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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2025–0070]

RIN 3150–AL33

List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 4 to Certificate of Compliance No. 1042. Amendment No. 4 changes the certificate of compliance to incorporate a method to determine new loading patterns, introduce a steel plate composite option, introduce the use of MAVRIC software for a confirmatory run of the HSM–MX dose rates, make technical specification changes for consistency and terminology clarification, make various updated final safety analysis report editorial corrections for consistency and clarification, add measured exposures from past loading campaigns, allow use of a blended Portland cement, change the use of the MX-Loading Crane, and clarify the scenarios under which the maximum heat loads can be reduced.

DATES: This direct final rule is effective October 14, 2025, unless significant adverse comments are received by August 28, 2025. If this direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration of only comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2025–0070, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

You can read a plain language description of this direct final rule at *https://www.regulations.gov/docket/NRC-2025-0070.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: George Tartal, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0016, email: *George.Tartal@nrc.gov.*

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0070 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0070. Address questions about NRC dockets to Helen Chang, telephone: 301–415–3228, email: *Helen.Chang@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–0070 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC

does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

The NRC is using the ''direct final rule procedure'' to issue this amendment because this action represents a limited and routine change to an existing certificate of compliance (CoC) that is expected to be non-controversial and, accordingly, is unlikely to result in significant adverse public comments. Adequate protection of public health and safety continues to be reasonably assured. The amendment to the rule will become effective on October 14, 2025. However, if the NRC receives significant adverse comments on this direct final rule by August 28, 2025, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register** or as otherwise appropriate. In general, absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule, CoC, or technical specifications (TS).

For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that ''[t]he Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the Nuclear Waste Policy Act states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule that added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on March 24, 2017 (82 FR 14987), that approved the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as CoC No. 1042.

This rule is limited to the changes contained in Amendment No. 4 to CoC No. 1042 and does not include other aspects of the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design.

IV. Discussion of Changes

On September 29, 2022, TN Americas LLC submitted a request to the NRC to amend CoC No. 1042. TN Americas LLC supplemented its request on the following dates: March 30, 2023, June 28, 2023, April 22, 2024, November 6, 2024, and February 12, 2025. Amendment No. 4 amends the CoC to make the following changes:

- For the EOS–37PTH, similar to the EOS–89BTH concept submitted under Amendment No. 3, incorporate a method to determine new loading patterns based on the maximum allowable heat load per dry shielded canister (DSC), identified as the maximum allowable heat load configuration (MHLC). The MHLC is applicable to the EOS–37PTH transferred in the EOS–TC125 and stored in the EOS-horizontal storage module (HSM). Two new heat load zone configurations (HLZCs) are applicable to this MHLC.
- Introduce a steel plate composite option for the EOS–HSM. The steel plate composite option allows for the HSM components to be constructed from concrete-filled integrated steel wall forms. The walls are tied together with tie bars and studs that are welded to the inside of the walls to provide concrete reinforcement. When used without distinction, EOS–HSM–SC refers to both the segmented and one-piece base. The EOS–HSM–SC is used only with the flat plate support structure.
- Introduce the use of MAVRIC software for a confirmatory run of the HSM–MX dose rates.
- Technical specification changes for consistency among DSC types and terminology clarification.
- Various updated final safety analysis report (UFSAR) editorial corrections for consistency and clarification.
- Add measured exposures from past loading campaigns to highlight that measured exposures are significantly less than calculated exposures.
- Add an additional scope item to allow use of a blended Portland cement that would be certified to the requirements of American Society for Testing and Materials (ASTM) C595. The reason for this change is that the cement supplier will no longer provide cement in accordance with ASTM C150 since the supplier is transitioning to a cement with a smaller carbon footprint that includes 10 percent limestone. This change supports continued EOS–HSM and EOS HSM–MX fabrication activities. In support of this additional scope, revise UFSAR sections 8.2.1.3, EOS HSM Horizontal Storage Module; 8.7, References; A.8.2.1.3, HSM–MX Horizontal Storage Module; and A.8.7, References. Also add an editorial clarification to UFSAR chapters 8 and A.8 regarding the use of a blended Portland cement that would be certified to the requirements of ASTM C595.
- Add an additional scope item related to the use of the MX-Loading Crane (LC) for the 61BTH Type 2 DSCs. The reason for this change is that, under Amendment No. 3, TN Americas LLC added detail to demonstrate the single failure proof capability of the MX–LC. That information was provided to demonstrate compliance with CoC No.

1042, Amendment No. 3, Condition 5 for lifts of the DSC and transfer cask above heights not analyzed for an accidental drop, and to comply with CoC No. 1042, Amendment No. 3, TS 5.2.1 for transfer cask/DSC lifting height limits. However, TN Americas LLC omitted addressing use of the MX–LC for the 61BTH DSCs. This change supports the continued use of the HSM–MX in conjunction with the MX–LC for 61BTH DSCs. In support of this additional scope, revise UFSAR sections B.9.1.6, DSC Transfer to the HSM–MX; B.9.2.1, DSC Retrieval from the HSM–MX; B.9.3, References; B.12.3.1, OS197 Transfer Cask (TC) Drop; and B.12.4, References.

• Add an additional scope item to clarify the scenarios under which the maximum heat loads can be reduced for EOS–37PTH. The reason for this change is to clarify the different site-specific conditions that could result in a reduction in the maximum heat load for existing HLZCs and to also note that one could develop new HLZCs based on the MHLC methodology described in UFSAR section 2.4.3.1. Add this clarifying language to the fourth paragraph on UFSAR page 2–10 and to page 2–2 of the TS.

The changes to the aforementioned documents are identified with revisions bars in the margin of each document.

As documented in the preliminary safety evaluation report, the NRC performed a safety evaluation of the proposed CoC amendment request. The NRC determined that this amendment does not reflect a significant change in design or fabrication of the cask. Specifically, the NRC determined that the design of the cask would continue to maintain confinement, shielding, and criticality control in the event of each evaluated accident condition. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 4 would remain well within the limits specified by 10 CFR part 20, ''Standards for Protection Against Radiation.'' Thus, the NRC found there will be no significant change in the types or amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

The NRC determined that the amended TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System cask design, when used under the conditions specified in the CoC, the TS, and the NRC's regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be reasonably assured. This direct final rule changes the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing in § 72.214 by adding Amendment No. 4 to CoC No. 1042. The amendment consists of the changes previously described, as set forth in the referenced CoC and TS. The referenced TS are identified in the preliminary safety evaluation report. When this direct final rule becomes effective, persons who hold a general license under § 72.210 may, consistent with the license conditions under § 72.212, load spent nuclear fuel into TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System casks that meet the criteria of Amendment No. 4 to CoC No. 1042.

V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC revises the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design listed in § 72.214, ''List of approved spent fuel storage casks.'' This action does not constitute the establishment of a standard that contains generally applicable requirements; therefore, the National Technology Transfer and Advancement Act is not applicable.

VI. Agreement State Compatibility

Under the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017, and published in the **Federal Register** on October 18, 2017 (82 FR 48535), this rule is classified as Compatibility Category NRC—Areas of Exclusive NRC Regulatory Authority. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR chapter I. Therefore, compatibility is not required for program elements in this category.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

VIII. Environmental Assessment and Finding of No Significant Impact

Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC has determined that this direct final rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment. This environmental assessment and finding of no significant impact can be tracked with identification number NEPA ID EAXX–429–00–000–1743148474.

A. The Action

The action is to amend § 72.214 to change the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 4 to CoC No. 1042.

B. The Need for the Action

This direct final rule amends the CoC for the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design within the list of approved spent fuel storage casks to allow power reactor licensees to store spent fuel at reactor sites in casks with the approved modifications under a general license. Specifically, Amendment No. 4 changes the CoC to incorporate a method to determine new loading patterns, introduce a steel plate composite option, introduce the use of MAVRIC software for a confirmatory run of the HSM–MX dose rates, make TS changes for consistency and terminology clarification, make various UFSAR editorial corrections for consistency and clarification, add measured exposures from past loading campaigns, allow use of a blended Portland cement, change the use of the MX–LC, and clarify the scenarios under which the maximum heat loads can be reduced.

C. Environmental Impacts of the Action

On July 18,1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was

analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 4 tiers off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act of 1969, as amended.

The TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an independent spent fuel storage installation, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, can include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

This amendment does not reflect a significant change in design or fabrication of the cask. Because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 4 would remain well within the 10 CFR part 20 limits.

The NRC has also determined that the design of the cask as modified by this rule would continue to maintain confinement, shielding, and criticality control in the event of an accident. Therefore, the proposed changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposures, and no significant increase in the potential for, or consequences from, radiological accidents. The NRC documented its safety findings in the preliminary safety evaluation report.

D. Alternative to the Action

The alternative to this action is to deny approval of Amendment No. 4 and not issue the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System in accordance with the changes described in proposed Amendment No. 4 would have to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee. The environmental impacts would be the same as the proposed action.

E. Alternative Use of Resources

Approval of Amendment No. 4 to CoC No. 1042 would result in no irreversible and irretrievable commitments of Federal resources.

F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.'' Based on the foregoing environmental assessment, the NRC concludes that this direct final rule, ''List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 4,'' will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

IX. Paperwork Reduction Act Statement

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, approval number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

X. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this direct final rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and TN Americas LLC. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

XI. Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if (1) it notifies the NRC in advance; (2) the spent fuel is stored under the conditions specified in the cask's CoC; and (3) the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On March 24, 2017 (82 FR 14987), the NRC issued an amendment to 10 CFR part 72 that approved the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System by adding it to the list of NRC-approved cask designs in § 72.214.

On September 29, 2022, and as supplemented on March 30, 2023, June 28, 2023, April 22, 2024, November 6, 2024, and February 12, 2025, TN Americas LLC submitted a request to amend the NUHOMS® EOS Dry Spent Fuel Storage System as described in section IV, ''Discussion of Changes,'' of this document.

The alternative to this action is to withhold approval of Amendment No. 4 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System under the changes described in Amendment No. 4 to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the preliminary safety evaluation report and environmental assessment, this direct final rule will have no adverse effect on

public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of this direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory; therefore, this action is justified.

XII. Backfitting and Issue Finality

The NRC has determined that this direct final rule does not constitute backfitting under § 72.62. This direct final rule adds an amendment to CoC No. 1042 for the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, as currently listed in § 72.214. The amendment consists of the changes in Amendment No. 4 previously described, as set forth in the amended CoC and TS.

Amendment No. 4 to CoC No. 1042 for the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System was initiated by TN Americas LLC and was not submitted in response to new NRC requirements or an NRC request for amendment. Certificate of compliance holders like TN Americas LLC are not within the scope of the backfit rule in § 72.62 because they do not hold a 10 CFR part 72 license. Additionally, Amendment No. 4 applies only to new casks fabricated and used under Amendment No. 4. These changes do not affect existing users of the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, and the previous Amendment No. 3 continues to be effective for existing users. Although current users of this storage system may comply with the new requirements in Amendment No. 4, this would be a voluntary decision on the part of current users. Therefore, Amendment No. 4 does not meet the definition of backfitting in § 72.62.

For these reasons, Amendment No. 4 to CoC No. 1042 does not constitute backfitting under § 72.62.

XIII. Regulatory Planning and Review

Executive Order (E.O.) 12866, as amended by E.O. 14215, provides that the Office of Information and Regulatory Affairs (OIRA) will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA determined that this direct final rule is not a significant regulatory action under E.O. 12866.

XIV. Congressional Review Act

This direct final rule is not a rule as defined in the Congressional Review Act.

XV. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS Accession No./ **Federal Register** Citation
Proposed Certificate of Compliance	
"Proposed CoC No.1042—EOS Amendment No. 4"	ML25078A250
Preliminary Safety Evaluation Report	
"PSER—EOS Amendment No. 4"	ML25078A252
Proposed Conditions for Cask Use and Technical Specifications	
"Proposed Technical Specifications—EOS Amendment No. 4"	ML25078A251
Environmental Documents	
"Storage of Spent Fuel In NRC-Approved Storage Casks at Power Reactor Sites" Final Rule (July 18, 1990)	55 FR 29181
TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System Amendment Application Documents	
"Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 0 (Docket 72–1042)," September 29, 2022.	ML22272A575
"TN Americas LLC Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 1—Response to Request for Supplemental Information," March 30, 2023.	ML23089A175
"Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 2 (Docket 72–1042, CAC No. 001028, EPID: L–2022–LLA–0017)—Supplemental Responses to Request for Supplemental Information," June 28, 2023.	ML23179A120
"TN Americas LLC, Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 3 (Docket 72–1042, CAC No. 001028, EPID: L–2022–LLA–0017)—Response to Request for Additional Information," April 22, 2024.	ML24113A307
"Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 4 (Docket 72–1042, CAC No. 001028, EPID: L–2022–LLA–0017)—Revised Response to Request for Additional Information," November 6, 2024.	ML24311A209
"Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 5 (Docket 72–1042, CAC No. 001028, EPID: L–2022–LLA–0017)—Supplemental Responses to Request for Additional Information," February 12, 2025.	ML25043A122
Other Documents	
"Agreement State Program Policy Statement; Correction." (October 18, 2017)	82 FR 48535
Presidential Memorandum, "Plain Language in Government Writing." (June 10, 1998)	63 FR 31885
List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042: Direct Final Rule, March 24, 2017.	82 FR 14987
List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment 3: Direct Final Rule, May 2, 2023.	88 FR 27397

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2025–0070. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder NRC–2025–0070; (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72:

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance No. 1042 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1042.

Initial Certificate Effective Date: June 7, 2017.

Amendment Number 1 Effective Date: June 17, 2020.

Amendment Number 2 Effective Date: October 26, 2021.

Amendment Number 3 Effective Date: July 17, 2023.

Amendment Number 4 Effective Date: October 14, 2025.

SAR Submitted by: TN Americas LLC.

SAR Title: Final Safety Analysis Report for the NUHOMS® EOS Dry Spent Fuel Storage System.

Docket Number: 72–1042.

Certificate Expiration Date: June 7, 2037.

Model Number: EOS–37PTH, EOS–89BTH, 61BTH Type 2.

* * * * *

Dated: July 17, 2025.

For the Nuclear Regulatory Commission.

Michael King,

Acting Executive Director for Operations.

[FR Doc. 2025–14294 Filed 7–28–25; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1722; Project Identifier AD–2025–01176–T; Amendment 39–23094; AD 2025–15–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2025–01–08, which applied to all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes. AD 2025–01–08 required identifying the part number, and the serial number if applicable, of the Captain's and First Officer's seats and applicable on-condition actions for affected seats. AD 2025–01–08 also required a one-time detailed inspection and repetitive checks of the horizontal movement system (HMS) of the Captain's and First Officer's seats and applicable on-condition actions. Since the FAA issued AD 2025–01–08, the FAA determined that AD 2025–01–08 contains an error when providing conditions for taking credit using a previous revision of the service information. This AD requires the actions of AD 2025–01–08 and revises paragraph (j) of this AD to clarify which actions are not required. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 13, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 19, 2025 (90 FR 9382, February 12, 2025).

The FAA must receive comments on this AD by September 12, 2025.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2025–1722; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Boulevard, MC 110–SK57, Seal Beach, CA 90740–5600; phone 562–797–1717; website *myboeingfleet.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2025–1722.

FOR FURTHER INFORMATION CONTACT: Julie Linn, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206–231–3584; email *Julie.Linn@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No.

FAA–2025–1722 and Project Identifier AD–2025–01176–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Julie Linn, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206–231–3584; email *Julie.Linn@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2025–01–08, Amendment 39–22932 (90 FR 9382, February 12, 2025) (AD 2025–01–08), for all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes. AD 2025–01–08 superseded AD 2019–22–02, Amendment 39–19781 (84 FR 67854, December 12, 2019), and required identifying the part number, and the serial number if applicable, of the Captain's and First Officer's seats and applicable on-condition actions for affected seats, including inspecting the fore and aft and vertical manual control levers for looseness, installing serviceable seats, and doing a seat functional test after any cable adjustment. AD 2025–01–08 also required a one-time detailed inspection and repetitive checks of the HMS of the Captain's and First Officer's seats and applicable on-condition actions, including clearing the seat tracks of foreign object debris (FOD), overhauling the HMS, and replacing the horizontal stabilizer. AD 2025–01–08 was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. The FAA issued AD 2025–01–08 to address uncommanded fore and aft movement of the Captain's and First Officer's seats which, during a critical part of a flight such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

Actions Since AD 2025–01–08 Was Issued

Since the FAA issued AD 2025–01–08, the FAA determined that paragraph (j) of AD 2025–01–08 inadvertently provided credit for the actions in both paragraphs (g) and (h) of AD 2025–01–08 for a seat that met the criteria in any row in Table 1 to paragraph (j) of AD 2025–01–08. The FAA intended to provide credit for the actions in paragraph (g) of AD 2025–01–08 if the airplane records show that a seat meets the conditions pertaining to Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018; and credit for the actions in paragraph (h) of AD 2025–01–08 if the airplane records show that an Ipeco Captain's or First Officer's seat meets the conditions pertaining to Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018.

FAA's Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023, which the Director of the Federal Register approved for incorporation by reference as of March 19, 2025 (90 FR 9382, February 12, 2025).

The FAA also reviewed Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023, which the Director of the Federal Register approved for incorporation by reference as of March 19, 2025 (90 FR 9382, February 12, 2025).

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

AD Requirements

This AD retains all requirements of AD 2025–10–08, except that this AD corrects paragraph (j) of AD 2025–01–08. This AD requires accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this AD.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because of the urgency to correct AD 2025–01–08 to ensure compliance. AD 2025–01–08 does not fully address the unsafe condition because it allows operators to forego complying with required corrective actions and inspections when the Captain's or First Officer's seat has not met the necessary conditions. Paragraph (j) of AD 2025–01–08 incorrectly provides credit for all actions in the AD when the credit should be tied to the service information applicable to the airplane configuration. Without limiting the extent of the credit given, the unsafe condition still exists. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest, pursuant to 5 U.S.C. 553(b).

In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 162 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS PER SEAT

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Identification, seat (retained actions from AD 2025–01–08).	1 work-hour × $85 per hour = $85	$0	$85	$13,770.
Detailed inspection, HMS (retained actions from AD 2025–01–08).	1 work-hour × $85 per hour = $85	0	$85	$13,770.
Checks, HMS (retained actions from AD 2025–01–08).	2 work-hours × $85 per hour = $170 per check cycle.	0	$170 per check cycle.	$27,540 per check cycle.

The FAA estimates the following costs to do any on-condition actions that would be required based on the results of the inspection. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ON-CONDITION ACTIONS PER SEAT *

Action	Labor cost	Parts cost	Cost per product
Adjustment, control lever cable	1 work-hour × $85 per hour = $85	$0	$85.
Overhaul, HMS	11 work-hours × $85 per hour = $935	Up to $5,824	Up to $6,759.
Inspection of each seat's fore/aft and vertical manual control levers.	1 work-hour × $85 per hour = $85 per seat	$0	$85 per seat.
Installation of serviceable seats	1 work-hour × $85 per hour = $85 per seat	$0	$85 per seat.
Clearing FOD	1 work-hour × $85 per hour = $85 per seat	$0	$85 per seat.
Replacement of the horizontal actuator	1 work-hour × $85 per hour = $85 per actuator.	$7,937 per actuator	$8,022 per actuator.
Operational test, adjusted control lever cable	1 work-hour × $85 per hour = $85 per seat	$0	$85 per seat.

* The estimated cost for tooling to align an affected seat for adjustment of the control lever cable is up to $46,064.

The FAA has received no definitive data that would enable the FAA to provide cost estimates for the optional terminating action for the repetitive checks specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2025–01–08, Amendment 39–22932 (90 FR 9382, February 12, 2025); and

■ b. Adding the following new AD:

2025–15–07 The Boeing Company: Amendment 39–23094; Docket No. FAA–2025–1722; Project Identifier AD–2025–01176–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 13, 2025.

(b) Affected ADs

This AD replaces AD 2025–01–08, Amendment 39–22932 (90 FR 9382, February 12, 2025) (AD 2025–01–08).

(c) Applicability

This AD applies to all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–

400F, 747–8F, and 747–8 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. The FAA is issuing this AD to address uncommanded fore and aft movement of the Captain's and First Officer's seats. The unsafe condition, if not addressed, could result in an uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, and could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

(f) Compliance

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

(g) Seat Part Number Identification and On-Condition Actions

Except as specified by paragraphs (i) and (j) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023, do an inspection to determine the part number, and serial number as applicable, of the Captain's and First Officer's seats, and all applicable on-condition actions identified in, and in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the Captain's and First Officer's seats can be conclusively determined from that review.

