pile Driving.	161 dB RMS	2.5	15	60	N/A	4	10
24-inch (61 cm)		161 dB RMS	2.5	15	30	N/A	4	10
30-inch (76 cm)		166 dB RMS	2.5	15	60	N/A	3	10
Impact installation								
30-inch (76 cm)	E.1) Impact Pile driving.	184 dB SEL	2	15	N/A	600	1, 2	10

Note: N/A means not applicable.

TABLE 9—NMFS USER SPREADSHEET INPUTS FOR THE CHENEGA PROJECT

Pile diameter	Spreadsheet tab used	Source level	Weighting factor adjustment	Transmission loss coefficient	Activity duration (minutes)	Number of strikes per pile (impact) or strike rate (DTH)	Number of piles per day	Distance of sound pressure level measurement (m)			
Vibratory installation											
18-inch (46 cm)	A.1) Vibratory Pile Driving.	161 dB RMS	2.5	15	15	N/A	2	10			
24-inch (61 cm)		161 dB RMS	2.5	15	15	N/A	4	10			
30-inch (76 cm)		166 dB RMS	2.5	15	15	N/A	4	10			
Vibratory removal											
24-inch (61 cm)	A.1) Vibratory Pile Driving.	161 dB RMS	2.5	15	30	N/A	4	10			
Impact installation											
24-inch (61 cm)	E.1) Impact Pile driving.	181 dB SEL	2	15	N/A	50	2	10			
30-inch (76 cm)		184 dB SEL	2	15	N/A	50	2	10			
DTH (rock socket)											
24-inch (61 cm)	E.2) DTH Systems	159 dB SEL	2	17	60	15	1	10			
		159 dB SEL	2	17	120	15	1	10			
		159 dB SEL	2	17	240	15	1	10			
		159 dB SEL	2	17	360	15	1	10			
		159 dB SEL	2	17	480	15	1	10			
		30-inch (76 cm)	164 dB SEL	2	17	60	15	1	10		
			164 dB SEL	2	17	120	15	1	10		
			164 dB SEL	2	17	240	15	1	10		
			164 dB SEL	2	17	360	15	1	10		
			164 dB SEL	2	17	480	15	1	10		
			DTH (tension anchor)								
			8-inch (20 cm)	E.2) DTH Systems	144 dB SEL	2	18	60	15	1	10
144 dB SEL	2	18			120	15	1	10			
144 dB SEL	2	18			180	15	1	10			
144 dB SEL	2	18			240	15	1	10			

Note: N/A means not applicable.

TABLE 10—NMFS USER SPREADSHEET INPUTS FOR THE TATITLEK PROJECT

Pile diameter	Spreadsheet tab used	Source level (SPL)	Weighting factor adjustment	Transmission loss coefficient	Activity duration (minutes)	Number of strikes per pile (impact) or strike rate (DTH)	Number of piles per day	Distance of sound pressure level measurement (m)		
Vibratory installation										
24-inch (61 cm)	A.1) Vibratory Pile Driving.	161 dB RMS	2.5	15	15	N/A	4	10		
30-inch (76 cm)		166 dB RMS	2.5	15	15	N/A	1	10		
36-inch (91 cm)		166 dB RMS	2.5	15	15	N/A	1	10		
Vibratory removal										
20-inch (51 cm)	A.1) Vibratory Pile Driving.	161 dB RMS	2.5	15	60	N/A	3	10		
24-inch (61 cm)		161 dB RMS	2.5	15	30	N/A	4	10		
30-inch (76 cm)		166 dB RMS	2.5	15	60	N/A	4	10		
Impact installation										
30-inch (76 cm)	E.1) Impact Pile driving.	184 dB SEL	2	15	N/A	50	1	10		
30-inch (76 cm)		184 dB SEL	2	15	N/A	50	1	10		
36-inch (91 cm)		184 dB SEL	2	15	N/A	50	1	10		
36-inch (91 cm)		184 dB SEL	2	15	N/A	50	1	10		
DTH (rock socket)										
30-inch (76 cm)	E.2) DTH Systems	164 dB SEL	2	17	60	15	1	10		
		164 dB SEL	2	17	120	15	1	10		
		164 dB SEL	2	17	240	15	1	10		
		164 dB SEL	2	17	360	15	1	10		
36-inch (91 cm)		164 dB SEL	2	17	480	15	1	10		
		164 dB SEL	2	17	60	15	1	10		
		164 dB SEL	2	17	120	15	1	10		
		164 dB SEL	2	17	240	15	1	10		
		164 dB SEL	2	17	360	15	1	10		
		164 dB SEL	2	17	480	15	1	10		
		DTH (tension anchor)								
		8-inch (20 cm)		144 dB SEL	2	18	60	15	1	10
144 dB SEL				2	18	120	15	1	10	
144 dB SEL				2	18	180	15	1	10	
144 dB SEL				2	18	240	15	1	10	

Note: N/A means not applicable.