(h) Detailed Inspection, and Repetitive Checks of Horizontal Movement System and On-Condition Actions

Except as specified by paragraphs (i) and (j) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023. Actions identified as terminating action in Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023, terminate the applicable required actions of this AD, provided the terminating action is done in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023.

(i) Exceptions to Service Information Specifications

(1) Where the ''Compliance'' paragraph of Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023, refers to the original issue date of this service bulletin, this AD requires using January 16, 2020 (the effective date of AD 2019–22–02, Amendment 39–19781 (84 FR 67854, December 12, 2019) (AD 2019–22–02), which was superseded by AD 2025–01–08).

(2) Where the ''Compliance'' paragraph of Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023, refers to 72 months after the original issue date of this service bulletin, this AD requires using 36 months after January 16, 2020 (the effective date of AD 2019–22–02).

(3) Where the ''Compliance'' paragraph of Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023, refers to the Revision 2 date of this service bulletin, this AD requires using the March 19, 2025 (the effective date of AD 2025–01–08).

(j) Acceptable Conditions for Compliance

If the airplane records show that an Ipeco Captain's or First Officer's seat installed on an airplane meets the conditions in any of the eleven rows for Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 20218, in Table 1 to paragraph (j) of this AD, then the actions in paragraph (g) of this AD are not required for that seat. If the airplane records show that an Ipeco Captain's or First Officer's seat meets the conditions in any of the three rows for Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, in Table 1 to paragraph (j) of this AD, then the actions specified in paragraph (h) of this AD are not required for that seat.

TABLE 1 TO PARAGRAPH (j)—ALTERNATIVE ACCEPTABLE SEATS

Actions done in accordance with Boeing Special Attention Service Bulletin—	Actions done in accordance with Ipeco Service Bulletin—	Having Ipeco P/N—	And additional required conditions—
747–25–3644, Revision 1, dated July 17, 2018.	None	3A258–0041–01–2 or 3A258–0042–01–2.	No additional conditions required.
747–25–3644, Revision 1, dated July 17, 2018.	097–25–02, Issue 1, dated October 2, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020.	3A090–0027–01–1 or 3A090–0028–01–1.	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–10–94, Revision 10, dated September 13, 2019, or subsequent revisions up to and including Revision 15, dated August 10, 2021.
747–25–3644, Revision 1, dated July 17, 2018.	107–25–03, Issue 1, dated October 2, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020.	3A090–0055–01–1 or 3A090–0056–01–1.	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–10–97, Revision 14, dated December 5, 2013, and subsequent revisions up to and including Revision 22, dated March 19, 2021.
747–25–3644, Revision 1, dated July 17, 2018.	112–25–02, Issue 1, dated November 4, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 18, 2020; or Issue 4, dated May 7, 2021.	3A090–0065–01–1 or 3A090–0066–01–1.	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–11–01, Revision 9, dated September 20, 2013, and subsequent revisions up to and including Revision 18, dated December 19, 2021.
747–25–3644, Revision 1, dated July 17, 2018.	209–25–02, Issue 1, dated November 13, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020.	3A090–0075–01–1 or 3A090–0076–01–1.	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–11–32, Revision 4, dated September 27, 2013, and subsequent revisions up to and including Revision 9, dated July 23, 2020.

TABLE 1 TO PARAGRAPH (j)—ALTERNATIVE ACCEPTABLE SEATS—Continued

Actions done in accordance with Boeing Special Attention Service Bulletin—	Actions done in accordance with Ipeco Service Bulletin—	Having Ipeco P/N—	And additional required conditions—
747–25–3644, Revision 1, dated July 17, 2018.	211–25–04, Issue 1, dated November 4, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020.	3A090–0079–01–1 or 3A090–0080–01–1.	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–10–79, Revision 23, dated September 5, 2013, and subsequent revisions up to and including Revision 31, dated July 23, 2020.
747–25–3644, Revision 1, dated July 17, 2018.	212–25–03, Issue 1, dated November 4, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 4, 2020.	3A090–0081–01–1 or 3A090–0082–01–1.	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–10–80, Revision 9, dated September 27, 2013, and subsequent revisions up to and including Revision 15, dated July 23, 2020.
747–25–3644, Revision 1, dated July 17, 2018.	258–25–08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021.	3A258–0041–01–1 or 3A258–0042–01–1.	Does not have a serial number identified by the effectivity of the referenced Ipeco Service Bulletins.
747–25–3644, Revision 1, dated July 17, 2018.	258–25–08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021.	3A258–0041–01–1 or 3A258–0042–01–1.	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–11–38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 53, dated December 4, 2023.
747–25–3644, Revision 1, dated July 17, 2018.	258–25–08, Issue 6, dated January 28, 2021.	3A258–0041–01–1Z or 3A258–0042–01–1Z.	Does not have a serial number identified by the effectivity of the referenced Ipeco Service Bulletin.
747–25–3644, Revision 1, dated July 17, 2018.	258–25–08, Issue 6, dated January 28, 2021.	3A258–0041–01–1Z or 3A258–0042–01–1Z.	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25–11–38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 53, dated December 4, 2023.
747–25–3653, Revision 1, dated October 19, 2018.	None	3A258–0041–01–2, 3A258–0041–01–1Z, 3A258–0042–01–2 or 3A258–0042–01–1Z.	No additional conditions required.
747–25–3653, Revision 1, dated October 19, 2018.	258–25–13, Issue 3, dated November 27, 2017; or Issue 4, dated April 28, 2020, or Issue 5; dated November 1, 2021.	3A258–0041–01–1 or 3A258–0042–01–1.	Has a horizontal actuator with Artus part number AD8650503 at ''Amendment C'' or later.
747–25–3653, Revision 1, dated October 19, 2018.	258-25-14, Issue 4, dated January 29, 2018; or Issue 5, dated April 28, 2020.	3A258–0041–01–1 or 3A258–0042–01–1.	Has a horizontal actuator with Artus part number AD8650503 at ''Amendment C'' or later.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (i) of this AD: For material that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(4)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

For more information about this AD, contact Julie Linn, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206–231–3584; email *Julie.Linn@faa.gov*.

(m) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on March 19, 2025 (90 FR 9382, February 12, 2025).

(i) Boeing Special Attention Service Bulletin 747–25–3644, Revision 2, dated January 27, 2023.

(ii) Boeing Special Attention Service Bulletin 747–25–3653, Revision 2, dated January 27, 2023.

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

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

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

Issued on July 25, 2025.

Peter A. White,

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

[FR Doc. 2025–14354 Filed 7–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM25–3–000; Order No. 909]

Reliability Standards for Frequency and Voltage Protection Settings and Ride-Through for Inverter-Based Resources

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) approves proposed Reliability Standard PRC–024–4 (Frequency and Voltage Protection Settings for Synchronous Generators, Type 1 and Type 2 Wind Resources, and Synchronous Condensers), Reliability Standard PRC–029–1 (Frequency and Voltage Ride-through Requirements for Inverter-Based Resources), and a definition of ''Ride-through,'' which the North American Electric Reliability Corporation (NERC) submitted in response to a Commission directive. In addition, the Commission directs NERC to clarify documentation requirements for legacy equipment needed to support an exemption request pursuant to Reliability Standard PRC–029–1; to consider whether, and if so how, to address a total of two exception- and exemption-related issues raised by commenters; and to submit an informational filing that assesses the reliability impact of the exemptions to Reliability Standard PRC–029–1.

DATES: This rule is effective August 28, 2025.

FOR FURTHER INFORMATION CONTACT:

Syed Ahmad (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8718, *Syed.Ahmad@ferc.gov*

Boris Voynik (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8902, *Boris.Voynik@ferc.gov*

Hampden T. Macbeth (Legal Information), Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8957, *Hampden.Macbeth@ferc.gov*

Felicia West (Legal Information), Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8948, *Felicia.West@ferc.gov*

SUPPLEMENTARY INFORMATION:

1. Pursuant to section 215(d)(2) of the Federal Power Act (FPA),[1] the Commission approves the proposed Protection and Control (PRC) Reliability Standard PRC–024–4 (Frequency and Voltage Protection Settings for Synchronous Generators, Type 1 and Type 2 Wind Resources, and Synchronous Condensers), Reliability Standard PRC–029–1 (Frequency and Voltage Ride-through Requirements for Inverter-Based Resources), and the proposed definition of the term Ride-through, which the North American Electric Reliability Corporation (NERC) submitted in response to Commission directives in Order No. 901.[2] We also approve the associated violation risk factors and violation severity levels, implementation plan, and effective date, as well as the retirement of currently effective Reliability Standard PRC–024–3. We approve the proposed Reliability Standards and proposed definition because they improve the reliability of the Bulk-Power System by establishing Ride-through performance requirements that mitigate inverter-based resource (IBR) tripping and momentary cessation.[3]

2. While the final rule largely adopts the Notice of Proposed Rulemaking's[4] (NOPR) proposals, some commenters raise a concern that additional specificity is needed regarding the acceptable documentation to support an exemption for legacy IBRs pursuant to Requirement 4 of Reliability Standard PRC–029–1. As discussed below, we agree that entities would benefit from greater clarity on documentation obligations and direct that NERC, within 12 months of the effective date of this final rule, submit a responsive modification to the Reliability Standard, for example, by expanding the non-exhaustive list for IBR generator owners of acceptable types of evidence of a hardware limitation that prevents the IBR from meeting the ride-through[5] criteria in proposed Requirements R1 through R3. We also direct NERC to submit, to the Commission, an informational filing 18 months after the conclusion of the exemption request period in proposed Reliability Standard PRC–029–1, Requirement R4 that assesses the reliability impact of the exemptions to the Standard.

3. In Order No. 901, the Commission stressed the need for comprehensive and timely Reliability Standards to address the well-documented reliability impacts of IBRs.[6] With that frame of reference, the Commission in Order No. 901 allowed NERC to craft ''a limited and documented'' exemption to ride-

[1] 16 U.S.C. 824o(d)(2).

[2] *Reliability Standards to Address Inverter-Based Res.*, Order No. 901, 88 FR 74250 (Oct. 30, 2023), 185 FERC ¶ 61,042 (2023).

[3] *See id.* PP 50–52.

[4] *Reliability Standards for Frequency & Voltage Protection Settings & Ride-Through for Inverter-Based Res.*, Notice of Proposed Rulemaking, 90 FR 6845 (Jan. 21, 2025), 189 FERC ¶ 61,212 (2025) (NOPR).

[5] This final rule uses the phrase ''Ride-through'' to refer to the proposed definition of the term ''Ride-through'' and uses the phrase ''ride-through'' to refer to the act of an IBR staying connected to the Bulk-Power System through a voltage or frequency system disturbance.

[6] Order No. 901, 185 FERC ¶ 61,042 at PP 5, 190, 226 (''[W]e emphasize that industry has been aware of and alerted to the need to address the impacts of IBRs . . . since at least 2016.'').

through performance requirements ''for existing IBRs with equipment limitations.'' [7] NERC's proposed Reliability Standard hews close to the Commission's expectations. Some commenters responding to the NOPR seek modifications to the ride-through provisions to address two concerns. First, according to commenters, certain High-Voltage Direct Current (HVDC)-connected IBRs cannot meet the entire ride-through criteria in Requirement R1 without risking thermal damage to equipment and therefore should receive an exception. Second, while the ride-through exemption [8] in Reliability Standard PRC–029–1, Requirement 4 is limited to existing IBRs (*i.e.,* ''an IBR that is in-service by the effective date of PRC–029–1'') some commenters advocate that the exemption provision should accommodate long-lead time projects, meaning IBR facilities that are currently under development but will not be in-service on the effective date of PRC–029–1. Commenters adjure that without changes to the exemption provision to accommodate these concerns, existing IBR projects may be forced into early retirement and planned IBR projects under construction may be cancelled before reaching operation, thereby removing generation resources from the grid.

4. As discussed in detail below, it appears that commenters have articulated colorable concerns that were not raised in comments to prior Commission orders in this proceeding. We believe that these matters deserve a more complete vetting in the NERC standards development process given the lack of discussion in the record. Accordingly, we direct NERC through its standard development process to determine whether, and if so how, to account for these concerns. If NERC deems appropriate, NERC may develop appropriate solutions for the two issues raised by commenters beyond the narrow parameter set forth in Order No. 901 for exceptions or exemptions from ride-through requirements. Within 12 months of the effective date of this final rule, we direct NERC to submit to the Commission its determination and, if it deems appropriate, any proposed modifications to Reliability Standard PRC–029–1.

5. While providing latitude to address these two concerns raised by commenters, NERC and industry should be mindful of the Commission's overarching concerns expressed in Order No. 901 that a comprehensive and timely resolution is needed so that IBR performance no longer poses a threat to the reliable operation of the Bulk-Power System. With that in mind, to the extent that NERC develops modifications pertaining to long-lead time projects, this final rule should serve as notice that future IBR projects must fully satisfy the ride-through performance requirements (and not later dates as suggested by some commenters).

I. Background

A. Section 215 and Mandatory Reliability Standards

6. Section 215 of the FPA provides that the Commission may certify an Electric Reliability Organization (ERO), the purpose of which is to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval.[9] Reliability Standards may be enforced by the ERO, subject to Commission oversight, or by the Commission independently.[10] Pursuant to section 215 of the FPA, the Commission established a process to select and certify an ERO,[11] and subsequently certified NERC.[12]

B. Order No. 901

7. In Order No. 901, the Commission explained, among other things, that the majority of installed IBRs use grid-following inverters, which can track grid state parameters (*e.g.,* voltage angle) in milliseconds and react nearly instantaneously to changing grid conditions.[13] The Commission then explained that, as found by multiple NERC reports,[14] some IBRs ''are not configured or programmed to support grid voltage and frequency in the event of a system disturbance, and, as a result, will reduce power output, exhibit momentary cessation, or trip in response to variations in system voltage or frequency.'' [15]

8. Therefore, the Commission directed NERC to develop new or modified Reliability Standards pertaining to IBRs in four areas: (1) data sharing; (2) model validation; (3) planning and operational studies; and (4) performance requirements.[16] The Commission required NERC to submit, by November 4, 2024, new or modified Reliability Standards that require registered IBR generator owners and operators to use appropriate settings ''to ride through frequency and voltage system disturbances.'' [17]

9. The Commission mandated that the new or modified ride-through Reliability Standards must require registered IBRs to continue to inject current within an established no trip-zone and perform frequency support during Bulk-Power System disturbances. The Commission directed that the new or modified Reliability Standards must establish requirements for post-disturbance ramp rates and phase lock loop synchronization, and other known causes of IBR tripping or momentary cessation.[18]

10. In response to commenters on the NOPR preceding the issuance of Order No. 901, the Commission declined to direct NERC to specifically reference Institute of Electrical and Electronics Engineers (IEEE) standards in new or modified Reliability Standards developed in response to the Order. The Commission concluded that the record in the proceeding provided no support for the conclusion that the performance requirements of IEEE standard 2800–2022 (IEEE 2800–2022) [19] are preferable to NERC's Reliability Standards or would adequately address the reliability concerns identified in Order No. 901. Instead, the Commission provided NERC the discretion to consider whether and how to reference IEEE standards, including IEEE 2800–2022, in the new or modified Reliability Standards.[20]

11. The Commission also recognized that some older IBRs may have equipment limitations such that IBR owners would have to physically replace their hardware and may have settings and configurations that IBR owners could not modify through software updates, and in such

[7] *Id.* P 193 (noting that the exemption would apply to ''typically older IBR technology with hardware that needs to be physically replaced . . .'').

[8] An exemption under Requirement R4 means that an IBR is exempted in perpetuity or until the hardware is replaced from meeting portions of the voltage and frequency ride-through criteria of Requirements R1 through R3 that the hardware was not designed to meet.

[9] 16 U.S.C. 824o(c).

[10] *Id.* 824o(e).

[11] *Rules Concerning Certification of the Elec. Reliability Org.; & Procs. for the Establishment, Approval, & Enf't of Elec. Reliability Standards,* Order No. 672, 71 FR 8662 (Feb. 17, 2006), 114 FERC ¶ 61,104, *order on reh'g,* Order No. 672–A, 71 FR 19814 (Apr. 18,2006), 114 FERC ¶ 61,328 (2006); *see also* 18 CFR 39.4(b).

[12] *N. Am. Elec. Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g and compliance,* 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa, Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009) (Certification Order).

[13] Order No. 901, 185 FERC ¶ 61,042 at P 12.

[14] *Id.* P 26 n.53 (listing 12 NERC reports describing IBR behavior during disturbances).

[15] *Id.* P 12 (footnotes omitted).

[16] *E.g., id.* PP 1, 5, 53.

[17] *Id.* P 190.

[18] *Id.* P 5.

[19] IEEE 2800–2022 is a voluntary industry standard for transmission connected IBRs that is intended to enhance the operating performance and control capabilities of IBRs. *Id.* P 36.

[20] *Id.* P 195.

circumstances, could not implement voltage ride-through performance requirements. Thus, the Commission directed NERC to ''determine whether the new or modified Reliability Standards should provide for a limited and documented exemption for certain registered IBRs from voltage ride through performance requirements.'' [21] The Commission added that if NERC determined that an exemption is appropriate, the new or modified Reliability Standards should mitigate the reliability impacts to the Bulk-Power System of such an exemption.[22] The Commission also directed NERC to ensure exemptions would only be for ''those existing IBRs that are unable to modify their coordinated protection and control settings to meet the requirements without physical modification of the IBRs' equipment.'' [23]

C. NERC Petition

12. On November 4, 2024, in response to Order No. 901, NERC submitted for Commission approval the proposed definition of the term Ride-through for the NERC Glossary of Terms Used in Reliability Standards (Glossary of Terms), proposed Reliability Standards PRC–024–4 and PRC–029–1, the associated violation risk factors and violation severity levels, implementation plans and effective dates for Reliability Standards PRC–024–4 and PRC–029–1, and the retirement of currently effective Reliability Standard PRC–024–3. NERC asserted that proposed Reliability Standards PRC–024–4 and PRC–029–1 would ensure that applicable Bulk-Power System-connected resources ride-through system disturbances.[24]

1. Addition of Defined Term Ride-Through to NERC Glossary of Terms

13. NERC stated that proposed Reliability Standard PRC–029–1 uses the term Ride-through, which NERC proposed to include in the NERC Glossary of Terms. NERC explained that the term Ride-through would mean that ''the plant/facility remains connected and continues to operate through voltage or frequency system disturbances.'' [25]

2. Proposed Reliability Standard PRC–024–4

14. NERC explained that proposed Reliability Standard PRC–024–4 removes language relating to IBR functionality in Requirements R1 through R4 because IBR performance requirements are included in proposed Reliability Standard PRC–029–1. Instead, proposed Reliability Standard PRC–024–4 would maintain capability-based requirements for synchronous generators, synchronous condensers, and type 1 and type 2 wind resources.[26] Moreover, NERC explained that, because synchronous units do not require performance-based requirements to ride-through system disturbances, proposed Reliability Standard PRC–024–4 would continue to address ride-through compatible frequency and voltage protection setting ranges for synchronous generators, synchronous condensers, and type 1 and type 2 wind resources.[27]

3. Proposed Reliability Standard PRC–029–1

15. NERC explained that proposed Reliability Standard PRC–029–1 would address directives in Order No. 901 by establishing frequency and voltage ride-through performance requirements for generator owners of IBRs.

a. Proposed Requirement R1

16. Under proposed Requirement R1, each generator owner of a NERC-registered IBR must ''ensure the design and operation is such that each IBR meets or exceeds Ride-through requirements, in accordance with the 'must Ride-through zone' as specified in Attachment 1'' of proposed Reliability Standard PRC–029–1, except in four conditions to protect hardware from incurring damage, as specified by the Standard.[28]

17. NERC explained that it adopted the IEEE 2800–2022's terminology for ''must ride-through zones,'' which are defined in terms of voltage and frequency magnitude and time duration.[29] NERC explained that it considered, but ultimately rejected, ride-through criteria more stringent than set forth in IEEE 2800–2022 due to industry comments raised during the IBR technical conference conveyed by NERC (September 2024 Technical Conference).[30]

18. NERC asserted that proposed Requirement R1 is responsive to the directive that NERC develop performance-based Reliability Standards that require IBRs to ride-through voltage system disturbances and require post-disturbance ramp rates to return to pre-disturbance levels.[31] Additionally, NERC asserted that the provision in proposed Requirement R1 requiring IBRs to meet or exceed ride-through requirements in Attachment 1 of proposed Reliability Standard PRC–029–1 that restricts the use of momentary cessation satisfies the directive to prohibit momentary cessation in the no-trip zone during disturbances.[32]

19. In addition, Attachment 1, Tables 1 and 2 (the Tables) establish performance voltage ride-through criteria, which include minimum ride-through time requirements for voltage per unit by operation region.[33] Points 7 through 9 of Attachment 1 establish a minimum ride-through time of up to four deviations [34] of the applicable system voltage over a cumulative 10 second measurement window, which covers the 10 second period from the first voltage deviation and up to the fourth voltage deviation.[35] During the

[21] *Id.* P 193.

[22] *Id.* P 199.

[23] *Id.* P 193.

[24] NERC Petition at 1, 19–20.

[25] *Id.* at 23.

[26] *Id.* at 15. NERC explained that consistent with the then-proposed definition for IBRs in the NERC Glossary of Terms, type 1 and type 2 wind resources are not considered IBRs. On February 20, 2025, the Commission approved NERC's proposed definition for IBRs as: ''A plant/facility consisting of individual devices that are capable of exporting Real Power through a power electronic interface(s) such as an inverter or converter, and that are operated together as a single resource at a common point of interconnection to the electric system.'' Examples of IBRs include, but are not limited to, plants/facilities with solar photovoltaic (PV), Type 3 and Type 4 wind, battery energy storage system (BESS), and fuel cell devices. *N. Am. Elec. Reliability Corp.,* 190 FERC ¶ 61,098, at PP 3 n.9, 12 (2025) (delegated order) (Milestone 2 Delegated Order).

[27] NERC Petition at 49.

[28] *Id.* at 25, 29.

[29] *Id.* at 26.

[30] *Id.* at 27. Following the failure of the third ballot on proposed Reliability Standard PRC–024–4 and proposed Reliability Standard PRC–029–1, NERC convened the September 2024 Technical Conference under section 321 of the NERC Rules of Procedure to discuss issues surrounding the Order No. 901 directives. *Id.* at 22. Section 321 of the NERC Rules of Procedure allows the NERC Board of Trustees to take special actions when a ballot pool has ''failed to approve a proposed Reliability Standard that contains a provision to adequately address a specific matter identified in a directive issued'' by the Commission. NERC, *Rules of Procedure,* Sec. 321 (Nov. 28, 2023), *https://www.nerc.com/AboutNERC/pages/rules-of-procedure.aspx.*

[31] NERC Petition at 42.

[32] *Id.* at 42–43.

[33] *Id.,* Ex. A–3 (PRC–029–1), attach. 1.

[34] A deviation means a change in the applicable system voltage.

[35] Point 7 clarifies the voltage ride-through minimum time duration for two system conditions, as specified in the Tables. First, point 7 clarifies the minimum time duration per system voltage, as specified in the Tables' values during a disturbance. Second, point 7 clarifies the minimum time duration when the system voltage is continuously varying during a disturbance. Point 8 clarifies that the required voltage ride-through time in the mandatory and permissive operation regions, as specified in the Tables, is calculated over a 10 second measurement window for one or more system disturbances. Point 9 explains further that an IBR may trip when there are more than four voltage deviations within any cumulative 10 second

Continued

cumulative 10 second measurement window, the IBR must ride-through up to four deviations.[36]

b. Proposed Requirement R2

20. Under proposed Requirement R2, each generator owner of a NERC-registered IBR must adhere to voltage ride-through performance criteria during system disturbances, unless a documented hardware limitation exists in accordance with Requirement R4.[37] NERC asserted that proposed Requirement R2 satisfies the following directives: (1) that NERC develop performance-based Reliability Standards that require IBRs to ride-through voltage system disturbances; and (2) that IBRs inject current and perform frequency support during a disturbance by requiring IBRs remain connected and fulfill control and regulation functions to qualify as riding-through a system disturbance.[38] Proposed Requirement R2 defines specific ride-through performance requirements that an IBR must satisfy when voltage is within the regions specified in Attachment 1.

c. Proposed Requirement R3

21. Under proposed Requirement R3, each generator owner of a NERC-registered IBR must ensure that its IBR adheres to ride-through requirements during frequency excursion events by continuing to exchange current and remain electrically connected in accordance with the ''must ride-through zone,'' as specified in the proposed Reliability Standard's Attachment 2, and while the ''absolute rate of change of frequency (RoCoF) magnitude is less than or equal to 5 [hertz]/second, unless a documented hardware limitation exists in accordance with Requirement R4.'' [39]

22. NERC asserted that proposed Requirement R3 is responsive to the directive that NERC develop performance-based Reliability Standards that require IBRs to ride-through frequency system disturbances. Additionally, NERC contended that proposed Requirement R3 satisfies the directive that IBRs inject current and perform frequency support during a disturbance by requiring that IBRs remain connected and fulfill control and regulation functions to qualify as riding-through a system disturbance.[40]

d. Proposed Requirement R4

23. Proposed Requirement R4 would allow each generator owner of an existing legacy IBR to obtain an exemption to the ride-through requirements of Requirements R1 through R3. Specifically, Requirement R4 provides that ''[e]ach Generator Owner identifying an IBR that is in-service by the effective date of PRC–029–1, has known hardware limitations that prevent the IBR from meeting Ride-through criteria as detailed in Requirements R1–R3, and requires an exemption from specific Ride-through criteria shall . . . [d]ocument information supporting the identified hardware limitation.'' [41]

24. Each generator owner of an IBR must provide the information supporting the identified hardware limitation (unless it is considered proprietary by the original equipment manufacturer) to each planning coordinator, transmission planner, transmission operator, and reliability coordinator in the footprint in which the legacy IBR is located.[42] Moreover, the generator owner must submit documentation to the relevant Compliance Enforcement Authority—typically a Regional Entity—that ''must accept that all aspects of the documentation specified in proposed Requirement R4 have been provided by the Generator Owner before an exemption can [be] granted.'' [43]

25. NERC explained that it determined that an exemption process for generator owners of legacy IBRs for voltage and frequency performance requirements is necessary. In its petition, NERC stated the standard drafting team determined the ''anticipated difficulty of Generator Owners having to wholesale retrofit and redesign legacy facilities currently in operation would be unreasonable and unduly burdensome, and it could lead to undesirable impacts on reliability.'' [44] Further, NERC explained that the exemptions must be specific and limited to the voltage or frequency bands and associated duration that cannot be satisfied or to the number of cumulative voltage deviations within a 10 second measurement window that the equipment can ride-through if it is less than four deviations within any 10 second measurement window.[45]

26. NERC asserted that proposed Requirement R4 meets the directive that NERC determine whether the new or modified Reliability Standards should provide a limited and documented exemption from the voltage ride-through requirements for existing IBRs and equipment.[46] NERC determined that a frequency exemption was also necessary and appropriate because of hardware-based capability limitations for a significant number of installed IBRs, a concern that was raised during the September 2024 Technical Conference.[47]

27. Regarding the Commission directive to NERC to develop new or modified Reliability Standards to mitigate the reliability impacts to the Bulk-Power System of approved exemptions, NERC claimed that the reliability impacts of voltage and frequency ride-through exemptions are mitigated by existing Reliability Standards that address the responsibilities of transmission planners, planning coordinators, reliability coordinators, and transmission operators.[48] Moreover, under Milestone 4 of the Order No. 901 Work Plan,[49] NERC indicated that it will develop Reliability Standards that will help mitigate the reliability impact of the exemptions.[50]

D. Notice of Proposed Rulemaking

28. On December 19, 2024, the Commission issued a NOPR proposing to approve proposed Reliability Standards PRC–024–4 and PRC–029–1 and the proposed definition of the term Ride-through.[51]

29. The Commission also proposed to find that NERC reasonably determined it was appropriate to provide an

measurement window. NERC Petition, Ex. A–3, attach. 1.

[36] *Id.*

[37] *Id.* at 29.

[38] *Id.* at 42.

[39] *Id.* at 33.

[40] *Id.* at 42.

[41] *Id.* at 36–37.

[42] *Id.* at 37.

[43] *Id.* at 40.

[44] *Id.* at 38.

[45] *Id.* at 39–40.

[46] *Id.* at 44.

[47] *Id.* at 38–39.

[48] *Id.* at 46. *See also id.* n.67 (providing as examples existing Reliability Standards IRO–002–7 (Reliability Coordination—Monitoring and Analysis), IRO–008–3 (Reliability Coordinator Operational Analyses and Real-time Assessments), TOP–002–4 (Operations Planning), and TPL–001–5.1 (Transmission System Planning Performance Requirements)).

[49] Following the issuance of Order No. 901, NERC submitted an informational filing that included its Order No. 901 Work Plan with four key milestones for meeting the directives of Order No. 901. Milestone 1: submit Work Plan (completed Jan. 17, 2024). Milestone 2: submit new or modified Reliability Standards to address performance requirements and post-event performance validation for registered IBRs (completed with NERC's filing of the instant petition and two others on Nov. 4, 2024). Milestone 3: submit new or modified Reliability Standards to address data sharing and model validation by Nov. 4, 2025. Milestone 4: submit new or modified Reliability Standards to address planning and operational studies requirements for all IBRs by Nov. 4, 2026. NERC, Informational Filing Regarding the Development of Reliability Standards Responsive to Order No. 901, Docket No. RM22–12–000, at 6 (filed Jan. 17, 2024).

[50] NERC Petition at 46.

[51] NOPR, 189 FERC ¶ 61,212 at P 1.

exemption process for voltage and frequency ride-through requirements.[52] In the NOPR, the Commission proposed to direct that NERC submit two informational filings 12 months and 24 months after the conclusion of NERC's proposed 12-month exemption request period for existing IBRs to ''understand the volume of exemptions, the circumstances in which entities have invoked the exemption provision, and ultimately to understand what if any effect the exemption provision has on the efficacy of Reliability Standard PRC–029–1.'' [53]

30. In response to the NOPR, the Commission received 20 sets of comments.[54] A list of commenters appears in Appendix A.

31. Commenters generally support the NOPR proposal to approve the proposed definition of the term Ride-through [55] and proposed Reliability Standard PRC–024–4 as maintaining a protection-based standard for synchronous resources, as well as the removal of references to IBRs.[56] Although many commenters supported approving proposed Reliability Standard PRC–029–1,[57] several raised concerns with the exception and exemption provisions therein.[58]

II. Discussion

32. Pursuant to section 215(d)(2) of the FPA, we adopt the NOPR proposal and approve proposed Reliability Standards PRC–024–4 and PRC–029–1 and the proposed definition of Ride-through as just, reasonable, not unduly discriminatory or preferential, and in the public interest. Below, we discuss the following matters: (A) addition of the defined term Ride-through to the NERC Glossary of Terms; (B) proposed Reliability Standard PRC–024–4; (C) proposed Reliability Standard PRC–029–1; and (D) the Commission directive that NERC submit an informational filing.

A. Addition of Defined Term Ride-Through to NERC Glossary of Terms

33. As mentioned above, in the NOPR, the Commission proposed to approve NERC's proposal to define the term Ride-through as ''the plant/facility remains connected and continues to operate through voltage or frequency system disturbances.'' [59]

1. Comments

34. Commenters generally support the proposed definition of the term Ride-through.[60] For example, aligned ISOs/RTOs explain that requiring IBRs to ride-through disturbances necessitates documenting an agreed-upon definition of the term Ride-through in the NERC Glossary of Terms.[61] NERC explains in its comments that the definition establishes ''a clear understanding of what it means for a generator to Ride-through a disturbance'' by addressing ''abnormal tripping, interruption of current injection, and reduced power output, which lead to the unexpected loss of widespread generating resources.'' [62]

2. Commission Determination

35. Pursuant to section 215(d)(2) of the FPA, we adopt the NOPR proposal to approve the addition of the term Ride-through to the NERC Glossary of Terms. We find that the addition of the term will provide a clear and consistent understanding of the term when used in Reliability Standards. Further, the defined term Ride-through, when considered with proposed Reliability Standard PRC–029–1, is responsive to the directives in Order No. 901 to develop Reliability Standards that establish performance ride-through requirements for IBRs.[63]

B. Proposed Reliability Standard PRC–024–4

36. In the NOPR, the Commission proposed to approve proposed Reliability Standard PRC–024–4 as just, reasonable, not unduly discriminatory or preferential, and in the public interest and as consistent with applicable directives in Order No. 901.[64]

1. Comments

37. Commenters generally support, or do not oppose, the approval of proposed Reliability Standard PRC–024–4.[65] For example, aligned ISOs/RTOs support the approval of proposed Reliability Standard PRC–024–4 as consistent with the performance requirement directives of Order No. 901, explaining that it is a protection-based standard applicable only to synchronous generators, synchronous condensers, and type 1 and type 2 wind units. Aligned ISOs/RTOs also support removing references to IBRs in proposed Reliability Standard PRC–024–4 because IBRs will be subject to ride-through requirements in proposed Reliability Standard PRC–029–1.[66]

2. Commission Determination

38. Pursuant to section 215(d)(2) of the FPA, we adopt the NOPR proposal to approve proposed Reliability Standard PRC–024–4 as just, reasonable, not unduly discriminatory or preferential, and in the public interest. We find that removal of references to IBRs in proposed Reliability Standard PRC–024–4 because IBRs will be subject to ride-through performance requirements under proposed Reliability Standard PRC–029–1 is consistent with Order No. 901. In Order No. 901, the Commission provided NERC the discretion to modify PRC–024–3 or to develop a comprehensive Reliability Standard to satisfy the IBR ride-through performance requirement directives of Order No. 901.[67] NERC adopted the latter approach in developing Reliability Standard PRC–029–1, which necessitated the removal of references to IBRs in Reliability Standard PRC–024–4.

C. Proposed Reliability Standard PRC–029–1

39. In the NOPR, the Commission proposed to approve proposed

[52] *Id.* PP 29, 31, 32.

[53] *Id.* P 5.

[54] Unfrack FERC Coalition's comments fall outside the scope of this proceeding, and thus are not considered.

[55] *See* aligned ISOs/RTOs Comments at 4; EEI Initial Comments at 1; APS Comments at 2 (stating its support for EEI's comments); NERC Initial Comments at 2–4.

[56] *See* aligned ISOs/RTOs Comments at 4–5; Dominion Comments at 2; EEI Initial Comments at 1; APS Comments at 2 (stating its support for EEI's comments); LA PSC Comments at 1; NYISO Comments at 1. No comments were received in opposition to the proposed Standard.

[57] Aligned ISOs/RTOs Comments at 3; Elevate Comments at 12; LA PSC Comments at 1; NERC Initial Comments at 2–4; NYISO Comments at 1; NYSRC Comments at 8; Tesla Comments at 1. UCS does not explicitly support approving proposed Reliability Standard PRC–029–1; but states that it is ''generally in favor of ride-through requirements for all generation including IBRs.'' UCS Comments at 3.

[58] Clean Energy Associations Initial Comments at 10–17, 23–25; Deriva Comments at 5; Dominion Comments at 3–7; DNV Comments at 1–4; EEI Initial Comments at 2–3; Elevate Comments at 3–4, 9–10; Invenergy Initial Comments at 19–23, 32–36; LIPA Comments at 4–6; NYISO Comments at 2–3; NYSERDA Comments at 2–5; Ørsted Comments at 7–21; WIRAB Comments at 8.

[59] NERC Petition at 23.

[60] Aligned ISOs/RTOs Comments at 4; EEI Initial Comments at 1; APS Comments at 2 (stating its support for EEI's comments). No comments were received in opposition to the proposed definition.

[61] Aligned ISOs/RTOs Comments at 4.

[62] NERC Initial Comments at 2–3.

[63] Order No. 901, 185 FERC ¶ 61,042 at P 190.

[64] NOPR, 189 FERC ¶ 61,212 at PP 4, 31.

[65] *See* aligned ISOs/RTOs Comments at 4–5; Dominion Comments at 2; EEI Initial Comments at 1; APS Comments at 2 (stating its support for EEI's comments); LA PSC Comments at 1; NYISO Comments at 1. No comments were received in opposition to the proposed Standard.

[66] Aligned ISOs/RTOs Comments at 3–5. Aligned ISOs/RTOs also explain that if IBRs were not subject to proposed Reliability Standard PRC–029–1, it would be unjust and unreasonable and inconsistent with the public interest to remove the references to IBRs in proposed Reliability Standard PRC–024–4. *Id.* at 5 n.17.

[67] Order No. 901, 185 FERC ¶ 61,042 at P 210.

Reliability Standard PRC–029–1 as just, reasonable, not unduly discriminatory or preferential, and in the public interest.[68] The Commission preliminarily found that the proposed Reliability Standard is consistent with the ride-through performance requirement directives of Order No. 901, as generator owners of NERC-registered IBRs would need to comply with the performance requirements unless exempted under that Standard. The Commission deferred its determination of whether NERC met the Order No. 901 directives to develop new or modified Reliability Standards to mitigate the reliability impacts to the Bulk-Power System of exemptions from Reliability Standard PRC–029–1, until after NERC files its final tranche of IBR Reliability Standards with the Commission, due by November 4, 2026.[69]

40. While the Commission sought comment on all aspects of the proposed approval, the Commission expressed a particular interest in comments (as well as supporting materials where applicable) on: (1) the IBR performance requirement in Requirement R1; (2) the absolute rate of change of frequency in Requirement R3; [70] and (3) the adequacy of NERC's proposed exemption provision in Requirement R4.

41. In response to the NOPR, the Commission received comments about the proposed Standard on the following topics, discussed below: (1) approving the proposed Reliability Standard; (2) requests for a new exception under Requirement R1 for certain HVDC-connected IBRs and a new exemption under Requirement R4 for long-lead time projects; and (3) requests for clarity regarding the documentation necessary to secure exemptions.

1. Approving Proposed Reliability Standard PRC–029–1

a. General Comments

42. Many commenters generally support the Commission's proposal to approve proposed Reliability Standard PRC–029–1,[71] although one commenter opposes approval and asks that the Commission remand the standard.[72]

43. Among commenters supporting approval of Reliability Standard PRC–029–1, aligned ISOs/RTOs appreciate that the terms ''must ride-through zones'' and ''operation regions'' in Requirement R1 are drafted in a manner that ensures consistency with IEEE 2800–2022 and reduces confusion.[73] NERC explains that proposed Reliability Standard PRC–029–1 advances the reliability of the Bulk-Power System by establishing voltage and frequency ride-through criteria for IBRs to prevent unnecessary tripping and momentary cessation and ensuring that post-disturbance ramp rates are unrestricted and return to pre-disturbance power output levels.[74]

44. Ørsted asserts that proposed Reliability Standard PRC–029–1 is not just and reasonable or in the public interest because its requirements could cause project delays or cancellations, contributing to resource adequacy risks.[75] Ørsted proposes that the Commission remand proposed Reliability Standard PRC–029–1 because the proposed Standard does not satisfy several factors that the Commission must consider in determining whether a Reliability Standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest under Order No. 672.[76] Ørsted and LA PSC assert that the proposed Standard impermissibly violates an Order No. 672 factor—albeit for opposing reasons. Whereas Ørsted asserts that developing projects may be abandoned, decreasing generation when reserve margins are already tight and creating new system reliability and resource adequacy risks, violating the Order No. 672 factor that a Reliability Standard cannot have an undue negative effect on competition,[77] LA PSC avers that the Standard favors legacy IBR owners over ''other players in the energy market,'' which is a ''compromise that threatens the reliability of the Bulk-Power System.'' [78]

45. Certain commenters express concerns about individual provisions in proposed Reliability Standard PRC–029–1, discussed in more detail below.[79] For example, Elevate and Tesla note the lack of a requirement for grid strength and grid-forming capabilities in the proposed Standard, and call for future revisions to consider these issues.[80]

46. Other commenters raise concerns generally with the Standards drafting process.[81] For example, WIRAB recommends reviewing the standards development process to more efficiently incorporate industry feedback.[82] Some commenters also assert that concerns about the exemption [83] process in proposed Requirement R4 were unaddressed in the standard development process. Ørsted and Dominion claim the exemption process in proposed Requirement R4 ignores extensive comments during the standard development process that raised the concern that the exemption process does not account for projects that are in active development with contracted equipment not technically capable of satisfying the ride-through requirements of Requirements R1 through R3.[84]

47. In its reply comments, NERC explains that it provided for a fair and open stakeholder process by following its rules for providing notice and opportunity for public comment, due process, openness, and a balance of interests in developing the Standard through multiple ballot periods. Further, NERC avers it followed its Rule 321 procedure for the NERC Board of Trustees to act when a ballot pool has failed to approve a proposed Reliability Standard in response to a Commission directive; on the fourth ballot the Standard was approved.[85]

48. NERC disputes the assertion that proposed Reliability Standard PRC–029–1 will result in undue discrimination against IBRs relative to synchronous generators under proposed Reliability Standard PRC–024–4, disagreeing with commenter's assertions

[68] NOPR, 189 FERC ¶ 61,212 at P 27.