TABLE 11—CALCULATED DISTANCES AND AREAS OF LEVEL A AND LEVEL B HARASSMENT PER PILE TYPE AND PILE DRIVING METHOD

Activity	Pile diameter (inches)	Activity duration (min)	Strikes per pile	Piles per day	Level A harassment isopleth, by hearing group (m)					Level B harassment distance (m; all hearing groups)	Level B harassment area (km ² ; all hearing groups) ¹		
					LF	HF	VHF	PW	OW		Cordova	Chenega	Tatitlek
Vibratory Installation	18-inch (46 cm)	15	N/A	2	5.8	2.2	4.7	7.5	2.5	5,412	N/A	11.84	N/A
	24-inch (61 cm)	15		4	9.2	3.5	7.5	11.9	4		N/A	11.84	20.90
	30-inch (76 cm)	15		2	14.6	5.6	12.0	18.8	6.3	11,659	22.33	N/A	N/A
	36-inch (91 cm)	15		4	12.5	4.8	10.2	16.1	5.4		N/A	N/A	50.35
Vibratory Removal	18-inch (46 cm)	60		4	19.9	7.6	16.2	25.6	8.6		52.22	12.98	N/A
	20-inch (51 cm)	60		4	31.5	12.1	25.8	40.6	13.7		N/A	N/A	N/A
	24-inch (61 cm)	60		2	12.5	4.8	10.2	16.1	5.4		N/A	N/A	50.35
	30-inch (76 cm)	60		4	23.2	8.9	19.0	29.9	10.1	5,412	22.33	N/A	N/A
Impact Installation	24-inch (61 cm)	N/A	50	2	157.7	20.1	244.0	140.1	52.2	1,585	N/A	3.80	N/A
	30-inch (76 cm)		50	2	249.9	31.9	386.8	222.0	82.8		N/A	3.80	N/A
	36-inch (91 cm)		600	1	825.3	105.3	1,277.1	733.1	273.3		3.95	N/A	N/A
				2	1,310.0	167.1	2,027.3	1,163.8	433.8				
DTH rock socket	24-inch (61 cm)	60	N/A	N/A	234.5	38.1	344.7	211.2	88.4	5,817	N/A	12.17	N/A
	30-inch (76 cm)	120			352.5	57.3	518.3	317.5	132.9				
	36-inch (91 cm)	240			529.9	86.1	779.0	477.4	199.9				
		360			672.7	109.4	988.9	606.0	253.7				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				
DTH (tension anchor)	24-inch (61 cm)	60	N/A	N/A	461.5	75.0	678.4	415.7	174.1	15,013	N/A	12.98	62.38
	30-inch (76 cm)	120			693.9	112.8	1,020.0	625.0	261.7				
	36-inch (76 cm)	240			1,043.1	169.6	1,533.4	939.7	393.4				
		360			1,324.1	215.2	1,946.5	1,192.8	499.4				

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations. Available information regarding marine mammal occurrence in the vicinity of the project area includes site-specific and nearby survey information, historic data sets, and observations from local residents at each project site. In particular, ADOT&PF gathered qualitative information from discussions with knowledgeable local people in the Cordova, Chenega, and Tatitlek communities, including individuals familiar with marine mammals in the Project areas. NMFS disagrees with some of the occurrence estimates proposed by ADOT&PF, and has provided explanations and adjusted estimates below for each species. Tables 12 and 13 show the occurrence estimates requested by ADOT&PF and the adjusted occurrence estimates used by NMFS in our take estimation calculations.

Humpback whale—Humpback whales are rarely observed around Cordova, with residents describing a small number of sightings annually. However, to account for the potential for a higher than normal abundance of humpback whales to occur during the 33 construction days (approximately six 5-day work weeks), ADOT&PF estimated up to two humpback exposures per construction week. NMFS concurs with this estimate.

Humpback whales are occasionally observed around Chenega, with residents describing a small number of sightings annually, typically in groups of two to five individuals. To account for the potential for a higher than normal abundance of humpback whales occur during the project, ADOT&PF estimated up to five humpback exposures per construction week of the Chenega Project. NMFS disagrees with this estimate, noting that a few sightings annually would not equate to five individuals per week. NMFS proposes to authorize exposures of up to two individuals per week for the estimated 12 weeks of construction.

Humpback whales are occasionally observed around Tatitlek, with residents describing a small number of sightings annually. However, to avoid shutdowns should a higher than normal abundance of humpback whales occur during the project, ADOT&PF estimated that up to two humpbacks may be exposed per week; NMFS concurs with this estimate.

Minke whale—Local residents reported that no minke whales have been observed near Cordova, Chenega, or Tatitlek. To account for the potential for a higher than average minke whale abundance occur during the construction window, ADOT&PF estimated that up to two minke whales could occur within each project area over the entire duration of each project. NMFS concurs with these estimates.

Killer whale—Killer whales have been monitored in PWS since the 1989 Exxon Valdez oil spill, with regular observations near Cordova (Matkin *et al.* 2013), and a reasonable likelihood of occurrence near Chenega and Tatitlek. ADOT&PF estimates that one pod of 15 resident animals, or multiple smaller pods of transient animals totaling 15 animals, may transit through each project area during each month of construction. NMFS concurs with this estimate. Specific to AT1 Transient stock, NMFS considers any exposure of AT1 whales would likely be of a group, here assumed to consist of 7 individuals. NMFS considers it reasonably likely that AT1 whales may occur one time during the course of the project at each project site.

Pacific white-sided dolphin—Most observations of Pacific white-sided dolphins occur off the outer coast or in inland waterways near entrances to the open ocean (Muto *et al.* 2021). Irregular sightings indicate that there is a small potential for Pacific white-sided dolphins to occur in the Project areas. However, recent fluctuations in distribution and abundance decrease the certainty in this prediction. ADOT&PF therefore estimated that one large group (92 individuals based on the median of groups between 20 and 164 individuals) (Muto *et al.* 2018) of Pacific white-sided dolphins may occur in each project area over the duration of the in-water construction period.

Dall's porpoise—Sightings of Dall's porpoises throughout PWS were not described by local residents. At Tatitlek, however, an unidentified porpoise was described as occurring in deeper, open water. As such, there is limited potential for Dall's porpoises to occur in the project areas. Recent research indicates that Dall's porpoises may opportunistically exploit nearshore habitats when predators, such as killer whales, are absent (Moran *et al.* 2018). Based on knowledge of Dall's porpoise abundance in PWS, ADOT&PF estimated that two pods of up to 10 individuals (or 20 individuals total) may transit the each project site during each month of in-water construction. NMFS disagrees with the estimates of group size and frequency based on the highest

average seasonal group size (4.8 individuals, winter) and encounter rates in PWS (Moran *et al.* 2018), and instead proposes that four groups of 5 individuals may transit each project site each month.

Harbor porpoise—Sightings of harbor porpoises throughout PWS were not described by local residents, except at Chenega, where residents report seeing bow-riding harbor porpoises, but mostly in the open waters away from the project area. At Tatitlek, an unidentified porpoise was described as occurring in deeper, open water. As such, there is limited potential for harbor porpoise to occur in the project areas in low numbers. ADOT&PF therefore estimated that up to two harbor porpoises per day could occur in each of the project areas. NMFS disagrees with this estimate because in the absence of definitive sightings by local residents an estimate of two porpoises per day is not reasonably likely. However, this species is small, cryptic, and can be difficult to detect. NMFS therefore conservatively estimates that one group of two porpoises could occur every other day at each project location.