[69] *Id.* P 33.

[70] No commenters provided a response to the proposed approval of the absolute rate of change of frequency in Requirement R3.

[71] Aligned ISOs/RTOs Comments at 3; Elevate Comments at 12; LA PSC Comments at 1; NERC Initial Comments at 2–4; NYISO Comments at 1; NYSRC Comments at 8; Tesla Comments at 1.

[72] Ørsted Comments at 2–3.

[73] Aligned ISOs/RTOs Comments at 6.

[74] NERC Initial Comments at 3.

[75] Ørsted Comments at 2–3.

[76] *Id.* at 22–25.

[77] *Id.* at 23 (citing Order No. 672, 114 FERC ¶ 61,104 at P 332).

[78] While LA PSC maintains the Standard ''compromises'' reliability, it stops short of opposing the Standard; instead, it only ''questions the exemption's potential to undermine reliability'' and ''urges the expeditious approval and enforcement of Reliability Standards governing IBRs.'' LA PSC Comments at 7.

[79] *See e.g.,* APS, Clean Energy Associations, DNV, EEI, Elevate, Invenergy, LA PSC, LIPA, NYISO, NYSERDA, Tesla, and WIRAB.

[80] Elevate Comments at 7–8; Tesla Comments at 1.

[81] Ørsted Comments at 23; WIRAB Comments at 11–12.

[82] WIRAB Comments at 11–12.

[83] We note that commenters often use the word ''exception'' interchangeably with the word ''exemption,'' although ''exceptions'' are restricted to Requirement R1 when IBRs cannot ride-through disturbances in certain circumstances, and ''exemptions,'' under Requirement R4, are for legacy IBRs that cannot meet the ride-through requirements of Requirements R1 through R3 due to hardware limitations. Indeed, in Order No. 706, the Commission noted that an ''exemption'' is normally understood as a release from a responsibility, while an exception is ''an alternative obligation.'' *Mandatory Reliability Standards for Critical Infrastructure Protection,* Order No. 706, 73 FR 7368 (Feb. 7, 2008), 122 FERC ¶ 61,040, at P 184, *order on reh'g & clarification,* Order No. 706–A, 123 FERC ¶ 61,174 (2008). In summarizing comments, this final rule uses ''exception'' and ''exemption'' per commenters' use verbatim.

[84] Ørsted Comments at 12–14; Dominion Comments at 4.

[85] NERC Reply Comments at 3–6.

that synchronous generators and IBRs are similarly situated. NERC explains that in Order No. 901, the Commission directed NERC to develop proposed Reliability Standards that account for the technical differences between IBRs and synchronous generators because the currently effective Reliability Standards ''may not account for the material technological differences'' in responding to disturbances. NERC states that the Commission recognized that synchronous generators and IBRs do not require the same ride-through performance requirements because the cause of the ride-through issues impacting reliability for IBRs is different than that for synchronous generators. NERC states that in response, it developed proposed Reliability Standard PRC–024–4 as a protection-based standard applicable to synchronous generators, and proposed Reliability Standard PRC–029–1 as a performance-based standard applicable to IBRs.[86]

49. Additionally, NERC explains that the proposed Standard was narrowly developed to avoid undue negative effects on competition beyond what is necessary for reliability and to reflect consideration of the ''different natures of synchronous generators and IBRs.'' [87]

b. IEEE 2800–2022 Comments

50. Ørsted asserts that the proposed Reliability Standard did not consider ''other appropriate factors'' under Order No. 672 because NERC's petition did not discuss why exceptions due to hardware limitations in IEEE 2800–2022, such as are applicable to HVDC technology, could not be incorporated into the proposed Standard.[88] Ørsted also claims that ''a number of grid operators have adopted components of IEEE 2800[–2022], creating a conflict with the proposed Standard''.

51. In its petition and reply comments, NERC explains that it adopted IEEE 2800–2022 terminology for ''must ride-through zones'' and ''operation regions;'' but that it considered and rejected ride-through criteria more stringent than set forth in IEEE 2800–2022 due to industry comments raised during the September 2024 Technical Conference.[89]

52. Elevate, NYSRC, UCS, and WIRAB filed comments noting inconsistencies between proposed Reliability Standard PRC–029–1 and IEEE 2800–2022 and pointing to IEEE 2800–2022 as the preferred option for ride-through standards to address the Commission's concerns and directives in Order No. 901.[90] WIRAB is concerned that there may be conflicts between entities already adopting IEEE 2800–2022 and then needing to follow Reliability Standards with different requirements—recommending that this be resolved by indicating in the Standard that if an entity fully adopts IEEE 2800–2022, it would be compliant with proposed Reliability Standard PRC–029–1.[91]

53. Elevate avers that proposed Reliability Standard PRC–029–1 lacks many of the technical ''details, clarifications, and equipment considerations'' that are contained in IEEE 2800–2022.[92] Elevate and WIRAB point to several examples where they assert the language of IEEE 2800–2022 is more detailed, such as the explicit reference in IEEE 2800–2022 to 500 kilovolt (kV) systems that have equipment rated up to 550 kV,[93] and the lack of certain IEEE–2800–2022 terminology, such as ''active or reactive power priority modes.'' [94] Further, Elevate requests that the exceptions in IEEE 2800–2022 for self-protection of IBR equipment and for ride-through requirements during severe and sustained voltage unbalance conditions be added to the proposed Standard.[95] WIRAB requests that the lack of an exception for self-protection when negative-sequence voltage is greater than a specified duration and threshold in the proposed Standard be addressed.[96]

54. NERC replies that the Commission gave it discretion to consider ''whether and how to reference IEEE standards'' in Order No. 901.[97] NERC explains that there were several reasons that it found that full adoption of IEEE 2800–2022 was not appropriate, including that proposed Reliability Standard PRC–029–1 was developed to address the Commission's directives in Order No. 901, is more stringent than IEEE 2800–2022, and does not conflict with IEEE 2800–2022.[98]

c. Clarification of Terms and Provisions Comments

55. NYSRC requests that the Commission remand proposed Reliability Standard PRC–029–1 to NERC for revisions to address a series of ''ambiguities, impractical requirements, or contradictions with the apparent intent'' of the Standard that makes it difficult to meet the requirements as written.[99] For example, NYSRC requests that the Commission direct modifications to the Standard to provide that compliance enforcement authorities must apply their own judgment of reasonableness in interpreting the Standard because there is no exemption from meeting frequency ride-through requirements when voltage ride-through is not required. NYSRC avers that, if taken literally, the omission requires IBRs to ride-through any voltage magnitude, including a voltage level of zero, for an unlimited duration.[100]

56. Ørsted, Elevate, and NYSRC seek clarification on several terms and provisions in proposed Reliability Standard PRC–029–1. Ørsted claims that the undefined term in-service has neither a clear nor objective criteria to ensure it will be enforced in a consistent and non-preferential manner.[101] Elevate requests that the terms high voltage thresholds and time durations in proposed Requirement R2.4 and the term restore in proposed Requirement R2.5 be defined.[102] NYSRC requests that the reactive power limit in proposed Requirement R2.1.2 be defined and that the limit should be voltage dependent.[103]

57. Elevate contends that the language of proposed Requirements R2.1.1 and R2.1.3 conflict because Requirement R2.1.3 specifies performance only when the voltage is less than 0.95 per unit and is within the continuous operating range whereas Requirement R2.1.1 speaks to general performance in the continuous operating range and does not specify voltage criteria.[104] Elevate contends

[86] *Id.* at 15–17.

[87] *Id.* at 15–16.

[88] *Id.* at 24 (referring to an Order No. 672 factor that a Reliability Standard consider ''other appropriate factors'').

[89] NERC Petition at 26–27.

[90] *See generally* Elevate Comments at 3–7; NYSRC Comments at 4–7; UCS Comments at 4; WIRAB Comments at 7–10.

[91] WIRAB Comments at 10.

[92] Elevate Comments at 3.

[93] *Id.* at 3–7; WIRAB Comments at 9.

[94] Elevate Comments at 6.

[95] *Id.* at 4.

[96] WIRAB Comments at 9.

[97] NERC Reply Comments at 13 (citing Order No. 901, 185 FERC ¶ 61,042 at P 195).

[98] *Id.* at 14–15.

[99] NYSRC Comments at 3–4.

[100] *Id.* at 4.

[101] Ørsted Comments at 9 n.17 (describing the in-service date as ''arbitrary''), 23 (referring to an Order No. 672 factor that there be a clear and objective measurement of compliance for enforcement purposes); *see also* Invenergy Initial Comments at 19–20.

[102] Elevate Comments at 9.

[103] NYSRC Comments at 7.

[104] Requirement R2.1.1 requires that when the voltage at the high-side of the main power transformer remains within the continuous operation region in Attachment 1, each IBR shall continue to deliver the pre-disturbance level of Real Power or available Real Power, whichever is less. While Requirement R2.1.3 requires each IBR, when the voltage at the high-side of the main power

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that, as a result, satisfying proposed Requirement R2.1.1 can potentially result in a violation of proposed Requirement R2.1.3 and vice versa, and requests that the conflict be addressed in an updated version of the proposed Standard.[105] NYSRC also requests that the specification in Attachment 1, point 5 that the applicable voltage for the Tables is at the ''high-side of the main power transformer'' be modified to apply, consistent with the intent of the proposed Standard, at the transmission side of the transformer.[106]

58. LA PSC is concerned that IBRs that satisfy the design element to ride-through grid disturbances may not have their equipment set to meet the ride-through requirements and requests that generator owners be required to provide documentation that the IBR is programmed or set to meet ride-through requirements.[107]

d. Commission Determination

59. Pursuant to section 215(d)(2) of the FPA, we adopt the NOPR proposal to approve proposed Reliability Standard PRC–029–1 as just, reasonable, not unduly discriminatory or preferential, and in the public interest. Proposed Reliability Standard PRC–029–1 fulfills the IBR performance requirement directives of Order No. 901. We find that Requirements R1 through R3 will strengthen the reliability of the Bulk-Power System by addressing abnormal tripping, interruption of current injection, and reduced power output. Further, we conclude that NERC developed a reasonable process in Requirement R4 for generator owners to seek an exemption to Requirements R1 through R3 for hardware limitations.

60. We disagree with commenters' arguments that the proposed Reliability Standard does not satisfy multiple Order No. 672 factors or reflects issues with NERC's standards development process itself. In particular, we are not persuaded by Ørsted's claim that the exemption process in proposed Requirement R4 fails to provide clear and objective criteria for compliance because the phrase ''in-service date'' is undefined.[108] In-service date is a commonly used term and, while not controlling in Reliability Standards, is used in Commission orders in different contexts.[109] Further, NERC adhered to its Commission-approved [110] standards development process in developing the proposed Standard.[111]

61. Regarding the divergence of proposed Reliability Standard PRC–029–1 from IEEE 2800–2022, in Order No. 901 the Commission responded to commenters' suggestion of the need to align with or reference directly IEEE 2800–2022 ''in accordance with good utility practice as examples of technical minimum requirements.'' [112] As the Commission stated, NERC is best positioned through its standard development process to determine necessary technical requirements to ensure frequency and voltage ride-through.[113] Further, the Commission ''decline[d] to direct NERC to specifically reference IEEE standards in its new or modified Reliability Standards,'' noting that NERC has the discretion to consider whether and how to reference IEEE standards.[114] As the comments of Elevate and WIRAB point to provisions where proposed Reliability Standard PRC–029–1 diverge from IEEE 2800–2022 and ask them to align without explanation of what has changed from Order No. 901,[115] and do not provide an explanation of why NERC's proposed Standard is deficient in ensuring the reliable operation of the Bulk-Power System, we maintain the prior finding from Order No. 901.[116] Moreover, we find that Ørsted's argument that there is a conflict between grid operators that have adopted components of IEEE 2800–2022 and the proposed Standard is vague and fails to cite to a Commission-approved provision that supports the conclusion that there is such a conflict.

62. We decline to adopt Tesla's recommendation that the Commission direct NERC to add a requirement that new IBRs ''have grid-forming capabilities where technically and economically feasible.'' [117] We clarify that NERC continues to have discretion to consider new or modified standards regarding grid strengthening and grid-forming inverters, and we encourage NERC to remain proactive in using its standards development authority to ensure that IBR capabilities are leveraged appropriately.

63. We decline to direct NERC to revise the Standard to make additional clarifications or define terms as requested by some commenters. We find the Standard sufficiently clear and unambiguous regarding what is required of generator owners. However, we encourage NERC to consider the potential need for incremental changes to the Standard to address concerns, such as NYSRC's concern the Standard's reference to the ''high side'' could lead to noncompliance with the language of the Standard, or the possibility that IBRs may be noncompliant with the Standard if they fail to ride-through any voltage magnitude. We encourage NERC and its Regional Entities to use their available tools—appropriate enforcement discretion, targeted oversight activities, compliance and enforcement guidance, and the compliance feedback loop to standards development—to ensure consistency, reasonably address noncompliance that does not impact reliability, and to identify, assess, and implement any need for additional improvements to the Standard through its approved processes.

2. Exceptions and Exemptions to the Requirements of the Reliability Standard

64. In the NOPR, the Commission, in proposing to approve Reliability Standard PRC–029–1, also proposed to

transformer remains within the continuous operation region in Attachment 1, to prioritize Real Power or Reactive Power when the voltage is less than 0.95 per unit, the voltage is within the continuous operating region, and the IBR cannot deliver both Real Power and Reactive Power due to a current limit or Reactive Power limit. NERC Petition at 29.

[105] Elevate Comments at 8–9.

[106] NYSRC Comments at 7–8.

[107] LA PSC Comments at 3–4.

[108] *See, e.g.,* Ørsted Comments at 23.

[109] *See, e.g., Improvements to Generator Interconnection Procs. & Agreements,* Order No. 2023, 88 FR 61014 (Sept. 6, 2023), 184 FERC ¶ 61,054, at Appendix C, § 7 (2023) (defining in-service date as ''the date upon which the Interconnection Customer reasonably expects it will be ready to begin use of the Transmission Provider's Interconnection Facilities to obtain back feed power''). *See also Mandatory Reliability Standards for the Bulk-Power Sys.,* Order No. 693, 72 FR 16416 (Apr. 4, 2007), 118 FERC ¶ 61,218, at PP 275–276, *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007) (discussing appropriate level of detail and precision in Reliability Standards with regard to compliance and enforceability).

[110] Certification Order, 116 FERC ¶ 61,062 at P 250 (finding that NERC's proposed rules of procedure ''provide for reasonable notice and opportunity for public comment, due process, openness, and a balance of interests in developing Reliability Standards'').

[111] *See* NERC Petition, Ex. G (Summary of Development and Complete Record of Development); NERC Reply Comments at 3–6.

[112] *See e.g.* Order No. 901, 185 FERC ¶ 61,042 at P 184 (citing Electric Power Research Institute Initial NOPR Comments at 5).

[113] *Id.* P 192.

[114] *Id.* P 195.

[115] Absent new or changed circumstances, ''it is contrary to sound administrative practice and a waste of resources to relitigate issues in succeeding cases once those issues have been finally determined.'' *Alamito Co.,* 41 FERC ¶ 61,312, at 61,829 (1987), *order on reh'g,* 43 FERC ¶ 61,274 (1988) (citing *Cent. Kan. Power Co.,* 5 FERC ¶ 61,291, at 61,621 (1978)); *see also Pac. Gas & Elec. Co.,* 121 FERC ¶ 61,065, at PP 42–43 (2007) (explaining that the preclusive effect of collateral estoppel ends when a party presents new evidence, and finding in that case that there was no new evidence or significantly changed circumstances that would warrant re-litigation of the decided issue).

[116] Order No. 901, 185 FERC ¶ 61,042 at P 195 (finding that ''. . . NERC has the discretion to consider during its standards development process whether and how to reference IEEE standards in the new or modified Reliability Standards'').

[117] Tesla Comments at 1.

find ''that NERC reasonably determined that an exemption process for generator owners of legacy IBRs for voltage and frequency performance requirements'' in Requirement R4 of the Standard is appropriate.[118] The Commission sought comments on ''the adequacy of NERC's proposed exemption provision in Requirement R4 as it pertains to both projects in[-]service and those under contract, but not yet in-service as of the effective date of Reliability Standard PRC–029–1.'' [119] Further, the Commission requested that comments discussing whether the exemption provision is too broad or too narrow should address the risks and benefits for enlarging or narrowing the scope of the exemption provision with ''detailed, quantified, and fact-based support.'' [120]

a. General Comments

65. With one exception, commenters generally support the exemption request process in the proposed Standard. Clean Energy Associations support the availability of an exemption from frequency ride-through requirements in the proposed Standard because a large percentage of IBR fleets could not comply with the frequency ride-through requirements, imperiling resource adequacy.[121] EEI also supports maintaining the exemption for legacy IBRs in proposed Reliability Standard PRC–029–1.[122] Deriva, in expressing support for the exemption process in proposed Requirement R4, explains that legacy IBRs will not be able to comply with the proposed Standard; newer compliant equipment cannot fit within existing legacy IBRs; and applicable zoning and regulations will not accommodate compliant equipment. Consequently, Derivia requests that the Commission, in approving the proposed Standard, ''incorporate and emphasize'' NERC's statement that generator owners' legacy IBRs unable to meet full compliance with PRC–029–1 without a wholesale retrofit or redesign would not be obligated to undertake the wholesale retrofit or redesign.[123]

66. Aligned ISOs/RTOs, while supporting proposed Reliability Standard PRC–029–1 as ''a broadly-applicable standard that is applied in a manner that limits exemptions to limited and rare circumstances,'' [124] add that they ''would not support . . . broader exemptions or exemptions driven by cost of non-hardware limitations (e.g., control systems and software).'' [125] Aligned ISOs/RTOs note that the exemption process in proposed Requirement R4 does not contemplate that exemption requests will also be submitted to system operators, such as ISOs and RTOs. Aligned ISOs/RTOs support the standard as written based on the common understanding that nothing in the proposed Standard prohibits ISOs and RTOs from seeking information or submittals regarding exemption requests pursuant to their existing tariff authority.[126]

67. LA PSC argues that the exemption process as written in proposed Requirement R4 favors legacy IBR owners at the expense of Bulk-Power System reliability and that there is no way to determine the impact of the exemptions until 2028 or 2029 when the Standard is fully implemented.[127] Further, LA PSC asserts that NERC's mitigation of these exemptions through future Reliability Standards does not address the need for transmission owners and transmission operators to plan and respond for an ''unknown number of IBRs disconnecting at any time in the future, in an unanticipated manner.'' [128] Thus, LA PSC recommends shortening the period for entities to request exemptions and considering additional mitigation measures to protect the Bulk-Power System.[129]

68. Multiple commenters note their understanding that the exemption ''only applies to the limited portion of the frequency or voltage ride-through zone for which the pre-existing hardware was not designed to meet.'' [130] Clean Energy Associations note that an IBR that receives an exemption is still required to make settings changes and software updates that would permit it to satisfy the rest of the ride-through curves in the proposed Standard.[131] Clean Energy Associations and Invenergy explain that exempted IBRs would be able to ride-through the types of disturbances that led the Commission to issue Order No. 901.[132] WIRAB recommends IBRs with exemptions still ride through to their full capability.[133]

69. In its reply comments, NERC explains that the exemption for legacy IBRs in proposed Requirement R4, including the 12-month timeframe to request an exemption, is consistent with the directive in Order No. 901 to determine whether to provide a limited and documented exemption to existing IBRs and equipment. NERC also notes that an IBR that receives an exemption must perform per the capability of the plant while accounting for the limitation to mitigate the reliability impact of the exemption. NERC claims that it found that exemptions were necessary because otherwise the proposed Standard would require entities to take units offline to retrofit or risk noncompliance.[134]

b. HVDC-Connected IBRs With Choppers Comments

70. Several commenters, including Invenergy, Ørsted and Clean Energy Associations seek an additional exemption for HVDC-connected IBRs with choppers.[135] Commenters explain that voltage source converter-HVDC transmission technology is commonly used in modern offshore wind projects and typically relies on equipment known as choppers to protect the converter during fault conditions by dissipating excess power during grid faults that cause low voltage at the point of interconnection.[136] Invenergy notes

[118] NOPR, 189 FERC ¶ 61,212 at P 33.