Harbor seal—Harbor seals are commonly sighted throughout PWS and along the North Gulf Coast included in this region. The Alaska Fisheries Science Center identified “key” haulouts (haulouts that have had 50 or more harbor seals documented during surveys) within a 10-mile radius of the project areas: 17 at Cordova, 12 at Chenega; and two at Tatitlek (NOAA 2021). NMFS aerial survey data between 2006 and 2015 indicate that as many as 348 harbor seals were sighted near Cordova (Area GG08, NOAA 2022), between 86 and 531 near Chenega (Area HF21, NOAA 2022), and up to 10 near Tatitlek (Area GG08, NOAA 2022). However, local residents report that only small numbers of harbor seals are regularly observed near the project areas: one to two near Cordova; two to five near Chenega; and two to five near Tatitlek. In Cordova, these individuals are generally observed monthly near the ferry terminal, with lower sightings during the winter months, while in Chenega and Tatitlek, residents noted that harbor seals are observed weekly throughout the year, and more frequently observed during herring and salmon runs in spring and summer.

ADOT&PF estimated that up to four harbor seals could be present each day at Cordova and Chenega, and up to five harbor seals per day at Tatitlek. NMFS concurs with the estimates for Chenega and Tatitlek based on local resident knowledge, and disagrees with the estimate for Cordova. Group sizes at

Cordova were cited as one to two individuals observed monthly; thus, an estimate of four animals per day is not reasonably likely to occur. NMFS instead proposes that up to two individuals may be present per day at Cordova.

Steller sea lions—Steller sea lions are uncommon in the Cordova Project area. The nearest documented haulout is Hook Point, about 35.7 km (22.2 miles) southwest of Cordova on Hinchinbrook Island. Up to 70 Steller sea lions were present during aerial surveys over Hook Point that occurred between 2013 and 2019 (Sweeney *et al.* 2019). However, local residents report that Steller sea lions can often be seen on buoys around 3 km (1.9 miles) from the Cordova Project area (one to two individuals at a time) and in nearby waters (four to five individuals), with greater presence during hooligan and salmon runs in spring, summer, and fall. ADOT&PF estimated that a group of 10 Steller sea lions could transit the Cordova project area every day. NMFS disagrees with this estimate based on the resident reports of a maximum of five individuals per group, and instead proposes that up to five Steller sea lions

could be in the Cordova project area each day of construction.

Steller sea lions are common in the Chenega project area with systematic counts or surveys completed by NMFS in the area around Chenega identifying multiple haulouts within 15 miles of the harbor. The nearest documented haulout is Point LaTouche, about 14 km (8.6 miles) southwest of Chenega. No Steller sea lions were present during aerial surveys over Point LaTouche that occurred between 2013 and 2021 (Fritz *et al.* 2016; Sweeney *et al.* 2017; Sweeney *et al.* 2019; Sweeney *et al.* 2021). Other sites within 15 miles of Chenega harbor—Danger Island, Point Elrington, and Procession Rocks—had 305 sea lions observed, four of which were pups at Procession Rocks (Sweeney *et al.* 2021). Local residents report observing groups of Steller sea lions year-round (3 to 5 individuals), with a particularly high presence (up to 40 individuals) during the late summer and early fall salmon runs. ADOT&PF conservatively estimated that an average of up to 20 Steller sea lions could transit the Chenega Project area every day. NMFS disagrees with this estimate, based on resident reports of up to 40

individuals only during late summer, and a much smaller group size (three to five animals) during the remainder of the year. NMFS proposes that a reasonably likely annual average for this project site is 10 Steller sea lions per day.

Steller sea lions are uncommon in the Tatitlek project area. The nearest documented haulout is Glacier Island, about 25.9 km (16.1 miles) southwest of Tatitlek. Recent surveys documented 821 Steller sea lions and 20 Steller sea lion pups during aerial surveys over Glacier Island that occurred in 2019 (Sweeney *et al.* 2019). Steller sea lion presence was reported to be higher during spring and summer, with groups as large as 6 to 10 individuals. ADOT&PF conservatively estimated that one group of 10 Steller sea lions could transit the Tatitlek project area every day. NMFS disagrees with this estimate, based on the range of group sizes reported by residents, and instead proposes that the minimum number cited be used as the daily average, resulting in up to six Steller sea lions per day in the Tatitlek project area.

TABLE 12—SPECIES OCCURRENCE ESTIMATES AS PROPOSED BY ADOT AND ADJUSTED BY NMFS

Species	Proposed by ADOT			NMFS adjusted		
	Group size	Frequency	Reference	Group size	Frequency	Reason for change
Cordova						
Harbor porpoise	2	Daily	No local reports	2	Every other Day	No local reports, but possible that small cryptic species could be present and unobserved on an irregular basis.
Dall's porpoise	10	2x monthly	Known to occur throughout PWS in groups of 1–10 individuals.	5	4x Monthly	Moran <i>et al.</i> (2018) shows maximum average group size of 4.82 during winter in PWS, and frequently encountered throughout PWS.
Steller sea lion	10	Daily	Regular sightings of 1 to 5 individuals in spring, summer, and fall.	5	Daily	Maximum daily sightings of 5.
Harbor seal	4	Daily	Regular sightings of 1–2 individuals monthly.	2	Daily	Maximum sightings of 2 individuals on a monthly basis; 2 per day is more reasonable.
Chenega						
Humpback whale	5	1x/week	Occasional local sightings of 2–5 individuals.	2	1x/week	Use minimum group size for "occasional" sightings, vs. max of 5.
Harbor porpoise	2	Daily	No local reports	2	Every other Day	No local reports, but possible that small cryptic species could be present and unobserved on an irregular basis.
Dall's porpoise	10	2x monthly	Known to occur throughout PWS in groups of 1–10 individuals.	5	4x Monthly	Moran <i>et al.</i> (2018) shows maximum average group size of 4.82 during winter in PWS, and frequently encountered throughout PWS.

TABLE 12—SPECIES OCCURRENCE ESTIMATES AS PROPOSED BY ADOT AND ADJUSTED BY NMFS—Continued

Species	Proposed by ADOT			NMFS adjusted		
	Group size	Frequency	Reference	Group size	Frequency	Reason for change
Steller sea lion	20	Daily	Regular sightings of 3 to 5 individuals year round; up to 40 during summer salmon runs.	10	Daily	Regular sightings of up to 5, with occasional much larger groups; 10 per day is likely a reasonable average.
Tatitlek						
Harbor porpoise	2	1x/day	No local reports	2	Every other Day	No local reports, but possible that small cryptic species could be present and unobserved on an irregular basis, Moran <i>et al.</i> (2018) shows maximum average group size of 4.82 during winter in PWS, and frequently encountered throughout PWS. Annual average is likely fewer than 10 individuals per day; 6 is reasonable.
Dall's porpoise	10	2x monthly	Known to occur throughout PWS in groups of 1–10 individuals.	5	4x Monthly	
Steller sea lion	10	Daily	Sightings of 6 to 10 individuals in summer.	6	Daily	

TABLE 13—PROPOSED SPECIES OCCURRENCES AT ALL THREE PROJECT LOCATIONS

Species	Frequency	Group size		
		Cordova	Chenega	Tatitlek
Humpback whale	1x/week	2	2	2
Minke whale	1x/year	2	2	2
Killer whale	1x/month	15	15	15
Pacific white-sided dolphin	1x/year	92	92	92
Harbor porpoise	Every other Day	2	2	2
Dall's porpoise	4x/month	5	5	5
Steller sea lion	Daily	5	10	6
Harbor seal	Daily	2	4	5

Take Estimation

Here we describe how occurrence information is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization for each project. Take was estimated based on the estimated species group size and frequency, as well as the best estimate of the number of days proposed for each activity, and,

for some species, the predicted ensonified areas for each activity.

Total exposures for each species at each location was calculated using the occurrence estimates shown in table 13, multiplied by the best estimate of work duration at each project location (tables 1 through 3). Estimated take by Level B harassment was calculated as the total exposures minus the estimated take by Level A harassment. Estimated take by Level A harassment for species that are

relatively common at the project sites (*i.e.*, Steller sea lion, harbor seal, harbor porpoise, and humpback whale) was calculated based on the ratio of the maximum Level A harassment area to the maximum Level B harassment area for each site (table 14). For pinnipeds and VHF cetacean species, the area of the proposed shutdown zone was subtracted from the area of the Level A harassment zone.

TABLE 14—AREAS AND CALCULATED RATIOS FOR ESTIMATING TAKE BY LEVEL A HARASSMENT FOR FOUR SPECIES

	Steller sea lion	Harbor seal	Harbor porpoise	Humpback whale
Cordova				
Shutdown zone area (km ²)	0.1413			0
Level A area (km ²)	0.33	2.285	na	2.8
Level B area (km ²)	3.95			
Ratio	0.048	0.543	na	0.709

TABLE 14—AREAS AND CALCULATED RATIOS FOR ESTIMATING TAKE BY LEVEL A HARASSMENT FOR FOUR SPECIES—Continued

	Steller sea lion	Harbor seal	Harbor porpoise	Hump-back whale
Chenega				
Shutdown zone area (km ²)	0.21195			0
Level A area (km ²)	0.77	3.2	5.5	3.75
Level B area (km ²)	12.975			
Ratio	0.043	0.016	0.408	0.289
Tatitlek				
Shutdown zone area (km ²)	0.21195			0
Level A area (km ²)	0.499	2.6	6	3.2
Level B area (km ²)	62.375			
Ratio	0.005	0.038	0.093	0.051

For the remaining species, which are uncommon at the project locations, estimated take by Level A harassment was either not considered likely due to low occurrence estimates and historical

sighting data (*i.e.*, Pacific white-sided dolphin, minke whale) or high visibility of the species (*i.e.*, killer whale), or was adjusted based on average group size (*i.e.*, Dall's porpoise).

Total exposures and proposed take by Level A and Level B harassment at Cordova, Chenega, and Tatitlek are shown in tables 15, 16, and 17, respectively.

TABLE 15—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AND PERCENT OF STOCK PROPOSED TO BE TAKEN AT THE CORDOVA PROJECT

Species	Stock	Level A	Level B	Total	Percent of stock
Steller sea lion	Western North Pacific	1	299	300	0.6
Harbor seal	Prince William Sound	3	117	120	0.27
Harbor porpoise	Gulf of Alaska	56	4	60	0.19
Dall's porpoise	Alaska	10	30	40	^a UND
Pacific white-sided dolphin	North Pacific	0	92	92	0.34
Killer whale ^b	Alaska Resident	0	30	30	1.56
	AT1 Transient				n/a
	Northern Resident				9.93
	West Coast Transient				8.6
Humpback whale	Hawaii	5	10	15	0.13
	Mexico-North Pacific	0	2	2	^a UND
Minke whale	Alaska	0	2	2	^a UND

^a Stock size is undetermined.

^b NMFS conservatively assumes that all takes may come from any stock, thus these numbers represent overestimates if multiple stocks occur. See discussion in Small Numbers section.

TABLE 16—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AND PERCENT OF STOCK PROPOSED TO BE TAKEN AT THE CHENEGA PROJECT

Species	Stock	Level A	Level B	Total	Percent of stock
Steller sea lion	Western North Pacific	63	1497	1560	3.13
Harbor seal	Prince William Sound	10	614	624	1.39
Harbor porpoise	Gulf of Alaska	120	36	156	0.50
Dall's porpoise	Alaska	50	50	100	^a UND
Pacific white-sided dolphin	North Pacific	0	92	92	0.34
Killer whale ^b	Alaska Resident	0	75	75	4.47
	AT1 Transient				n/a
	Northern Resident				24.7
	West Coast Transient				30.1
Humpback whale	Hawaii	11	29	40	0.35
	Mexico-North Pacific	1	4	5	^a UND

TABLE 16—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AND PERCENT OF STOCK PROPOSED TO BE TAKEN AT THE CHENEGA PROJECT—Continued

Species	Stock	Level A	Level B	Total	Percent of stock
Minke whale	Alaska	0	0	2	^a UND

^aStock size is undetermined.

^bNMFS conservatively assumes that all takes may come from any stock, thus these numbers represent overestimates if multiple stocks occur. See discussion in Small Numbers section.