[119] *Id.* P 34.

[120] *Id.*

[121] Clean Energy Associations Initial Comments at 25–33.

[122] EEI Reply Comments at 3.

[123] Deriva Comments at 2–3, 5.

[124] Aligned ISOs/RTOs Comments at 5.

[125] *Id.* at 7 n.22.

[126] *Id.* at 7.

[127] LA PSC Comments at 6.

[128] *Id.* at 7.

[129] *Id.* at 6.

[130] Clean Energy Associations Reply Comments at 2; Invenergy Reply Comments at 2. *See also* EEI Reply Comments at 2 (stating that the exemption process is ''already designed to be narrow'' and requires generator owners to be specific to the portion of the ride-through criteria that the IBR cannot meet).

[131] Clean Energy Associations Reply Comments at 2.

[132] Clean Energy Associations Initial Comments at 7; Invenergy Initial Comments at 9.

[133] WIRAB Comments at 6.

[134] NERC Reply Comments at 6–10.

[135] An IBR that is connected to the Bulk-Power System using a voltage source converter-HVDC system with a chopper circuit is referred to in this final rule as a HVDC-connected IBR with choppers. A voltage source converter-HVDC system consists of a high-voltage DC line with two converters (rectifier and inverter) at both ends of the DC line. The voltage source converter-HVDC system is capable of mimicking synchronous generation by producing an almost perfect sinusoidal voltage on the AC side of the converter. European Network of Transmission Sys. Operators for Elec., *HVDC Links in System Operations* 13 (2019), *https://eepublicdownloads.entsoe.eu/clean-documents/SOC%20documents/20191203_HVDC%20links%20in%20system%20operations.pdf.* A chopper circuit is a component of the voltage source converter-HVDC system and is typically used to dissipate excess power during faults. It can be placed in the DC system of a voltage source converter-HVDC-connected offshore wind project to absorb excess energy and maintain DC voltage at an acceptable level during a fault to allow voltage source converter-HVDC-connected IBRs to ride-through voltage disturbances.

[136] HVDC-connected IBRs with choppers should be able to ride-through individual voltage deviations. However, the voltage ride-through capability of HVDC-connected IBRs with choppers are limited by the energy absorption capability and thermal design of the DC chopper. Once activated to absorb energy, the DC chopper needs time to cool down before it can be activated again to absorb energy. Therefore, the HVDC-connected IBR with

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that a chopper circuit has a thermal limit that is designed to trip the HVDC system if the duration of the energy dissipation exceeds two seconds.[137] Commenters explain that during system faults, voltage dips and the power cannot be transferred and therefore must be dissipated.[138] Ørsted further indicates that the HVDC chopper cool down period is a function of the technology and could take 30 minutes to five hours.[139] Thus, commenters aver that HVDC-connected IBRs with choppers lack the capability to meet the cumulative 10 second measurement ride-through window set forth in Attachment 1 of proposed Reliability Standard PRC–029–1 because a chopper's thermal limit requires tripping the HVDC system to prevent overheating and thermal damage beyond two seconds.[140]

71. Commenters also explain that designing HVDC-connected IBRs with choppers that can comply with the ride-through requirements of Attachment 1 cannot be done in a cost-effective and timely manner. Clean Energy Associations explain that there is no cost-effective option yet available to meet the full ride-through requirements, and manufacturers may not be able to meet compliance deadlines for the proposed Standard.[141] Ørsted explains that original equipment manufacturers will need at least seven years to produce HVDC-connected IBRs with choppers that can comply with the ride-through requirement ''given global demand and supply chain issues (the current wait time for [voltage source converter]-HVDC is approximately seven years).'' [142]

72. Commenters assert that the 10 second cumulative duration requirement in Attachment 1 could contribute to resource adequacy issues in certain parts of the country as new HVDC-connected IBRs with choppers would not be able to come online. Similarly, LIPA contends that the ''infeasible requirements'' of proposed Reliability Standard PRC–029–1 ''will delay or impede resources critical to maintaining adequate generation capacity to meet future system needs.'' [143] Likewise, Clean Energy Associations indicate 3.7 GW of HVDC-connected offshore wind projects with choppers could be impacted by Requirement R1.[144]

73. Ørsted claims that the Standard was not developed in an open and fair manner, as required by an Order No. 672 factor. First, it avers this is because the process did not align the Standard with ''global standards and practices'' [145] (*i.e.,* the Standard, unlike the global IEEE 2800–2022 standard, does not recognize HVDC-connected IBRs with choppers' thermal limitation).[146] Second, Ørsted also asserts that stakeholder engagement was limited, ''perhaps in part due to the compressed standards development time.'' [147]

74. Commenters advance a range of proposals in response to the concerns they identify with HVDC-connected IBRs with choppers complying with proposed Attachment 1. Clean Energy Associations request that the Commission direct NERC to revise proposed Reliability Standard PRC–029–1 to include a provision that recognizes the thermal limit of HVDC-connected IBRs with choppers as in IEEE 2800–2022.[148] Invenergy and LIPA propose that the proposed Reliability Standard PRC–029–1 be modified to provide HVDC-connected IBRs with choppers an exception to the ride-through requirements of Requirement R1.[149] Clean Energy Associations also suggest either amending the PRC–029–1 implementation plan or issuing a compliance guidance document to clarify the HVDC issues.[150]

75. In its reply comments, NERC explains that the proposed Standard was drafted consistent with the limited discretion provided to NERC in Order No. 901 to include exemptions for existing IBRs.[151] NERC explains that Order No. 901 directed NERC, in developing IBR performance ride-through Reliability Standards, to determine whether any exemptions were appropriate for voltage ride-through requirements for existing IBRs and equipment and required NERC to mitigate the reliability impact on the Bulk-Power System of any exemptions deemed necessary. NERC states after the September 2024 Technical Conference, its staff and the Standards Committee concluded that there was insufficient data available to evaluate potential impacts of allowing an unknown amount of HVDC-connected IBRs with choppers to seek an exemption. Thus, to address the directive in Order No. 901 to mitigate the reliability impact of exemptions, NERC crafted the exemptions to be technology neutral to ensure fairness across all IBR technologies and limited the exemption to existing IBRs and equipment.[152]

76. NERC believes an exemption for HVDC-connected IBRs with choppers exceeds the discretion provided to NERC in Order No. 901. However, NERC requests that should the Commission determine that HVDC-connected IBRs with choppers warrant an exemption, that it ''be as specific as possible regarding the technology included and the timeframe that should be considered for any such exemption.'' [153]

77. In response to NERC's reply comments, Invenergy answers that unlike the exemption process in Requirement R4 that only applies to existing legacy IBRs, consistent with the exemption directives in Order No. 901, the relief it seeks for HVDC-connected IBRs with choppers would apply to existing and future equipment. Invenergy also avers that a modification to proposed Reliability Standard PRC–029–1 to avoid damage to chopper equipment is consistent with Order No. 901's language ''that permit IBR tripping only to protect the IBR equipment.'' [154]

c. Long-Lead Time Projects Comments

78. Several commenters express concern that limiting exemptions under

choppers' ability to ride-through consecutive voltage deviations is not clear, as it is a function of the energy absorption capability and thermal design of the DC chopper.

[137] Invenergy Initial Comments at 5–6.

[138] *Id.* at 5–6; Ørsted Comments at 18–19, attach. B (Affidavit of Ewgenij Starschich), at 5 n.1, attach. B–1 (Email from Eugen Starschich to Jamie Calderon et al.), at 2.

[139] Ørsted Comments, Att. B–1, at 2.

[140] Invenergy Initial Comments at 33; NYSERDA Comments at 4; *see* Ørsted Comments at 19.

[141] *See, e.g.,* Clean Energy Associations Initial Comments at 23, 25. *See also* DNV Comments at 2 (explaining that designing choppers compliant with the ride-through requirements of Attachment 1 will require larger chopper designs, unreasonably increasing the cost of HVDC-connected IBRs with choppers); Invenergy Initial Comments at 35 (noting the ''unavailability of a cost-effective design option for [HVDC-connected IBRs with choppers] to ride through more than 2 seconds of voltage disturbances (while absorbing rate power)'').

[142] Ørsted Comments at 21.

[143] LIPA Comments at 5.

[144] *See* Clean Energy Associations Initial Comments at 14–15 (counting 1.6 GW, 900 MW, and 1,200 MW of members' long-lead time offshore wind projects as HVDC-connected IBRs with choppers because offshore wind projects in the United States exclusively use choppers).

[145] Ørsted Comments at 23 (referring to an Order No. 672 factor that a Reliability Standard be developed in an open and fair manner).

[146] *See id.,* Att. B, at 10 (stating that proposed Reliability Standard PRC–029–1 is misaligned with ''global needs and standards'' and then mentioning the ''energy capability limitation'' recognized in IEEE 2800–2022).

[147] *Id.* at 23.

[148] Clean Energy Associations Initial Comments at 24. *See also* DNV Comments at 2 (''PRC–029–1 and IEEE 2800–2022 should be aligned regarding the technical design requirements of choppers.''); Elevate Comments at 3–4; NYSERDA Comments at 5; Ørsted Comments at 2, 25.

[149] Invenergy Initial Comments at 35; LIPA Comments at 5.

[150] Clean Energy Associations Initial Comments at 25.

[151] NERC Reply Comments at 9, 11.

[152] *Id.* at 12.

[153] *Id.*

[154] Invenergy Answer at 2–4.

requirement R4 to legacy IBRs that are in-service as of the effective date of Reliability Standard PRC–029–1 fails to account for the long-lead time between adopting IBR design specifications and placing the IBR in-service. EEI requests that the exemption process be expanded to accommodate long-lead time projects.[155] Clean Energy Associations note that officials from original equipment manufacturers indicated at the September 2024 Technical Conference that the product design and development timeline for IBRs is at least five years.[156] Thus, Clean Energy Associations aver that it is ''unworkable'' to base exemptions on the in-service date for projects already in development but which will not be in service when the Standard becomes effective.[157] Invenergy claims that conditioning exemption eligibility on the in-service date presents ''an unacceptable compliance gamble that is unjust and unreasonable'' because a long-developed IBR that is not in-service on the date the proposed Standard becomes effective will not be able to use the exemption process.[158]

79. Several commenters raise concerns about the economic and financial impact of providing an exemption only to legacy IBRs. Ørsted explains that for IBR projects that have already made non-refundable financial commitments, it can make projects uneconomical and result in delays to change the design, acquire new real estate, obtain new permits, or procure new equipment, as would be necessitated by the exemption process in Requirement R4.[159] Clean Energy Associations provide an example of a 600 megawatt (MW) wind facility in Oklahoma that has procured a model of wind turbines that will face a delay of up to two years and incur an additional $551 million in replacement and retrofit costs to comply with the Standard as written.[160] Dominion asserts that the current exemption process in proposed Requirement R4 could put ''billions of dollars of investment'' at risk.[161]

80. Commenters also raise the concern that failing to account for long-lead time projects could contribute to resource adequacy constraints. Clean Energy Associations claim to have identified 22.1 gigawatts (GW) of resources from members that have executed interconnection agreements or procured equipment that are not yet in-service and cannot fully comply with the requirements of the Standard. Clean Energy Associations assert that this quantity of resources is large enough that failing to accommodate these resources will ''affect resource adequacy and reliability by preventing their timely completion'' and reduce electric reliability on net by delaying the interconnection of IBR facilities.[162]

81. Ørsted and Dominion claim the exemption process in proposed Requirement R4 ignores extensive comments during the standard development process that raised the concern that the exemption process does not account for projects that are in active development with contracted equipment not technically capable of satisfying the ride-through requirements of Requirements R1 through R3.[163]

82. Clean Energy Associations claim that the ability for resources with executed contracts to secure an exemption is more consistent with the ability of any resource—new, existing, or planned—''to obtain exemptions under PRC–024.'' [164] Clean Energy Associations aver that synchronous resources, subject to Reliability Standard PRC–024, and IBRs are similarly situated with regard to the need for exemptions, so differential treatment of the resources if the exemption process in Requirement R4 is left as is, would represent undue discrimination.[165]

83. Commenters offer proposals for how to incorporate long-lead time projects into the exemption process in proposed Requirement R4. Most proposals center around providing exemptions to IBR projects that have executed generator interconnection agreements and executed design, procurement, and/or construction agreements by the effective date of Reliability Standard PRC–029–1.[166]

84. In comparison, Dominion repeatedly describes the 12-month period to seek an exemption under Requirement R4 as ''arbitrary,'' [167] while Clean Energy Associations appear to request that generator owners of legacy IBRs have up to 36 months—instead of 12—to request an exemption.[168]

85. NERC rejects the assertion that, because synchronous generators and IBRs are allegedly similarly situated, proposed Reliability Standard PRC–029–1 will result in undue discrimination against IBRs relative to synchronous generators under proposed Reliability Standard PRC–024–4. NERC explains that in Order No. 901, the Commission directed NERC to develop proposed Reliability Standards that account for the technical differences between IBRs and synchronous generators because the currently effective Reliability Standards ''may not account for the material technological differences'' in responding to

[155] EEI Reply Comments at 3.

[156] Clean Energy Associations Initial Comments at 11. *See also* EEI Initial Comments at 3; Ørsted Comments at 9 (''long-lead time technology, procurement contracts are entered into 3–5 years before construction begins'').

[157] Clean Energy Associations Initial Comments at 10; *see also* LIPA Comments at 5–6 (''It is infeasible for IBR projects that are already in the advanced stages of development, after the interconnection agreement is signed and long lead-time equipment has been ordered, to modify the design and specifications of the IBR plant and its equipment to comply with PRC–029–1.'').

[158] Invenergy Initial Comments at 19–20. Invenergy also avers that it is unjust and unreasonable to condition exemption eligibility on the in-service date because generator owners cannot control commercial operations timing due to transmission owner and network upgrade supply chain delays. *Id.* at 20–21. *See also* Ørsted Comments at 9 n.17.

[159] Ørsted Comments at 8. *See also* Dominion Comments at 5–6 (indicating that replacing non-compliant hardware for one of its smaller IBRs for nearly $7 million could make the project non-economical).

[160] Clean Energy Associations Initial Comments at 13–14. Clean Energy Associations also provide an example of a 250 MW solar facility in Ohio that has already procured inverters and could face a delay of up to two years and incur an additional $19 million in costs to comply with proposed Reliability Standard PRC–029–1. *Id.* at 14.

[161] Dominion Comments at 5. *See also* Clean Energy Associations Initial Comments at 28 (explaining that developers that operate the 270 GW IBR fleet, which represents an investment of hundreds of billions of dollars, have no viable path to compliance with proposed Reliability Standard PRC–029–1 as written); EEI Initial Comments at 3.

[162] Clean Energy Associations Initial Comments at 11. *See also* Dominion Comments at 5; Invenergy Initial Comments at 18 (resource adequacy threatened if 2 GW of capacity with executed interconnection and procurement agreements is unable to come online because it is not eligible for an exemption); LIPA Comments at 6 (declining to extend the exception for legacy IBRs to long-lead time projects may contribute to ''extensive IBR project delays or even cancellations,'' which may lead to an ''inability for the power system to meet future resource adequacy requirements''); NYSERDA Comments at 3.

[163] Ørsted Comments at 12–14; Dominion Comments at 3.

[164] Proposed Reliability Standard PRC–024–4, Requirement R3 allows for an exception to Requirements R1 or R2 for known regulatory or equipment limitations that prevents the generator or condenser from meeting the protection setting criteria.

[165] Clean Energy Associations Initial Comments at 17.

[166] *See, e.g.,* Clean Energy Associations Initial Comments at 13; Elevate Comments at 9; Invenergy Initial Comments at 22; LIPA Comments at 5–6; NYSERDA Comments at 3; Ørsted Comments at 2.

[167] For example, Dominion says ''the exemption process should properly account for projects that are well into the development cycle but may not be commissioned and in- service prior to the arbitrary 12-month timeframe currently contained in Requirement R4.'' Dominion Comments at 4.

[168] Clean Energy Associations requests the addition of the following sentence to the Implementation plan: ''Entities shall comply with the portion of Requirements R1, R2, and R3 relating to the *design* of their BES IBRs to meet the requirements by 36 months after the effective date of the standard.'' Clean Energy Associations Initial Comments at 17.

disturbances. NERC offers that synchronous generators and IBRs do not require the same ride-through performance requirements because the technological cause of the issues impacting reliability for IBRs is different than that for synchronous generators. Accordingly, NERC claims it developed proposed Reliability Standard PRC–024–4 as a protection-based standard applicable to synchronous generators, while developing proposed Reliability Standard PRC–029–1 as a performance-based standard applicable to IBRs.[169]

d. Commission Determination

i. Requests for Additional Exceptions and Exemptions

86. We appreciate commenters' concerns that the equipment limitations of HVDC-connected IBRs with choppers that may physically prevent them from fully complying with the ride-through provisions of Reliability Standard PRC–029–1 and their request for exemptions for long-lead time projects that have executed interconnection agreements and executed design, procurement, and/or construction agreements.[170] However, having found proposed Reliability Standard PRC–029–1 and the proposed exceptions and exemptions just, reasonable, not unduly discriminatory or preferential, and in the public interest, we decline to direct a modification to mandate additional exceptions or exemptions based on the comments in this proceeding. The record in this proceeding is not sufficient for us to determine whether additional exceptions or exemptions are warranted. The standard drafting team did not consider the possibility of additional exceptions or exemptions as NERC believed that doing so would exceed the discretion granted NERC in Order No. 901 to limit exemptions to existing IBRs and equipment [171] and this highly technical matter was not addressed in the NERC standards development process. We believe that attempts to address these concerns would benefit from the opportunity to fully vet, in NERC's standards development process, the need for and parameters of an exception for HVDC-connected IBRs with choppers and an exemption for long-lead time projects that have executed interconnection agreements and executed design, procurement, and/or construction agreements.[172] Vetting will allow NERC to appropriately consider stakeholders' concerns and decide whether modification of the standard, or a different approach, is warranted.

87. Accordingly, we direct NERC, through its standard development process, to determine whether, and if so how, to account for: (1) the equipment limitations of HVDC-connected IBRs with choppers which may physically prevent them from fully complying with the ride-through provisions of Reliability Standard PRC–029–1; [173] and (2) the long-lead time between adopting IBR design specifications and placing the IBR in-service. NERC may develop appropriate solutions for these two issues beyond the narrow parameter set forth in Order No. 901 for exceptions or exemptions from ride-through requirements. Within 12 months of the effective date of this final rule, we direct NERC to submit to the Commission its determination and, if it deems appropriate, any proposed modifications to Reliability Standard PRC–029–1. In response to NERC's concern that Order No. 901 precludes NERC from considering additional exceptions and exemptions, we clarify that while the Commission is concerned about the proliferation of exceptions and exemptions to the performance requirements set forth in Reliability Standard PRC–029–1, we state now that NERC has the discretion to develop exceptions and exemptions as it deems appropriate to address these narrow technical issues.

88. If NERC determines that extension of the exemption to long-lead time projects is warranted, we suggest that it consider including unequivocal provisions regarding the necessary showing to qualify for the exemption, *e.g.,* proof of executed interconnection agreements and executed design, procurement, and/or construction agreements, and a clearly stated cut-off date for application to long-lead time projects.[174] Further, we believe that the issuance of this final rule should provide notice that, going forward, entities should design IBR facilities to meet the ride-through obligations set forth in Reliability Standard PRC–029–1.

89. As the Commission explained in the NOPR in this proceeding, ''if too many generators are exempt from the frequency and/or voltage Ride-through requirements, proposed Reliability Standard PRC–029–1 may fail to address the reliability gaps associated with IBRs tripping or entering momentary cessation in aggregate that it is intended to address.'' [175] Thus, the NERC standards development process should balance the competing considerations and discuss the balance struck in any future filing with the Commission. If NERC chooses to modify the proposed Standard, NERC should include a sunset provision to ensure exceptions and exemptions are not indefinite when new technology allowing ride-through for the entire criteria of the Standard is available.

ii. Other Issues

90. We decline the requests of LA PSC, Clean Energy Associations, and Dominion to adjust the exemption request process under proposed Requirement R4 and do not find the 12-month time frame to request an exemption arbitrary. Consistent with the directive in Order No. 901 to provide only a limited and documented exemption, the 12-month request period ensures there is a limited, but reasonable, amount of time in which a generator owner of a legacy IBR can request an exemption.