TABLE 17—PROPOSED TAKE OF MARINE MAMMALS BY LEVEL A AND LEVEL B HARASSMENT AND PERCENT OF STOCK PROPOSED TO BE TAKEN AT THE TATITLEK PROJECT

Species	Stock	Level A	Level B	Total	Percent of stock
Steller sea lion	Western North Pacific	4	452	456	0.91
Harbor seal	Prince William Sound	24	356	380	0.85
Harbor porpoise	Gulf of Alaska	12	64	76	0.24
Dall's porpoise	Alaska	40	40	80	^a UND
Pacific white-sided dolphin	North Pacific	0	92	92	0.34
Killer whale ^b	Alaska Resident	0	60	60	3.13
	AT1 Transient				n/a
	Northern Resident				19.9
	West Coast Transient				17.2
Humpback whale	Hawaii	9	11	20	0.18
	Mexico-North Pacific	1	1	2	^a UND
Minke whale	Alaska	0	2	2	^a UND

^aStock size is undetermined.

^bNMFS conservatively assumes that all takes may come from any stock, thus these numbers represent overestimates if multiple stocks occur. See discussion in Small Numbers section.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the

nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

ADOT&PF must ensure that construction supervisors and crews, the monitoring team and relevant ADOT&PF staff are trained prior to the start of all pile driving and DTH activities, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.

Protected Species Observers

ADOT&PF must employ NMFS-approved protected species observers (PSOs), who are independent of the construction contractor, and establish monitoring locations as described in the NMFS-approved Marine Mammal Monitoring Plans and Section 5 of the three PWS Project IHAs. ADOT&PF must monitor the project areas to the

maximum extent possible based on monitoring locations and environmental conditions. If environmental conditions deteriorate such that the entirety of shutdown zones would not be visible (e.g., fog, heavy rain, Beaufort sea state, etc.), all pile driving would be delayed until PSOs are confident that marine mammals in the shutdown zones could be detected. For each of PWS Project sites, ADOT&PF must employ at least two PSOs for vibratory pile driving and removal, impact pile driving and DTH. The placement of the PSOs during all pile driving and removal and DTH activities will ensure that the entire shutdown zone is visible.

Pre- and Post-Activity Monitoring

Prior to the start of daily in-water construction activities, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs would observe shutdown and monitoring zones for a 30 minutes (pre-clearance monitoring) through 30 minutes post-completion of pile driving or DTH activities. Pre-clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones indicated in tables 18 through 20 are clear of marine mammals.

Soft-Start Procedures for Impact Driving

Soft-start procedures provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. ADOT&PF must use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of three strikes at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. A soft start must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

Shutdown Zones

Prior to the start of any in-water construction, ADOT&PF would establish shutdown zones for pile driving/removal and DTH activities. The purpose of a shutdown zone is to define an area within which construction would be delayed or halted upon sightings of a marine mammal in that defined area or in anticipation of a marine mammal entering that area. After construction is delayed or halted, pile driving/removal or DTH would not recommence until marine mammals have cleared these established shutdown zones or have not been sighted for at least 15 minutes. Generally, shutdown zones vary in size based upon the activity type, duration, and the marine mammal hearing group. In most cases, shutdown zones are based on the estimated Level A harassment isopleth distances for each hearing group. However, in cases where ADOT&PF asserted that it would be impracticable to shut down at the Level A harassment isopleth due to excessive work

stoppages, smaller shutdown zones are proposed. ADOT&PF's proposed shutdown zones would be smaller than Level A harassment zones for impact driving 30-inch (76 centimeters (cm)) piles at all PWS Project sites, DTH rock socketing for 24-inch (61 cm) piles at Chenega, impact driving and DTH rock socketing of 36-inch (91 cm) piles at Tatitlek, and DTH rock socketing for 30-inch (76 cm) piles at both Chenega and Tatitlek.

ADOT&PF anticipates that the maximum amount of activity within a given day may vary significantly at all PWS project sites. Given this uncertainty, ADOT&PF proposed a tiered system of shutdown zones for marine mammal hearing groups. This tiered system is based on the maximum expected number of piles to be installed (impact or vibratory pile driving) or the maximum expected DTH duration in a given day. At the start of each work day, ADOT&PF would determine the maximum scenario possible for that day (according to the defined duration intervals in tables 8 through 10), which will determine the appropriate Level A harassment isopleth and associated shutdown zone for that day. This Level A harassment zones (table 11) and associated shutdown zones (tables 18 through 20) must be implemented for the entire work day.

Additionally, in order to minimize the potential for impacts to the depleted AT1 stock of killer whales, ADOT&PF proposes to shut down at the estimated Level B harassment zone for any killer whales sighted during impact pile driving at all sites.

The placement of PSOs during all pile installation and removal, and DTH activities (described in detail in the Proposed Monitoring and Reporting

section) will ensure that the entire shutdown zones are visible during pile installation. If a marine mammal is observed entering or within the shutdown zones indicated in tables 18 through 20, pile driving must be delayed or halted. If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone (tables 18 through 20) or 15 minutes have passed without re-detection of the animal. Further, pile driving activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone. However, if a marine mammal for which level A take has been authorized enters the Level A harassment area and the number of authorized takes has not been met, in-water activities would continue and PSOs would document Level A take for the animals present within the harassment zone.

All marine mammals would be monitored in Level B harassment zones and throughout the proposed project areas as far as visual monitoring is reasonably possible. If a marine mammal enters a Level B harassment zone, in-water activities would continue and PSOs would document Level B take for the animals present within the harassment zone.

ADOT&PF must also avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 m of such activity, operations must cease.

TABLE 18—PROPOSED SHUTDOWN ZONES AND LEVEL B HARASSMENT ZONES AT CORDOVA

Activity	Pile size	Minutes per pile or strikes per pile	Piles per day	Shutdown zones (meters)						Level B zones (meters)
				LF	HF (pacific white-sided dolphin)	HF (killer whale)	VHF	PW	OW	
Vibratory Installation	24-inch (61 cm)	30 minutes	4 piles	20	10		20	20	10	5,412
	30-inch (76 cm)	60 minutes	2 piles	40	20		30	50	20	11,659
Vibratory Removal	18-inch (46 cm)	60 minutes	4 piles	30	10		20	30	20	5,412
	24-inch (61 cm)	30 minutes	4 piles	20	10		20	20	10	
	30-inch (76 cm)	60 minutes	3 piles	50	20		40	60	20	11,659
Impact	30-inch (76 cm)	600 strikes	1 pile	900	110	1,585	300	300	280	1,585
			2 piles	900	110	1,585	300	300	280	

TABLE 19—PROPOSED SHUTDOWN ZONES AND LEVEL B HARASSMENT ZONES AT CHENEGA

Activity	Pile size	Minutes per pile or strikes per pile	Piles per day	Shutdown zones (meters)						Level B zones (meters)
				LF	HF (pacific white-sided dolphin)	HF (killer whale)	VHF	PW	OW	
Vibratory Installation	24-inch (61 cm)	15 minutes	4 piles	10	10		10	20	10	5,412
	30- and 36-inch (76 and 91 cm).	15 minutes	4 piles	20	10		20	30	10	11,659
Vibratory Removal	24-inch (61 cm)	30 minutes	4 piles	20	10		20	20	10	5,412
DTH (Rock Socket)	24-inch (61 cm)	60 minutes	Based on minutes of DTH.	240	40		300	220	90	5,817
DTH (Rock Socket)	30- and 36-inch (76 and 91 cm).	120 minutes	Based on minutes of DTH.	470	60		300	300	180	15,031
		240 minutes			90					
		360 minutes			110					
		480 minutes			130					
		60 minutes			80					
DTH (Tension Anchor)	8-inch (20 cm)	120 minutes	Based on minutes of DTH.	50	120		70	40	20	1,000
		240 minutes			170					
		360 minutes			220					
		480 minutes			260					
		60 minutes			10					
Impact	24-inch (61 cm)	120 minutes	Based on minutes of DTH.	50	20		70	40	20	1,000
		180 minutes			20					
		240 minutes			20					
Impact	24-inch (61 cm)	50 strikes	2 piles	160	30	1,585	250	150	60	1,585
	30- and 36-inch (76 and 91 cm).	50 strikes	2 piles	250	40	1,585	300	230	90	1,585

TABLE 20—PROPOSED SHUTDOWN ZONES AND LEVEL B HARASSMENT ZONES AT TATITLEK

Activity	Pile size	Minutes per pile or strikes per pile	Piles per day	Shutdown zones (meters)						Level B zones (meters)
				LF	HF (pacific white-sided dolphin)	HF (killer whale)	VHF	PW	OW	
Vibratory Installation	24-inch (61 cm)	15 minutes	4 piles	10	10		10	20	10	5,412
	30- and 36-inch (76 and 91 cm).	15 minutes	2 piles	20	10		20	20	10	11,659
Vibratory Removal	20-inch (51 cm)	60 minutes	3 piles	20	10		20	30	10	5,412
	24-inch (61 cm)	30 minutes	4 piles	20	10		20	20	10	
DTH (Rock Socket)	30-inch (76 cm)	60 minutes	4 piles	60	20		50	70	30	11,659
	30- and 36-inch (76 and 91 cm).	60 minutes	Based on minutes of DTH.	470	80		300	300	180	15,031
DTH (Tension Anchor)	8-inch (20 cm)	120 minutes	Based on minutes of DTH.	50	120		70	40	20	1,000
		240 minutes			170					
		360 minutes			220					
		480 minutes			260					
		60 minutes			10					
Impact	30- and 36-inch (76 and 91 cm).	120 minutes	Based on minutes of DTH.	50	20		70	40	20	1,000
		180 minutes			20					
		240 minutes			20					
Impact	30- and 36-inch (76 and 91 cm).	50 strikes	1 pile	160	30	1,585	250	140	60	1,585
		50 strikes	2 piles	250	40	1,585	300/390	230	90	

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

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge

of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

Visual Monitoring

- Marine mammal monitoring during pile driving activities must be conducted by NMFS-approved PSOs in a manner consistent with the following:
 - PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;
 - At least one PSO would have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
 - Other PSOs may substitute education (degree in biological science or related field) or training for experience; and
 - Where a team of three or more PSOs is required, a lead observer or monitoring coordinator would be designated. The lead observer would be required to have prior experience working as a marine mammal observer during construction.
 - PSOs must be approved by NMFS prior to beginning any activities subject to this IHA.

PSOs should have the following additional qualifications:

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

During all pile driving, pile removal, and DTH activities, a minimum of 2 PSOs will visually monitor shutdown zones as well as Level A and B harassment zone at each of PWS project sites. PSOs would be positioned at suitable vantage points ensuring that at least one PSO would have an unobstructed view of all of the water within shutdown zones. During impact driving and DTH activities, the second PSO would monitor Level B harassment zones to the extent practicable. All PSOs would be stationed on elevated platforms to aid in monitoring marine mammals.

Monitoring would be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, PSOs will record all incidents of marine mammal occurrence, regardless of distance from activity, and will document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Reporting

ADOT&PF would submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for PWS Projects, or other projects at the same location, whichever comes first. The marine mammal report would include an overall description of work completed, a narrative regarding marine

mammal sightings, and associated PSO data sheets. Specifically, the report would include:

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

A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be

considered final. All PSO data would be submitted electronically in a format that can be queried such as a spreadsheet or database and would be submitted with the draft marine mammal report.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, ADOT&PF would report the incident to the Office of Protected Resources (PR.ITP.MonitoringReports@noaa.gov and ITP.hotckin@noaa.gov), NMFS and to the Alaska regional stranding coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, ADOT&PF would immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHAs. ADOT&PF would not resume their activities until notified by NMFS.

The report would include the following information:

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

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely

effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’ implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in table 4, and to all three project locations, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be relatively similar in nature. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity.

Pile driving and DTH activities associated with these projects, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment and, for some species (humpback whale, Dall’s porpoise, harbor porpoise, harbor seal, and Steller sea lion), Level A harassment from underwater sounds generated by pile driving and DTH activities.