91. We adopt the NOPR proposal to defer determination of whether the new or modified Reliability Standards mitigate the reliability impacts to the Bulk-Power System of exemptions until after NERC files Milestone 4 Reliability Standards with the Commission by November 4, 2026.[176] We disagree with LA PSC that, because transmission owners and operators are allegedly expected to mitigate the reliability impact of exemptions without knowledge of the number of IBRs disconnecting and in what manner until Milestone 4 Reliability Standards become effective, the proposed Standard impermissibly favors generator owners of legacy IBRs and is a ''lowest common denominator'' [177] Reliability Standard. Instead, we find the exemption process adequately protects Bulk-Power System reliability until Milestone 4 Reliability Standards become effective by requiring that transmission operators be provided

[169] NERC Reply Comments at 15–17.

[170] Clean Energy Associations Initial Comments at 13; Dominion Comments at 5; Elevate Comments at 9; Invenergy Initial Comments at 22, LIPA Comments at 5–6; NYSERDA Comments at 3; Ørsted Comments at 2.

[171] *See, e.g.,* NERC Reply Comments at 12 (describing comments in support of providing relief to HVDC-connected IBRs with choppers as a request for an exemption, which NERC believes exceeds NERC's discretion under Order No. 901).

[172] Order No. 693, 118 FERC ¶ 61,218 at P 188.

[173] We note that standards, such as IEEE 2800–2022, may include certain exceptions that may inform NERC's process as relevant to HVDC-connected IBRs with choppers.

[174] Commenters have suggested varying time frames for project completion. *See, e.g.,* Clean Energy Associations Initial Comments at 11; EEI Initial Comments at 3; Ørsted Comments at 9.

[175] NOPR, 189 FERC ¶ 61,212 at P 35.

[176] The Commission will review any Corrective Action Plans that are filed along with Milestone 4 Reliability Standards.

[177] Order No. 672, 114 FERC ¶ 61,104 at P 329.

the information needed to mitigate the reliability impact of exemptions.[178]

92. We decline to adopt Clean Energy Associations' position that IBRs and synchronous resources are similarly situated with regard to demonstrating a need for exemptions. IBRs and synchronous resources are not similarly situated due to differences in physical limitations and capabilities and in inherent responses to changing system conditions, which necessitate different approaches for promoting reliability under proposed Reliability Standards PRC–024–4 and PRC–029–1.[179]

93. We decline to adopt WIRAB's recommendation that the Commission direct NERC to explore the concept of IBR ride-through maximization because it is unnecessary. As explained by multiple commenters, the generator owner of the IBR must ride-through all parts of the voltage and frequency ride-through curves for which it does not receive an exemption.[180]

94. We are unpersuaded by Ørsted's argument that the Standard was not developed in an open and fair manner. Ørsted provides no evidence that the process NERC employed was defective besides claiming it did not seek to align with ''global standards and practices.'' [181] Further, Ørsted also provides no support for its claim that stakeholder engagement in the standard development process was limited; instead, as explained above, NERC adhered to its Commission-approved standards development process in developing the proposed Standard, which provides for stakeholder engagement.

3. Documentation of Hardware Limitation

95. Proposed Requirement R4 of PRC–029–1 includes a process for generator owners of legacy IBRs to provide documentation to the compliance enforcement authority to secure an exemption. Proposed Requirement R4.1.3 requires that the documentation shall include: ''[i]dentification of the specific piece(s) of hardware causing the limitation.'' [182] Proposed Requirement 4.1.4 requires the documentation shall include: ''[t]echnical documentation verifying the limitation is due to hardware that would need to be physically replaced to meet all Ride-through criteria, and that the limitation cannot be remedied by software updates or setting changes.'' [183] Measure M4 provides further details: ''[a]cceptable types of evidence for a hardware limitation may include, but is not limited to damage curves provided by the original equipment manufacturer.'' [184]

a. Comments

96. EEI, Clean Energy Associations, and Invenergy claim it may not be possible for older legacy IBRs to identify specific pieces of hardware for which an exemption is necessary, as required by Requirement R4, because original equipment manufacturers, among other things: could be out of business; no longer support the IBR equipment in a legacy resource; or otherwise, are unable to, provide the requested documentation.[185]

97. EEI avers that even where original equipment manufacturers provide support, IBR generator owners may need the support of third-party engineering consultants to support a conclusion that there is a hardware limitation that prevents compliance with proposed Reliability Standard PRC–029–1.[186]

98. Clean Energy Associations argue that a detailed identification of ''specific piece(s) of hardware'' would require new testing of legacy equipment, which could take multiple years to complete and be excessively costly outside of the laboratory, or may be impossible for resources that have been operating in the field for many years.[187]

99. Commenters raise a series of concerns about the difficulty generator owners may experience in providing the documentation necessary to secure an exemption. Clean Energy Associations state that a generator owner could be subject to uncapped sanctions of up to $1.6 million per day due to an inability to identify the hardware limitation, at least with any greater specificity than naming the inverter or turbine in question.[188]

Additionally, Clean Energy Associations and Invenergy aver that the phrase ''but is not limited to'' in Measure M4 is sufficiently vague that it would leave the decision about what types of evidence beyond ''damage curves provided by'' the original equipment manufacturer is acceptable to the subjective interpretation of the compliance enforcement authority, which could result in evidence requirements varying by region or over time.[189] Clean Energy Associations claim that six ACP members indicate more than 26.2 GW of currently operating IBR projects would need limited exemptions to the proposed Standard, which could be susceptible to retirements—raising resource adequacy concerns—if its proposed documentation fix is not adopted.[190] Clean Energy Associations request: ''The Commission . . . direct NERC to clarify the evidence required for legacy resources to demonstrate a hardware limitation to obtain an exemption from PRC–029–1.'' [191]

100. Commenters offer a wide range of potential modifications to the documentation requirement of proposed Requirement R4. Clean Energy Associations suggest that documentation requirements in proposed Measure M4 should match the language from Requirement R3 of proposed Reliability Standard PRC–024–4 to prevent undue discrimination against IBRs that are similarly situated as synchronous generators with regards

[178] Proposed Requirement R4.2 requires generator owners to provide a copy of the evidence supporting an exemption to transmission operators, allowing transmission operators to know the number of IBRs disconnecting and in what manner. NERC Petition at 37. LA PSC mistakenly indicates transmission owners will be responsible for mitigating the reliability impact of exemptions. LA PSC Comments at 7. However, proposed Reliability Standard PRC–029–1 does not require transmission owners to mitigate the reliability impact of IBRs under Requirement R4. NERC Petition at 36–37.

[179] *See* Order No. 901, 185 FERC ¶ 61,042 at P 208 (directing NERC to develop Reliability Standards that account for the ''technical differences'' between IBRs and synchronous resources).

[180] *See* NERC Petition at 39 (explaining that exemptions must be specific and limited to the voltage or frequency band(s) and associated duration(s) that cannot be met).

[181] Ørsted Comments at 23. We note that while the proposed Standard did not fully align with ''global standards and practices''—*i.e.,* IEEE 2800–2022—in a number of places it did align its requirements with IEEE 2800–2022 provisions. NERC Petition at 26–27.

[182] NERC Petition at 37.

[183] *Id.*

[184] *Id.,* Ex. A–3, at 8.

[185] EEI Initial Comments at 4; Clean Energy Associations Initial Comments at 19; Invenergy Initial Comments at 24. Original equipment manufacturers could also lack a service contract that requires them to provide hardware limitation information to a generator owner; cannot identify the specific piece of equipment within the 12-month timeline in Requirement R4 or cannot validate a combination of factors causing the limitation at all; and be under no regulatory obligation to provide support for older legacy IBRs. EEI Initial Comments at 4; Invenergy Initial Comments at 24.

[186] EEI Initial Comments at 4–5.

[187] Clean Energy Association Initial Comments at 18.

[188] *Id.*

[189] *Id.* at 19; Invenergy Initial Comments at 25–26 (''Although the phrase 'but is not limited to' appears to provide leeway for other types of evidence to be deemed acceptable, the vagueness in this language leaves the decision about what type of evidence is acceptable to the subjective judgment and interpretation of the Compliance Enforcement Authority, which could result in evidence requirements varying by region or over time.'').

[190] Clean Energy Associations Initial Comments at 22.

[191] *Id.* at 17.

to demonstrating a need for exemptions.[192]

101. Invenergy explains that including examples of additional types of documentation would ensure that IBRs are treated in a similar manner to synchronous generators under proposed Reliability Standard PRC–024–4, which allows demonstration of an equipment limitation in the form of a dated email or letter that contains such demonstration.[193]

EEI recommends that generator owners be allowed to submit an internal engineering analysis for older legacy IBRs.[194]

102. UCS requests that proposed Requirement R4.1 be modified to require generator owners to submit a ''preliminary non-binding estimate of the cost and time required to replace or retrofit the affected hardware, and an estimate of how long the IBR would need to be offline to implement the change, if applicable.'' UCS believes this information would allow the relevant authority to understand anticipated impacts to the grid of the exemption process in Requirement R4.[195]

103. UCS also requests that the final rule be updated to include the NOPR's citation to the footnote in proposed Requirement R4.2 that states to ''the extent the original equipment manufacturer considers any material to be proprietary, the Generator Owner is required to share this proprietary material only with the [compliance enforcement authority].'' [196] UCS asserts that the citation will communicate that the Commission expects the compliance enforcement authority will ''collect such information and use it in preparation of the reports and filings of the Milestone 4 Reliability Standards to be required to be filed with the Commission by November 4, 2026.'' [197]

104. In its reply comments, NERC states that it considered the concern that legacy IBRs may face difficulty providing documentation sufficient to secure an exemption in developing the Standard. NERC continues: ''The concept of demonstrating operational limitations for interconnected generation is neither new nor novel, as dynamic model capability requirements have been in place for generators since the first version of mandatory and enforceable Reliability Standards.'' NERC further explains that hardware limitations can be found through testing of facilities that can find relays or equipment that may cause the unit to trip, as in Reliability Standards MOD–026–1 and MOD–027–1.[198]

105. Both Elevate and WIRAB recommend updating proposed Requirement R4.2 [199] to more clearly define the details of what should be communicated between the entity seeking an exemption for a hardware limitation and its planning coordinators, transmission planners, and reliability coordinators under Requirement R4.2. Specifically, both commenters state that details should include ''timeframes for communication[s], file formats, an explanation of the reason(s) the equipment cannot meet the requirements, and other general information to ensure a thoroughly adequate transfer of information for the equipment limitation requests.'' [200]

106. NYISO states that Requirement R4 suggests that the compliance enforcement authority will make the final determination as to whether an exemption is accepted, but it does not establish a specific role for the registered entity receiving information concerning the exemption and hardware limitations under Requirement R4.2. NYISO supports giving the registered entity the opportunity to provide feedback to the compliance enforcement authority if warranted and believes that this is the intention of receiving and having the right to request additional information described in Requirement R4. NYISO requests that either the Commission or NERC confirm that intention.[201]

b. Commission Determination

107. We are persuaded that it may not be possible for generator owners of legacy IBRs to provide identification of the ''specific piece(s) of hardware causing the limitation.'' [202] As EEI, Clean Energy Associations, and other commenters explain, generator owners of legacy IBRs may not be able to secure the necessary documentation from original equipment manufacturers due to circumstances outside of their control (*i.e.,* the original equipment manufacturer could be out of business, no longer supports the IBR equipment in a legacy resource, etc.). We agree with commenters that entities would benefit from greater clarity on documentation obligations.

108. Therefore, pursuant to section 215(d)(5) of the FPA, we direct NERC, within 12 months of the effective date of this final rule, to address the concern by developing responsive modifications to proposed Reliability Standard PRC–029–1. NERC could satisfy the directive by modifying Requirement R4 or the corresponding Measure to expand the non-exhaustive list for IBR generator owners of acceptable types of evidence of a hardware limitation that prevents the IBR from meeting the ride-through criteria in proposed Requirements R1 through R3. For example, an expanded non-exhaustive list could consist of damage curves provided by the original equipment manufacturer, internal engineering analyses, analysis by third-party consultants, study results, experience from an event, manufacturer's advice, and design data.

109. We decline to adopt Invenergy's position that IBRs and synchronous generators should be treated similarly as it relates to documenting an equipment limitation. We note that IBRs and synchronous generators are not similarly situated when it comes to responses to the same disturbances on the Bulk-Power System.[203] Given this, we believe that there may be circumstances in which it may be necessary to have different exemption documentation requirements for IBRs and synchronous generators as they respond differently to similar disturbances on the Bulk-Power System, as documented in NERC IBR disturbance reports,[204] as explained in Order No. 901,[205] and as explained in NERC's petition.[206]

110. We decline UCS's request to modify Requirement R4.1 to require

[192] *Id.* at 20.

[193] Invenergy Initial Comments at 26–27; *see also* Elevate Comments at 10 (stating documentation in Measure M4 should match the language used in proposed Standard PRC–024–4 for consistency).

[194] EEI Initial Comments at 5.

[195] UCS Comments at 7.

[196] NERC Petition, Ex. A–3, at 7 n.11.

[197] UCS Comments at 8.

[198] NERC Reply Comments at 10.

[199] Elevate indicates that it has concerns with Requirement R6. Elevate Comments at 10. However, there is no Requirement R6 in proposed Reliability Standard PRC–029–1. *See* NERC Petition. We believe, based on Elevate's description of Requirement R6 as detailing communication between the entity seeking an exemption for a hardware limitation and its planning coordinators, transmission planners, and reliability coordinators, that Elevate's comments are discussing Requirement R4.2, which requires that a generator owner of a legacy IBR seeking an exemption provide a copy of the documentation supporting the hardware limitation to associated planning coordinators, transmission planners, and reliability coordinators, among others.

[200] Elevate Comments at 10; WIRAB Comments at 7.

[201] NYISO Comments at 3–4.

[202] NERC Petition at 37.

[203] Order No. 901, 185 FERC ¶ 61,042 at P 3 (stating that there are ''material technological differences between the response of synchronous generation resources and the response of IBRs to the same disturbances on the Bulk-Power System'').

[204] *Id.* PP 26–29.

[205] *See id.* PP 11–13, 15.

[206] NERC's Petition, Ex. E–2 (Technical Rationale PRC–029–1), at 1 (explaining the Standard's ''proposal is a consequence of . . . the different natures of synchronous and inverter-based generation resources'' during faults and other disturbances and as a result of several recent events exhibiting IBRs ride-through deficiencies).

generator owners to submit preliminary information about the cost and delay impacts of replacing or retrofitting hardware. NERC, in proposing an exemption process in Requirement R4, and the Commission, in approving the Standard, have already recognized that it would be unreasonable and unduly burdensome for generator owners of legacy IBRs to have to retrofit and redesign legacy facilities. Thus, we find that helping NERC and the Commission better understand the impact of exemptions on Bulk-Power System reliability would in no way influence the availability of an exemption for generator owners of legacy IBRs that can demonstrate a hardware limitation that prevents the IBR from meeting the ride-through requirements of Requirements R1 through R3. We believe that the Commission can obtain the information to understand the reliability impacts of the exemption from the informational filing we are directing NERC to file with the Commission 18 months after the conclusion of the 12-month exemption request period in section II.D.

111. We decline to adopt the recommendations of Elevate and WIRAB to more clearly define the details of what should be provided by an entity seeking a hardware exemption to its planning coordinators, transmission planners, and reliability coordinators in proposed Requirement R4.2, as it is unnecessary. We find that proposed Requirement R4.2.1 gives these entities the capability to request additional, necessary information.[207] Further, proposed Requirement R4.2.2 requires the generator owner to provide a copy of the compliance enforcement authority's acceptance of the hardware limitation to these entities, thus ensuring all involved parties are informed of the reason for granting an exemption.[208]

112. We decline to direct NERC to include the footnote in proposed Requirement R4.2 into the body of the Requirement because it is unnecessary; we are approving proposed Requirement R4.2 and the associated footnote.

113. We find it unnecessary to confirm that the intention of providing exemption information under proposed Requirement R4.2 to registered entities is for the purpose of providing feedback to the compliance enforcement authority, as requested by NYISO. We believe it best to leave it to NERC's discretion to decide whether it wishes to explain the purpose of proposed Requirement R4.2.

D. Informational Filing

114. In the NOPR, the Commission proposed to direct NERC, pursuant to 18 CFR 39.2(d), to develop and submit two informational filings pertaining to requests for exemptions by generator owners of legacy IBRs from the ride-through requirements of Requirements R1 through R3. The Commission proposed directing that 12 and 24 months after the conclusion of the 12-month period for requesting an exemption, NERC submit an informational filing with specified data related to the reliability impact of the exemptions for (1) each Interconnection and (2) each reliability coordinator area (within that Interconnection) within the United States. The Commission also proposed directing NERC to include in each informational filing an analysis of the reasons that responsible entities provide for exemptions.[209]

1. Comments

115. NERC strongly recommends that the Commission only require a single informational filing due 18 months after the conclusion of the exemption request period. NERC explains that the 12-month filing requirement may be too soon for it to review and issue determinations for all exemption requests and to provide an analysis of the capacity exempted. Similarly, NERC asserts that the 24-month filing will not assist in providing the Commission with timely information and may also include redundant information contained in the first filing. NERC argues that a single informational filing 18 months after the conclusion of the exemption request period will produce a filing quicker than the 24-month filing timeline and will be more comprehensive than the 12-month filing.[210]

116. Aligned ISOs/RTOs indicate their support for the proposed informational filings to allow parties to assess the impact of any exemptions granted.[211] Other commenters request modifications to the proposed informational filings or suggest other information to include. For example, EEI suggests NERC include the number and net MW capacity of IBRs that can meet ride-through requirements in addition to those that cannot.[212] Invenergy suggests NERC could determine what proportion of total ride-through performance and what portions of the ride-through curves the exemptions impact.[213]

117. WIRAB believes that the Commission will not have all the information to accurately evaluate the necessity of hardware exemptions for legacy IBRs and potential risks to the Bulk-Power System without additional information. WIRAB recommends that the informational filings include analyses of the reason(s) entities requested exemptions and the existing ride-through capabilities of legacy IBRs that received an exemption, as well as a risk assessment study for each Interconnection of how the exemptions may contribute to reliability risk on the Bulk-Power System.[214]

118. LA PSC requests that the deadlines for NERC to submit informational filings should be shortened from 12 and 24 months to 6 and 12 months, respectively, to reflect its request that the exemption request timeline be shortened from 12 months to 6 months.[215]

119. UCS states that the Commission should require and review informational filings on the impact of exemptions and any Corrective Action Plans that NERC files with the Commission as part of its Milestone 4 Reliability Standards due by November 4, 2026.[216]

2. Commission Determination

120. We modify the NOPR proposal and, pursuant to 18 CFR 39.2(d), we direct NERC to develop and submit a single informational filing, to the Commission, 18 months after the conclusion of the exemption request period in proposed Requirement R4 to assess the reliability impacts of the exemptions in a timely and comprehensive manner. We are persuaded by NERC's comments that a single filing at 18 months will provide the Commission with more comprehensive information than would be received in a filing at 12 months, and more timely information than would be received in a filing at 24 months. We find that it will likely take NERC more than 12 months to compile the data requested in the first filing, and a filing at 24 months will not be timely and may include redundant information.

121. We direct NERC to include in its informational filing an assessment of the reliability impacts of the exemptions with the following data for (1) each Interconnection and (2) each reliability coordinator area (within that

[207] *Id.* at 37.

[208] *Id.*

[209] NOPR, 189 FERC ¶ 61,212 at P 35.

[210] NERC Initial Comments at 4–6.

[211] Aligned ISOs/RTOs at 7.

[212] EEI Initial Comments at 9.

[213] Invenergy Initial Comments at 32.

[214] WIRAB Comments at 5.

[215] LA PSC Comments at 6.

[216] UCS Comments at 5.

Interconnection) within the United States:

- Total number of IBRs for which NERC-registered generator owners will be subject to compliance with Reliability Standard PRC–029–1;
- Aggregated MW capacity of IBRs for which NERC-registered generator owners will be subject to compliance with Reliability Standard PRC–029–1;
- Total number of IBRs for which NERC-registered generator owners requested exemptions;
- Aggregated MW capacity of IBRs for which NERC-registered generator owners requested exemptions;
- Total number of IBRs for which NERC-registered generator owners were granted exemptions;
- Aggregated MW capacity of IBRs for which NERC-registered generator owners were granted exemptions;
- Total number of granted exemptions by exemption type (voltage and/or frequency);
- Aggregated MW capacity of granted exemptions by exemption type (voltage and/or frequency);
- Total number of granted exemptions by IBR type (wind, solar PV, BESS, fuel cell); and
- Aggregated MW capacity of granted exemptions by IBR type (wind, solar PV, BESS, fuel cell).

122. The informational filing must also include an analysis of the reasons that entities provided for exemptions (both granted and denied),[217] an evaluation of the efficacy of the exemption process, and any recommendations to modify either the substance or procedural aspects of the exemption process.

III. Information Collection Statement

123. The FERC–725G information collection requirements are subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995. OMB's regulations require approval of certain information collection requirements imposed by agency rules. Upon approval of a collection of information, OMB will assign an OMB control number and expiration date. Respondents subject to the filing requirements will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number. The Commission solicits comments on the need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

124. The Commission bases its paperwork burden estimates on the additional paperwork burden presented by Reliability Standards PRC–024–4 and PRC–029–1, as modified, and new Reliability Standards, respectively, and the directive for NERC to submit one informational filing related to ride-through exemption requests.[218] Reliability Standards are objective-based and allow entities to choose compliance approaches best tailored to their systems. The NERC Compliance Registry, as of September 2024, identifies the following unique U.S. entities that are subject to mandatory compliance with Reliability Standard PRC–024–4: 1,294 generator owners will have an additional compliance burden. It is estimated that there will be no additional compliance burden for transmission owners that have synchronous condensers, as that data is not included in the NERC Compliance Registry, and transmission owners are already subject to Reliability Standard PRC–024–3. The estimated unique U.S. entities subject to Reliability Standard PRC–029–1 compliance are based on numbers supplied by NERC, with 591 registered generator owners that own bulk electric system (BES) battery, solar, and wind facilities and 781 generator owners that own non-BES facilities.[219] Based on these assumptions, we estimate the following reporting burden:

PROPOSED CHANGES IN BURDEN PRC–024–4 DOCKET NO. RM25–3–000

Reliability standard	Type and number of entity[220]	Number of annual responses per entity	Total number of responses	Average number of burden hours per response[221]	Total burden hours
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Annual Collection PRC–024–4 FERC–725G					
Annual review and record retention	1,294 (GO)	1	1,294	20 hrs. $63.52/hr	25,880 hrs. $1,643,897.60.
Total for PRC–024–4			1,294	20 hrs. $63.52/hr	25,880 hrs. $1,643,897.60.

[217] NERC Petition at 40 (explaining that under Requirement R4.2.2, NERC will work with regional entities to evaluate exemption submissions in a fair and consistent manner across the ERO Enterprise, and NERC will monitor the disposition of requests as the proposed standard is implemented).

[218] *See supra* P 121.

[219] NERC estimates that 591 BES IBRs and 781 non-BES IBRs will be subject to proposed Reliability Standard PRC–029–1 and the other Milestone 2 Reliability Standards that were filed in Docket Nos. RD25–2–000 and RD25–3–000. *See* NERC, Petition For Approval of Proposed Distribution Monitoring Reliability Standards PRC–028–1 and PRC–002–5, Docket No. RD25–2–000, at 41 n.60 (filed Nov. 4, 2024) (description of NERC estimate of BES IBRs that would be subject to compliance with proposed Reliability Standard PRC–028–1); NERC, Inverter-Based Resources Work Plan Progress Update, Docket No. RD22–4–001, at 3 (filed May 6, 2025) (description of NERC estimate of non-BES IBRs).

[220] The ''Number of Entity'' data is compiled from the May 13, 2025, edition of the NERC Compliance Registry.

[221] The estimated hourly cost (salary plus benefits) is a combination of the following categories from the Bureau of Labor Statistics (BLS) website, *http://www.bls.gov/oes/current/naics2_22.htm:* 75% of the average of an Electrical Engineer (17–2071) $71.19/hr., 79.31 × .75 = 53.3925 ($53.39-rounded) ($53.39/hour); and 25% of an Information and Record Clerk (43–4199) $40.51/hr., $40.51 × .25% = 10.1275 ($10.13 rounded) ($10.13/hour), for a total ($53.39 + $10.13 = $63.52/hour).

ANNUAL CHANGES PROPOSED IN THE FINAL RULE APPROVING RELIABILITY STANDARD PRC–029–1 IN DOCKET NO. RM25–3–000

Reliability standard	Type and number of entity[222]	Number of annual responses per entity	Total number of responses	Average number of burden hours per response[223]	Total burden hours
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Annual Collection PRC–029–1 FERC–725G					
Annual review and record retention	591 (BES IBR GO) 781 (Non-BES IBR GO)	1 1	591 781	40 hrs. $63.52/hr 80 hrs. $63.52/hr	23,640 hrs. $1,501,612.80. 62,480 hrs. $3,968,729.60.
Total for PRC–029–1			1,372		86,120 hrs. $5,470,342.40.

125. The responses and burden hours for Years 1–3 will total respectively as follows:

- *Year 1–3 each:* for Reliability Standard PRC–024–4 will be 1,294 responses; 25,880 hours; and
- *Year 1–3 each:* for Reliability Standard PRC–029–1 will be 1,372 responses; 86,120 hours.
- The annual cost burden for each year One to Three is $1,643,897.60 for Reliability Standard PRC–024–4; and $5,470,342.40 for Reliability Standard PRC–029–1.

126. *Title:* Mandatory Reliability Standards, Revised Protection and Control Reliability Standards.

Action: Revision to FERC–725G information collection.

OMB Control No.: 1902–0252.

Respondents: Businesses or other for-profit institutions; not-for-profit institutions.

Frequency of Responses: On Occasion.

Necessity of the Information: This final rule approves the requested modifications to Reliability Standards pertaining to the protection and control of the Bulk-Power System. As discussed above, the Commission approves proposed Reliability Standards PRC–024–4 and PRC–029–1 pursuant to section 215(d)(2) of the FPA because it establishes frequency and voltage ride-through requirements for IBRs. Additionally, the Commission directs NERC to file one informational filing with the Commission on ride-through exemption requests.

Internal Review: The Commission has reviewed the proposed Reliability Standards and made a determination that its action is necessary to implement section 215 of the FPA.

127. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 [Attention: Kayla Williams, Office of the Executive Director, email: *DataClearance@ferc.gov,* phone: (202) 502–8663, fax: (202) 273–0873].

128. For submitting comments concerning the collection(s) of information and the associated burden estimate(s), please send your comments to the Commission, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–4638, fax: (202) 395–7285]. For security reasons, comments to OMB should be submitted by email to: *oira_submission@omb.eop.gov.* Comments submitted to OMB should include Docket Number RM25–3–000 and OMB Control Number 1902–0252.

IV. Environmental Analysis

129. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[224] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.[225] The actions proposed herein falls within this categorical exclusion in the Commission's regulations.

V. Regulatory Flexibility Act

130. The Regulatory Flexibility Act of 1980 (RFA)[226] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.[227] The SBA revised its size standard for electric utilities (effective March 17, 2023) to a standard based on the number of employees, including affiliates (from the prior standard based on megawatt hour sales).[228]

131. Proposed Reliability Standard PRC–024–4 (included in FERC–725G) will apply to approximately 1,294 generator owners, and proposed Reliability Standard PRC–029–1 (included in FERC–725G) will apply to approximately combined 1,372 BES IBR generator owners and non-BES IBR generator owners in the United States.[229] Pursuant to SBA regulations, the employment threshold for generator owners is 950 employees. We estimate that the percentage of employees that are considered small to be 71.68% based on the North American Industry Classification System 221121 code (Electric Bulk Power Generation) and that the annual cost for each entity will be $1,270.40 for each generator owner and $2,540.80 for each BES IBR

[222] The ''Number of Entity'' data is compiled from NERC's petition for approval of proposed Reliability Standard PRC–028–1 in Docket No. RD25–2–000 and NERC's May 2025 Inverter-Based Resources Work Plan Progress Update in Docket No. RD22–4–001. NERC, Petition for Approval of Proposed Distribution Monitoring Reliability Standards PRC–028–1 and PRC–002–5, Docket No. RD25–2–000, at 41 n.60 (filed Nov. 4, 2024); NERC, Inverter-Based Resources Work Plan Progress Update, Docket No. RD22–4–001, at 3 (filed May 6, 2025).

[223] The estimated hourly cost (salary plus benefits) is a combination of the following categories from the Bureau of Labor Statistics (BLS) website, *http://www.bls.gov/oes/current/naics2_22.htm:* 75% of the average of an Electrical Engineer (17–2071) $71.19/hr., 79.31 × .75 = 53.3925 ($53.39-rounded) ($53.39/hour); and 25% of an Information and Record Clerk (43–4199) $40.51/hr., $40.51 × .25% = 10.1275 ($10.13 rounded) ($10.13/hour), for a total ($53.39 + $10.13 = $63.52/hour).

[224] *Reguls. Implementing the Nat'l Env't Pol'y Act,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986–1990 ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

[225] 18 CFR 380.4(a)(2)(ii).

[226] 5 U.S.C. 601–612.

[227] 13 CFR 121.101.

[228] 13 CFR 121.201, Subsector 221 (Utilities).

[229] Many respondents serve multiple roles in the NERC Compliance Registry, so there is likely double counting in the estimates.

generator owner and $5,081.50 for each non-BES IBR generator owner.[230]

132. We view this as a minimal economic impact for each entity. Accordingly, we certify that the proposed Reliability Standards PRC–024–4 and PRC–029–1 will not have a significant economic impact on a substantial number of small entities. Thus, no regulatory flexibility analysis is required.

VI. Document Availability

133. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*).

134. 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.

135. 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.*

VII. Regulatory Planning and Review

136. 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). 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 Information and Regulatory Affairs (OIRA) has determined this regulatory action is not a ''significant regulatory action,'' under section 3(f) of Executive Order 12866, as amended. Accordingly, OIRA has not reviewed this regulatory action for compliance with the analytical requirements of Executive Order 12866.

[230] The annual cost is the hours assigned for generator owners, BES IBR generator owners, and non-BES IBR generator owners in the Annual Collection PRC–024–4 FERC–725G and Annual Collection PRC–029–1 FERC–725G tables multiplied by $63.52/hour. *See* n.221, 223.

VIII. Effective Date and Congressional Notification

137. This final rule is effective August 28, 2025. The Commission has determined, with the concurrence of OIRA, that this rule is not a ''major rule'' as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

By the Commission.

Issued: July 24, 2025.

Carlos D. Clay,

Deputy Secretary.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix A

The following entities filed comments:

- Arizona Public Service Company (APS);
- California Independent System Operator Corporation, ISO New England Inc., Midcontinent Independent System Operator, Inc., PJM Interconnection, L.L.C., and Southwest Power Pool, Inc. (collectively, aligned ISOs/RTOs);
- Solar Energy Industries Association (SEIA) and American Clean Power Association (ACP) (collectively, Clean Energy Associations);
- Det Norske Veritas (DNV);
- Dominion Energy Services Inc. (Dominion);
- Edison Electric Institute (EEI);
- Elevate Energy Consulting (Elevate);
- Invenergy Renewables LLC (Invenergy);
- Long Island Power Authority (LIPA);
- Louisiana Public Service Commission (LA PSC);
- NERC;
- New York Independent System Operator, Inc. (NYISO);
- New York State Energy Research and Development Authority (NYSERDA);
- New York State Reliability Council (NYSRC);
- Ørsted Wind Power North America LLC (Ørsted);
- Tesla;
- Unfrack FERC Coalition;
- Union of Concerned Scientists (UCS); and
- Western Interconnection Regional Advisory Body (WIRAB)

The following entity filed a motion for leave to comment out of time:

- Deriva Energy (Deriva)

The following entities filed reply comments:

- Clean Energy Associations;
- EEI;
- Invenergy; and
- NERC

The following entity filed an answer:

- Invenergy

The following entities filed motions to intervene:

- ACP;
- Dominion;
- Eversource Energy Service Company;
- Independent Market Monitor for PJM;
- Indiana Utility Regulatory Commission;
- Kentucky Attorney General;
- NYSERDA;
- North Carolina Electric Membership Corporation;
- Ørsted;
- SEIA;
- Sunflower Electric Power Corporation; and
- UCS

The following entity filed a motion to intervene out of time:

- American Electric Power Service Corporation

[FR Doc. 2025–14304 Filed 7–28–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2025–0648]

Special Local Regulation; Olympia Harbor Days Tugboat Races, Budd Inlet, WA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Olympia Harbor Days Tugboat Races from 10 a.m. until 5 p.m. on August 31, 2025, to ensure the safety of life on the navigable waters of Budd Inlet during the event. During the enforcement period, entry into the regulated area is prohibited without permission from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.1309 will be enforced from 10 a.m. until 5 p.m. on August 31, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Anthony Pinto, Waterways Management Division, U.S. Coast Guard Sector Puget Sound; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.1309 for the Olympia Harbor Days Tugboat Races in Budd Inlet, WA, from 10 a.m. until 5 p.m. on August 31, 2025. This action is necessary to ensure the safety of life on the navigable waterways of Budd Inlet during this event. Our regulation for the marine events within the Northwest District, § 100.1309(a), specifies the location of the regulated area for the

Olympia Harbor Days Tugboat Races, which encompasses approximately two (2) nautical miles of the navigable waters in Budd Inlet, WA. During the enforcement period, as specified in § 100.1309(c), all persons or vessels who desire to enter the regulated race area while it is enforced must obtain permission from the on-scene patrol craft on VHF Ch 13.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, local radio stations and area newspapers. If the Captain of the Port determines that the regulated area does not need to be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners will be issued granting general permission to enter the regulated area.

Dated: July 23, 2025.

Mark A. McDonnell,

Captain, U.S. Coast Guard, Commander, Sector Puget Sound.

[FR Doc. 2025–14296 Filed 7–28–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0670]

Security Zones, Seattle's Seafair Fleet Week Moving Vessels, Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce Seattle's Seafair Fleet Week moving vessels security zones from July 29, 2025 through August 5, 2025, to safeguard these vessels from destruction, loss, or injury from sabotage or other subversive acts, accidents, or events or a similar nature. The regulation for these security zones identifies all navigable waters within 500 yards of the designated participating vessels for the Parade of Ships in Elliott Bay, Seattle, Washington as the regulated areas for this event. During the enforcement periods no person or vessel may enter or remain in the established security zones without authorization from the Captain of the Port Sector Puget Sound (COTP) or their designated representative(s). The COTP has granted general permission for vessels to enter the outer 400 yards of the security zones provided they operate at the minimum speed necessary to maintain course unless required to maintain speed by the navigation rules.

DATES: The regulations in 33 CFR 165.1333 will be enforced for the security zones identified in the **SUPPLEMENTARY INFORMATION** section below from 8 a.m. on July 29, 2025 through 8 p.m. on August 5, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Anthony Pinto, U.S. Coast Guard, Sector Puget Sound, Waterways Management Division; by telephone 206–217–6051, or email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the security zone in 33 CFR 165.1333 for Seattle's Seafair Fleet Week from 8 a.m. on July 29, 2025 through 8 p.m. on August 5, 2025. This action is being taken to safeguard the vessels from destruction, loss, or injury from sabotage or other subversive acts, accidents, or events of a similar nature. The regulation for these security zones, § 165.1333(a) specifies the location of the security zone which encompasses all navigable waters within 500 yards of each designated participating vessel in the Parade of Ships while each vessel is in the COTP's zone as defined in 33 CFR 3.65–10.

The following is a list of the designated participating vessels for the Parade of Ships as defined by § 165.1333(b); USS SOMERSET (LPD–25), USS JACK H. LUCAS (DDG–125), and LESCHI (Official Number 1192697).

During the enforcement period, as reflected in § 165.1333(c), no person or vessel may enter or remain in the security zones without permission of the COTP or their designated representative(s). The COTP has granted general permission for vessels to enter the outer 400 yards of the established security zones as long as those vessels within the outer 400 yards of the security zones operate at the minimum speed necessary to maintain course unless required to maintain speed by the navigation rules. The COTP may be assisted by other federal, state, or local agencies with the enforcement of security zones.

All vessel operators who desire to enter the inner 100 yards of the security zones or transit the outer 400 yards at greater than minimum speed to maintain course must obtain permission from the COTP or their designated representative(s) by contacting the on-scene Coast Guard patrol craft on VHF Ch 13 or 16. Requests must include the reason why movement within the area is necessary. Vessel operators granted permission to enter the security zones will be escorted by the on-scene Coast Guard patrol craft until they are outside of the security zones and must obey any lawful direction or order of the COTP or designated representative.

In addition to this notice in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via marine information broadcasts and the Local Notice to Mariners in advance of the event.

Dated: July 23, 2025.

Mark A. McDonnell,

Captain, U.S. Coast Guard, Captain of the Port, Sector Puget Sound.

[FR Doc. 2025–14295 Filed 7–28–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0690]

RIN 1625–AA00

Security Zone; Intracoastal Waterway, Palm Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone on the waters of the Lake Worth Lagoon, Intracoastal Waterway, and Atlantic Ocean near the Mar-A-Lago Club and the Southern Boulevard Bridge in Palm Beach, Florida (FL). This rule is substantially like the ''east zone'' security zone published elsewhere in the Coast Guard's regulations. The Coast Guard will only enforce this rule when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present. This action is necessary to protect the official party, public, and surrounding waterways from terrorist acts, sabotage or other subversive acts, accidents, or other events of a similar nature.

DATES: This rule is effective without actual notice from July 29, 2025, through September 30, 2025. For purposes of enforcement, actual notice will be used from July 21, 2025, through July 29, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://*

www.regulations.gov, type USCG–2025–0690 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Guerschom Etienne, Waterways Management Division, Sector Miami, U.S. Coast Guard; telephone 786–295–9051, email *Guerschom.Etienne@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 final rule without prior notice and opportunity to comment pursuant to the authority in 5 U.S.C. 553(b)(B). This statutory 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.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is necessary to immediately implement enhanced security protections of presidential and VIP personnel in and around this portion of the waterway. It is impracticable to publish an NPRM because we must establish this security zone as soon as practicable.

Also, 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 be impracticable and contrary to the public interest because because prompt action is needed to enhance the security protections of presidential and VIP personnel present in the vicinity of this waterway.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70051 and 70124. The Captain of the Port (COTP) Miami has determined the security zone is necessary to protect the official party, public, and surrounding waterways from terrorist acts, sabotage or other subversive acts, accidents, or other events of a similar nature. This temporary final rule is needed to ensure the security of vessels and navigable waters during visits to the Mar-a-Lago Club by the President, the First Family, and other persons under the protection of the Secret Service.

IV. Discussion of the Rule

This temporary final rule establishes a security zone from July 21, 2025, through September 30, 2025. The security zone will overlap with the already existing ''east zone'' in 33 CFR 165.785. All persons and vessels are prohibited from entering, transiting, anchoring in, or remaining within the security zone unless authorized by the COTP Miami or a designated representative. This section will be enforced when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present at the Mar-a-Lago Club in Palm Beach, Florida until September 30, 2025. The duration of the zone is intended to ensure the safety of the President of the United States, members of the First Family, or other persons under the protection of the Secret Service.

The Coast Guard will notify the public and local mariners of this safety zone through appropriate means, which may include, but are not limited to, Broadcast Notice to Mariners via marine Channel 16 (VHF–FM). Coast Guard patrol assets will also be on-scene with flashing energized blue lights the security zone is in effect.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on: (1) This security zone impacts only a small area of the Lake Worth Lagoon, Intracoastal Waterway, and Atlantic Ocean near the Mar-A-Lago Club and the Southern Boulevard Bridge in Palm Beach, Florida (FL). (2) The security zone will be enforced only President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present at the Mar-a-Lago Club in Palm Beach, Florida until September 30, 2025. (3) Vessel traffic will be permitted to transit the area at other times. (4) The rule allows vessels to seek permission from the COTP to transit 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 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 safety zone 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 call or email 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 security zone impacts only a small area of the Lake Worth Lagoon, Intracoastal Waterway, and Atlantic Ocean near the Mar-A-Lago Club and the Southern Boulevard Bridge in Palm Beach, Florida (FL), and will be enforced only President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present. It is 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 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 165

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

For the reasons discussed in the preamble, the Coast Guard is amending 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.T07–0690 to read as follows:

§ 165.T07–0690 Security Zone; Intracoastal Waterway, Palm Beach, FL.

(a) *Location.* The following area is a security zone: All waters of the Atlantic Ocean from surface to bottom within the following points: Beginning at Point 1 in position 26°41′21′ N, 80°02′01′ W; thence south following the shoreline to Point 2 in position 26°39′57′ N, 80°20′9′ W; thence east to Point 3 in position 26°39′57′ N, 80°01′36′ W; thence north to Point 4 in position 26° 41′22′ N, 80°01′29′ W, thence back to origin at Point 1.