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

Take would occur within limited, confined areas of the stocks’ ranges. The intensity and duration of take by Level A harassment and Level B harassment would be minimized through use of mitigation measures described herein. Further, the project is not anticipated to impact any known important habitat areas for any marine mammal species with the exception of a BIA for humpback whales, a small portion of critical habitat the Mexico DPS of humpback whales, and a small area of designated critical habitat for the Western DPS of Steller sea lion, discussed below.

Take by Level A harassment is proposed for authorization to account for the potential that an animal could enter and remain within the area between a Level A harassment zone and the shutdown zone for a duration long enough to be taken by Level A harassment. Any take by Level A harassment is expected to arise from, at most, a small degree of AUD INJ because animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of AUD INJ. Additionally, and as noted previously, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. Because of the small degree anticipated, though, any AUD INJ or TTS potentially incurred here would not be expected to adversely impact individual fitness, let alone annual rates of recruitment or survival.

Behavioral responses of marine mammals to pile driving at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues if they are disturbed by activities or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. Given the limited number of piles to be installed or extracted per day and that pile driving and removal would occur across approximately 60 days at the Cordova Project, 156 days at the Chenega Project, and 76 days at the Tatitlek Project within the 12-month authorization period, any harassment would be temporary.

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

Nearly all inland waters of southeast Alaska, including PWS, are included in the southeast Alaska humpback whale feeding BIA (Wild *et al.* 2023), though humpback whale distribution in southern Alaska varies by season and waterway (Dahlheim *et al.*, 2009). Designated critical habitat for humpback whales is also found throughout PWS. While humpback whales may be present within PWS during construction,

underwater sound would be constrained to the shallow waters of Orca Inlet, Crab and Sawmill Bay, and Boulder Bay and truncated by land masses. The area of the BIA that may be affected by the proposed project is small relative to the overall area of the BIA. Humpback whales are the most prevalent in PWS in fall and winter from September through March (Rice *et al.* 2011). All three PWS Projects would start in the summer of 2027 and the best estimate of project duration would not exceed 156 days of in-water construction days over a four month period. Underwater sounds produced by the proposed construction activities would only affect a small proportion of the BIA and designated critical habitat, which is a small portion of the habitat available in southern Alaska. Therefore, the proposed project is not expected to have significant effects on humpback whales foraging in PWS.

The same regions are also a part of the Western DPS Steller sea lion ESA critical habitat. Steller sea lions are common in the Chenega project area and uncommon in both the Cordova and Tatitlek project areas. Of all three project sites, Chenega is the nearest to a haulout site, which is 14 km southwest. Given the distance from the project site to the haulout and the relatively small ensouffied areas, the proposed project is not expected to have significant adverse effects on the critical habitat of Western DPS Steller sea lions. No areas of specific biological importance (*e.g.*, ESA critical habitat, other BIAs, or other areas) for any other marine mammal species are known to co-occur with the project areas.

In addition, it is unlikely that elevated noise in small, localized areas of habitat would have any effect on the stocks' annual rates of recruitment or survival. Specific to the AT1 stock of killer whales, which is depleted and numbers only seven individuals, no recruitment has occurred in this stock since 1984, and it is unlikely to recover (Young *et al.* 2025). In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival, and would therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of

the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- No Level A harassment is anticipated or proposed for authorization for Pacific white-sided dolphin, killer whale, and minke whale;
- Level A harassment of other species is expected to be limited to only a few individuals;
- ADOT&PF would implement mitigation measures, such as soft-starts for impact pile driving and shutdowns to minimize the numbers of marine mammals exposed to injurious levels of sound, and to ensure that take by Level A harassment, is at most, a small degree of auditory injury.
- The intensity of anticipated takes by Level B harassment is relatively low for all stocks and would not be of a duration or intensity expected to result in impacts on reproduction or survival;
- The lack of anticipated significant or long-term negative effects to marine mammal habitat; and
- With the exception of the humpback whale BIA and critical habitat of Western DPS Steller sea lions and Mexico DPS of humpback whales described above, no areas of specific biological importance (*e.g.*, ESA critical habitat, other BIAs, or other areas) for any other species are known to co-occur with the project areas.

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

Small Numbers

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

Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Another circumstance in which NMFS considers it appropriate to make a small numbers finding is in the case of a species or stock that may potentially be taken but is either rarely encountered or only expected to be taken on rare occasions. In that circumstance, one or two assumed encounters with a group of animals (meaning a group that is traveling together or aggregated, and thus exposed to a stressor at the same approximate time) should reasonably be considered small numbers, regardless of consideration of the proportion of the stock (if known), as rare encounters resulting in take of one or two groups should be considered small relative to the range and distribution of any stock.

The AT1 stock of killer whales is exceptionally small, estimated to include only 7 individuals. While it is possible that AT1 whales could visit each site over the course of the summer, passive acoustic monitoring of several sites in PWS showed that the vast majority of killer whales detected were from the Alaska Resident stock, with AT1 whales detected only 1.6 percent of the time (Myers *et al.*, 2021). NMFS considers it reasonably likely that the AT1 stock may occur one time during the course of the project at this project site. Based on the rarity of encounters with this group expected at each site in each year, this represents small numbers for this stock.

There is no recent stock abundance estimate for the Mexico-North Pacific stock of humpback whale and the minimum population is considered unknown (Young *et al.*, 2024). There are two minimum population estimates for this stock that are over 15 years old: 2,241 (Martínez-Aguilar, 2011) and 766 (Wade, 2021). Using either of these estimates, the estimated 2, 5, and 2 takes proposed for authorization at Cordova, Chenega, and Tatitlek respectively, represent small numbers of the stock.

There is also no current abundance estimate of the Alaska stock of minke whale, but an abundance of 2,020 individuals was estimated on the eastern Bering shelf based on a 2010 survey (Friday *et al.*, 2013; Young *et al.*, 2024). Therefore, the estimated takes proposed for authorization at each project site (2 each at Cordova, Chenega, and Tatitlek) represent small numbers of this stock, even if each take occurred to a new individual.

For Dall's porpoise, the most recent stock assessment did not have a valid abundance estimate. The previous

estimate for the Alaska stock was 83,400 between 1987 and 1991 (Young *et al.*, 2023). Surveys in the Northwestern Gulf of Alaska in 2013 and 2015 resulted in estimates of 15,432 (CV = 0.28) and 13,110 (CV = 0.22), respectively. Using the smallest of these abundance estimates, the 40, 100, and 80 estimated takes at Cordova, Chenega, and Tatitlek, respectively results in estimates of 0.31, 0.76, and 0.61 percent of the stock, representing small numbers.

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

Unmitigable Adverse Impact Analysis and Determination

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

Alaska Natives have traditionally harvested subsistence resources in PWS for many hundreds of years, particularly large terrestrial mammals, marine mammals, salmon, and other fish (NOAA 2013). In Cordova, harbor seals and sea otters are reported to be the marine mammal species most regularly harvested for subsistence by households. An estimated average of 68.9 harbor seals were harvested by Cordova residents every year from 2000 through 2008 (NOAA 2013). Hunting usually occurs in the late fall and winter (Alaska Department of Fish & Game (ADF&G) 2009). The Alaska Department of Fish and Game (ADF&G) has not documented harvest of cetaceans from Cordova (ADF&G 2022) and it is not known to occur.

Approximately 15.6 percent of Cordova residents identified as only or

partially Alaska Native (U.S. Census 2020). Up to 74 percent of all Cordova households harvested wild resources in 2003, with nearly all Cordova households using salmon and halibut (NOAA 2013). All Project activities will take place in the vicinity of the ferry terminal adjacent to Cordova where subsistence activities do not generally occur. The Project will not have an adverse impact on the availability of marine mammals for subsistence use at locations farther away. Some minor, short-term disturbance of the harbor seals or sea otters could occur, but this is not likely to have any measurable effect on subsistence harvest activities in the region. No changes to availability of subsistence resources is expected to result from Project activities.

Harbor seals and sea otters are reported to be the marine mammal species most regularly harvested for subsistence by households in Chenega. An estimated average of 20 harbor seals were harvested by Chenega residents every year from 2000 through 2008 (NOAA 2013). Hunting usually occurs in the late fall and winter (ADF&G 2009). ADF&G has not documented harvest of cetaceans from Chenega (ADF&G 2022) and it is not known to occur.

Approximately 56.5 percent of Chenega residents identified as only or partially Alaska Native (U.S. Census 2020). Nearly 95 percent of all Chenega households reported harvesting some wild resources in 2003, with nearly all Chenega households using salmon, halibut, and marine invertebrates (NOAA 2013). Forty-four percent of Chenega households participated in the hunting, use, or receiving of marine mammals (NOAA 2013).

Approximately 85.5 percent of Tatitlek residents identified as only or partially Alaska Native (U.S. Census 2020). Nearly all Tatitlek households harvested wild resources in 2012, with Tatitlek households using halibut, salmon, non-salmon fish, and marine invertebrates (NOAA 2013). Forty-six percent of Tatitlek households participated in the hunting, use, or receiving of marine mammals in 2003, predominantly harvesting harbor seals and Steller sea lions (NOAA 2013). Interviews with residents conducted in May and June of 2024 have indicated that the harvest of Steller sea lions is less common, due to the logistics of harvesting an animal of that size.

Additionally, ADOT&PF is working with local residents in Cordova, Chenega, and Tatitlek to inform them about the Project, raise awareness, and collaborate on the Project within their communities. ADOT&PF has agreed to

provide final monitoring reports to the Chugach Regional Resources Commission to help inform their marine mammal management program.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined separately for each of the three proposed IHAs that there will not be an unmitigable adverse impact on subsistence uses from ADOT&PF's proposed activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Regional Office.

NMFS is proposing to authorize take of the Western DPS of Steller sea lions, and of the Mexico DPS of humpback whales, which are listed under the ESA. NMFS Office of Protected Resources has requested initiation of section 7 consultation with the Alaska Regional Office for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue three separate IHAs to ADOT&PF for conducting the specified construction activities at Cordova, Chenega, and Tatitlek between January 1, 2027 and December 31, 2027, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. Drafts of the proposed IHAs can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHAs for the proposed ferry terminal construction activities. We also request

comment on the potential for renewals of these proposed IHAs as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for these IHAs or subsequent renewal IHAs.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the Dates and Duration

section of this notice, provided all of the following conditions are met:

A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take);

- A preliminary monitoring report showing the results of the required

monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized; and

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: May 22, 2025.

Kimberly Damon-Randall,

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

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Part IV

The President

Memorandum of May 23, 2025—Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950: Reviving the Manufacturing and Defense Industrial Base for Munitions and Minerals

Memorandum of May 23, 2025—Unified Command Plan Change

Presidential Documents

Title 3—

Memorandum of May 23, 2025

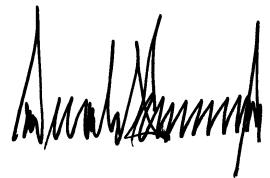
The President

Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950: Reviving the Manufacturing and Defense Industrial Base for Munitions and Minerals

Memorandum for the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 303 of the Defense Production Act of 1950, as amended (the “Act”) (title 50, U.S.C., § 4533), I hereby determine, pursuant to section 303(a)(7)(B) of the Act, that action is necessary to increase production capacity of munitions, missiles and associated equipment, and minerals and that shortfalls in these areas would severely impair national defense capability. Therefore, I waive the requirements of section 303(a)(2) through (a)(6) of the Act for supply chains associated with munitions, missiles and associated equipment, and critical minerals, as defined by title 30, U.S.C., § 1606(a)(3), as well as uranium, copper, potash, and gold.

Ensuring a robust, resilient, and sustainable domestic industrial base is essential to our national security and the preservation of domestic critical infrastructure. You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, May 23, 2025

Presidential Documents

Memorandum of May 23, 2025

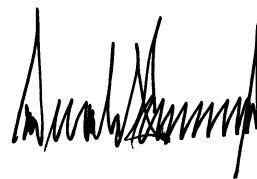
Unified Command Plan Change

Memorandum for the Secretary of Defense

Pursuant to my authority as Commander in Chief, I hereby approve and direct implementation of the revised 2022 Unified Command Plan requested by the Secretary of Defense on April 22, 2025.

Consistent with section 161(b)(2) of title 10, U.S. Code, and section 301 of title 3, U.S. Code, you are directed to notify Congress on my behalf.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, May 23, 2025

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Wednesday, June 4, 2025

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