(b) *Definitions.* As used in this section, *designated representative* means any Coast Guard commissioned, warrant, petty officer, a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel, or any Federal, State, or local law enforcement officer who has been designated by the Captain of the Port Miami (COTP) to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of the regulations in this section. Official patrol vessels mean any Coast Guard, Coast Guard Auxiliary, State, or local law enforcement vessels assigned or approved by the COTP to enforce this section.

(c) *Regulations.* When the security zone is enforced, the following regulations, along with those contained in § 165.785 apply:

(1) All persons and vessels are prohibited from entering, transiting, anchoring in, or remaining within the security zone unless authorized by the COTP Miami or a designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at (305) 535–4472 or may contact a designated representative via VHF radio on channel 16. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Effective period and enforcement period.* The security zone in paragraph (a) of this section is in effect from July 21, 2025, through September 30, 2025. The section is subject to enforcement at all times during this period. The Coast Guard anticipates the safety zone will be enforced when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present at the Mar-a-Lago Club in Palm Beach, Florida. The Coast Guard will rely on the methods described to notify the public prior to activation of any of the security zones described in paragraph (a) of this section. Coast Guard patrol assets will also be on-scene with flashing energized blue lights.

(e) *Penalties.* Those who violate this section are subject to the penalties set forth in 46 U.S.C. 70036.

Dated: July 21, 2025.

Frank J. Florio,

CAPT, U.S. Coast Guard, Captain of the Port, Sector Miami.

[FR Doc. 2025–14291 Filed 7–28–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

Designation of Areas for Air Quality Planning Purposes

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

In Title 40 of the Code of Federal Regulations, Part 81, revised as of July 1, 2025, in section 81.334, in the table

titled ''North Carolina—2010 Sulfur Dioxide NAAQS [Primary]'', make the following amendments:

■ a. Revise the ''Designated area'' and ''Date'' column headings;

■ b. Remove the entries for ''Brunswick County, NC'', ''Brunswick County'', ''Lockwood Folly Township, Northwest Township, Shallotte Township, Smithville Township, Town Creek Township, Waccamaw Township'', and ''Rest of State:'';

■ c. Add an entry for ''Brunswick County'' before ''Buncombe County'';

■ d. Add an entry for ''Lockwood Folly Township, Northwest Township, Shallotte Township, Smithville Township, Town Creek Township, Waccamaw Township'' under ''Brunswick County''; and

■ e. Remove footnote 2 and redesignate footnotes 1 and 3 as footnotes 2 and 1, respectively.

The revisions and additions read as follows:

§ 81.334 North Carolina.

* * * * *

NORTH CAROLINA—2010 SULFUR DIOXIDE NAAQS

[Primary]

Designated area [1]	Designation	
	Date [2]	Type
* * * *	*	* *
Brunswick County ..... Lockwood Folly Township, Northwest Township, Shallotte Township, Smithville Township, Town Creek Township, Waccamaw Township.	October 28, 2021	Attainment/Unclassifiable.
* * * *	*	* *

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2025–14315 Filed 7–28–25; 8:45 am]

BILLING CODE 0099–10–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2024–0212; FRL–12816–01–OCSPP]

Pyroxasulfone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pyroxasulfone in or on the nut, tree, group 14–12; the fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F; and almond hulls. K-I Chemical U.S.A., Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 29, 2025. Objections and requests for hearings must be received on or before September 29, 2025 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2024–0212, is available at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document might apply to them.

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' FFDCA section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . .''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period

specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2024–0212 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before September 29, 2025.

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Revised Order Urging Electronic Filing and Service,'' dated June 22, 2023, which can be found at *https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf.* Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the information that you claim to be CBI. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned for Tolerance

In the **Federal Register** of December 9, 2024 (89 FR 97577) (FRL–11682–10–OCSPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F9073) by K-I Chemical U.S.A., Inc., c/o Landis International, Inc., P.O. Box 5126, Valdosta, GA 31603–5126. The petition requested that 40 CFR 180.659 be amended by establishing tolerances for residues of pyroxasulfone, (3-[(5-difluoromethoxy-1-methyl-3-(trifluoromethyl)pyrazol-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole), including its metabolites M-1, M-3, M-25, and M-28, in or on nut, tree, group 14–12 at 0.07 parts per million (ppm); fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.07 ppm; and almond, hulls at 0.15 ppm. That document referenced a summary of the petition prepared by the petitioner and included in the docket.

There were no comments received in response to the notice of filing.

III. Final Tolerance Action

A. EPA's Safety Determination

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pyroxasulfone including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with pyroxasulfone is summarized in this unit. In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published in tolerance rulemakings for the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA previously published several tolerance rulemakings for pyroxasulfone, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to pyroxasulfone and established tolerances for residues of that chemical. EPA is incorporating previously published sections of those rulemakings that remain unchanged, as described further in this rulemaking. Specific information on the risk assessment conducted in support of this action, including on the studies received and the nature of the adverse effects caused by pyroxasulfone, can be found in the document titled ''Pyroxasulfone: Human Health Risk Assessment for the New Section 3 Uses on Fruit, Small, Vine Climbing, Except Fuzzy Kiwifruit, Subgroup 13–07F and Nut, Tree, Group 14–12'' (hereinafter ''Pyroxasulfone Human Health Risk Assessment), which is available in the docket.

B. Toxicological Profile

For a discussion of the Toxicological Profile of pyroxasulfone, see Unit III.A. of the rulemaking published in the **Federal Register** of October 29, 2018 (83 FR 54259) (FRL–9983–29).

C. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level, generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD), and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

More detailed information on the toxicological endpoints for pyroxasulfone used for human health risk assessment can be found in the Pyroxasulfone Human Health Risk Assessment that is in the docket.

D. Exposure Assessment

Much of the exposure assessment remains unchanged from the rulemaking of October 29, 2018, as described in Unit III.C. of that rulemaking, although

the new exposure assessment incorporates the additional dietary exposure from the petitioned-for tolerances. Other changes are described in this unit.

Acute and chronic dietary exposure assessments were conducted using DEEM–FCID Version 4.02. This software uses 2005–2010 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA).

For both the acute and chronic risk assessments EPA assumed 100 percent crop treated (PCT). Residues in or on food were based on tolerance level residues for all commodities with the following exceptions, which were based on tolerance level residues adjusted to include additional metabolites of concern for risk assessment: cereal grains (*i.e.,* corn, field, grain; corn, pop, grain; corn, sweet, kernel plus cob with husks removed (K+CWHR); and wheat, grain); cottonseed, subgroup 20C; milk; and soybean, seed. The assessments used default processing factors and the highest estimated drinking water concentrations (EDWCs) from acute and chronic ground water exposures.

For a summary of the drinking water numbers used, see Unit III.C. of the rulemaking of October 29, 2018. For the acute dietary risk assessment, a water concentration value of 210 parts per billion (ppb) was used to assess the contribution to drinking water. For the chronic dietary risk assessment, a water concentration value of 174 ppb was used to assess the contribution to drinking water.

The registered and proposed uses of pyroxasulfone are not expected to result in residential exposure. There are no proposed residential uses at this time and existing registrations with residential use sites are not expected to result in residential handler or post-application exposure based on the label directions and directed use patterns (soil-directed application), providing no residential contribution to the aggregate. Therefore, the acute and chronic exposure estimates represent all aggregate exposure.

E. Cumulative Exposure

FFDCA section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to pyroxasulfone and any other substances, and pyroxasulfone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this action, therefore, EPA has not assumed that pyroxasulfone has a common mechanism of toxicity with other substances.

F. Safety Factor for Infants and Children

1. *In general.* FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) safety factor.

2. *Prenatal and postnatal sensitivity.* Pyroxasulfone did not exhibit developmental toxicity in the rat guideline study at the limit dose of 1000 mg/kg/day although it exhibited slight developmental toxicity in rabbits (reduced fetal weight and increase fetal resorptions) at the limit dose of 1000 mg/kg/day. However, developmental effects (decreased brain weight and morphometric changes) were noted in offspring at 300 mg/kg/day in the rat developmental neurotoxicity (DNT) study compared to no maternal toxicity at ≥900 mg/kg/day. In a reproductive toxicity in rats, reduced pup body weight during lactation occurred at similar or higher doses causing pronounced maternal toxicity (reduced body weight and cardiac, nerve, liver, muscle and urinary system toxicity).

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA safety factor were reduced to 1X. That decision is based on the following findings:

- The toxicity database for pyroxasulfone is complete.
- The neurotoxicity database, including acute, subchronic and chronic studies, shows adverse effects from pyroxasulfone exposure in mice, rats and dogs, with dogs showing the most sensitivity. Although the DNT study indicated offspring are more sensitive to neurotoxic effects of pyroxasulfone, the dose-response is well characterized for neurotoxicity and a NOAEL is identified; therefore, there is no residual uncertainty with regard to neurotoxic effects for which a 10X must be retained.
- The available database shows evidence of increased susceptibility of fetuses and offspring in a DNT study in rats and in a developmental study in rabbits following in *utero* or post-natal exposure to pyroxasulfone. The Agency concludes, however, that there is no residual uncertainty concerning these effects. The available studies show clear NOAELs and LOAELs for these effects, which are occurring only at doses much higher than the endpoints on which the Agency is regulating (*i.e.,* all PODs selected for risk assessment are protective of the offspring effects).
- There are no residual uncertainties in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues or residues based on field trials. EPA made conservative (protective) assumptions in the ground or surface water modeling used to assess exposure to pyroxasulfone in drinking water. These assessments will not underestimate the exposure and risks posed by pyroxasulfone.

G. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population-adjusted dose (aPAD) and chronic population-adjusted dose (cPAD). Short-, intermediate-, and chronic-term aggregate risks are evaluated by comparing the estimated total food, water, and residential exposure to the appropriate points of departure (POD) to ensure that an adequate margin of exposure (MOE) exists.

Acute dietary (food and drinking water) risks are below the Agency's level of concern of 100% of the aPAD; they are 4.0% of the aPAD for all infants less than 1 year old, which is the population subgroup with the highest exposure estimate. Chronic dietary (food and drinking water) risks are below the Agency's level of concern of 100% of the cPAD; they are 70% of the cPAD for all infants less than 1 year old, which is the population subgroup with the highest exposure estimate.

The Agency has determined that the quantification of risk using a non-linear approach (*i.e.,* RfD) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to pyroxasulfone. Therefore, a separate cancer dietary (food and drinking water) exposure and risk assessment was not conducted.

Therefore, based on the risk assessment and information described in this document, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to pyroxasulfone residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. in the rulemaking of October 29, 2018.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for residues of pyroxasulfone in or on any of the petitioned-for commodities associated with this regulatory action.

V. Conclusion

Therefore, tolerances are established for residues of pyroxasulfone, including its metabolites and degradates, in or on the Nut, tree, group 14–12 at 0.07 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 0.07 ppm; and almond, hulls at 0.15 ppm.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.,* because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

Since tolerance actions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.,* do not apply to this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or on the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the states, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA's 2021 *Policy on Children's Health* applies to this action.

This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' (FFDCA 408(b)(2)(C)). The Agency's consideration is documented in the pesticide-specific registration review documents, *located* in each chemical docket at *https://www.regulations.gov.*

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

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 24, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

For the reasons set forth in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.659, add alphabetically to the table in paragraph (a)(5) the commodities ''Almond, hulls''; ''Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F''; and ''Nut, tree, group 14–12'' to read as follows:

§ 180.659 Pyroxasulfone; tolerances for residues.

(a) * * *

(5) * * *

Commodity	Parts per million
Almond, hulls	0.15
* * * * * * *	
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	0.07
* * * * * * *	
Nut, tree, group 14–12	0.07
* * * * * * *	

* * * * *

[FR Doc. 2025–14282 Filed 7–28–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 721 and 725

[EPA–HQ–OPPT–2024–0074; FRL–11916–02–OCSPP]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (24-1.5e)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for certain chemical substances that were the subject of premanufacture notices (PMNs) and a Microbial Commercial Activity Notice (MCAN) and are also subject to an Order issued by EPA pursuant to TSCA. The SNURs require persons to notify EPA at least 90 days before commencing the manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use in the SNUR. The required notification initiates EPA's evaluation of the conditions of that use for that chemical substance. In addition, the manufacture or processing for the significant new use may not commence until EPA has conducted a review of the required notification; made an appropriate determination regarding that notification; and taken such actions as required by that determination.

DATES: This rule is effective on September 29, 2025. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (EST) on August 12, 2025.

ADDRESSES: The docket for this action, identified under docket identification (ID) number EPA–HQ–OPPT–2024–0074, is available online at *https://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket) in the Environmental Protection Agency Docket Center (EPA/DC). Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Geraldine Hilton, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8986; email address: *hilton.geraldine@epa.gov.*

For general information on SNURs: William Wysong, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4163; email address: *wysong.william@epa.gov.*

For general information on TSCA: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the factors in TSCA section 5(a)(2).

B. What action is the Agency taking?

EPA is finalizing SNURs under TSCA section 5(a)(2) for the chemical substances identified in this document. These chemical substances were the subject of PMNs and a Microbial Commercial Activity Notice (MCAN) and are also subject to an Order issued by EPA pursuant to TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). The SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4). The SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use in the SNURs to notify EPA at least 90 days before commencing that activity.

Previously, EPA proposed SNURs for these chemical substances in the **Federal Register** of August 20, 2024 (89 FR 67368 (FRL–11916–01–OCSPP)). The docket includes information considered by the Agency in developing the proposed and final rules, including public comments and EPA's responses to the comments received as discussed in Unit II.D.

C. Does this action apply to me?

1. General Applicability

This action applies to you if you manufacture, process, or use the chemical substances identified in this document. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a

guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

2. Applicability to Importers and Exporters

This action may also apply to certain entities through pre-existing import certification and export notification requirements under TSCA (*https://www.epa.gov/tsca-import-export-requirements*).

Chemical importers are subject to TSCA section 13 (15 U.S.C. 2612), the requirements in 19 CFR 12.118 through 12.127, 19 CFR 127.28, and 40 CFR part 707, subpart B. Importers of chemical substances in bulk form, as part of a mixture, or as part of an article (if required by rule) must certify that the shipment of the chemical substance complies with all applicable rules and Orders under TSCA, including regulations issued under TSCA sections 5, 6, 7 and Title IV.

Pursuant to 40 CFR 721.20 or 40 CFR 725.920 (for microorganisms), any persons who export or intend to export a chemical substance identified in this document are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

D. What are the incremental economic impacts of this action?

EPA has evaluated the potential costs of establishing SNUN reporting requirements for potential manufacturers and processors of the chemical substances identified in this document. This analysis, which is available in the docket, is briefly summarized here.

1. Estimated Costs for SNUN Submissions

A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. If a SNUN is submitted, costs are an estimated $45,000 per SNUN submission for large business submitters and $14,500 for small business submitters. These estimates include the cost to prepare and submit the SNUN (including registration for EPA's Central Data Exchange (CDX)), and the payment of a user fee. Businesses that submit a SNUN would be subject to either a $37,000 user fee required by 40 CFR 700.45(c)(2)(ii) and (d), or, if they are a small business as defined at 13 CFR 121.201, a reduced user fee of $6,480 (40 CFR 700.45(c)(1)(ii) and (d)). These estimates reflect the costs and fees as they are known at the time of this rulemaking.

2. Estimated Costs for Export Notifications

EPA has also evaluated the potential costs associated with the pre-existing export notification requirements under TSCA section 12(b) and the implementing regulations at 40 CFR part 707, subpart D. For persons exporting a substance that is the subject of a SNUR, a one-time notice to EPA must be provided for the first export or intended export to a particular country. The total costs of export notification will vary by chemical, depending on the number of required notifications (*i.e.,* the number of countries to which the chemical is exported). While EPA is unable to make any estimate of the likely number of export notifications for the chemical substances covered by these SNURs, as stated in the accompanying economic analysis, the estimated cost of the export notification requirement on a per unit basis is approximately $106.

II. Background

A. General Information About SNURs

Unit II. of the proposed rule provides general information about SNURs, and additional information about EPA's new chemical program is available at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

B. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. As discussed in Unit II.E. of the proposed rule, EPA concluded that the proposed significant new uses were not ongoing. If EPA subsequently determines that such a use was ongoing as of the date of publication of the proposed rule and did not cease prior to issuance of the final rule, EPA will not designate that use as a significant new use in the final rule. EPA has no information to suggest that any of the significant new uses identified in this rule meet this criterion.

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376 (FRL–3658–5)), EPA believes that the intent of TSCA section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of publication of the proposed rule rather than as of the effective date of the final rule. The objective of EPA's approach is to ensure that a person cannot impede finalization of a SNUR by initiating a significant new use after publication of the proposed rule but before the effective date of the final rule. Uses arising after the publication of the proposed rule are distinguished from uses that are identified in the final rule as having been ongoing on the date of publication of the proposed rule. The former would be new uses, the latter ongoing uses, except that uses that are identified as ongoing as of the publication of the proposed rule would not be considered ongoing uses if they have ceased by the date of issuance of a final rule.

In the unlikely event that before a final rule becomes effective a person begins commercial manufacturing (including importing) or processing of the chemical substances for a use that is designated as a significant new use in that final rule, such a person would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until all TSCA prerequisites for the commencement of manufacture or processing have been satisfied.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

C. Important Information About SNUN Submissions

1. SNUN Submissions

SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

2. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4, then TSCA section 5(b)(1)(A) requires such information to

be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, TSCA order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50 or 40 CFR 725.160 [for microorganisms]). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. To assist with EPA's analysis of the SNUN, submitters are encouraged, but not required, to provide the potentially useful information as identified for the chemical substance in Unit III.C. of the proposed rule.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). For more information on alternative test methods and strategies to reduce vertebrate animal testing, visit *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce.*

The potentially useful information described in Unit III. of the proposed rule may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information about human exposure and environmental release that may result from the significant new use of the chemical substances.

D. Public Comments on Proposed Rule and EPA Responses

EPA received public comments on the proposed SNURs and prepared a Response to Comment document that provides the Agency responses. The comments and the Response to Comment document are available in the docket. As described in the Response to Comment document, EPA is finalizing these SNURs with the following changes (listed by PMN Number and proposed 40 CFR citation):

- For P–20–175 (40 CFR 721.11897), P–20–176 (40 CFR 721.11898), and P–20–178 (40 CFR 721.11899), based upon review of submitted data indicating the substances are expected to have low environmental hazard, EPA removed the proposed release to water requirements and also modified the proposed hazard communication requirements by removing the proposed reference to 40 CFR 721.72(g)(3); and,
- For P–22–86 (40 CFR 721.11918), P–22–122 (40 CFR 721.11919), P–22–179 (40 CFR 721.11920), P–22–180 (40 CFR 721.11921), and P–22–129 (40 CFR 721.11923), EPA incorporated the requirements of 40 CFR 721.72(e) to include a *de minimis* provision of 1.0% (for P–22–86, P–22–122, and P–22–0129) or 0.1% (for P–22–179 and P–22–180) for consistency with the underlying Orders for these substances. For P–22–86, P–22–122, P–22–0179, and P–22–180, EPA also corrected the significant new use regarding the manner in which the substance is imported. The significant new use now reads ''It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less.''

In addition to the changes to respond to comments, EPA identified the need to revise the following proposed SNURs (listed by PMN Number and proposed 40 CFR citation):

- For P–22–13 (40 CFR 721.11913) and P–22–15 (40 CFR 721.11914), EPA made minor edits to the significant new use regarding the use of dust collection in the industrial, commercial, and consumer activities paragraph to be consistent with the Order.
- For P–18–356 (40 CFR 721.11894), P–18–357 (40 CFR 721.11895), P–19–188 (40 CFR 721.11896), P–21–32 (40 CFR 721.11901), P–21–33 (40 CFR 721.11902), P–21–96 (40 CFR 721.11905), P–21–98 (40 CFR 721.11906), P–21–126 (40 CFR 721.11907), P–21–175 (40 CFR 721.11908), P–22–10 (40 CFR 721.11912), P–22–13 (40 CFR 721.11913), P–22–15 (40 CFR 721.11914), P–22–37 (40 CFR 721.11914), P–22–54 (40 CFR 721.11917), and P–22–162 (40 CFR 721.11924), EPA simplified the requirements in the hazard communication paragraph by referencing 40 CFR 721.72(g)(3)(iii) rather than referencing 721.72(g)(3) and writing out the required environmental hazard statement.
- For P–20–178 (40 CFR 721.11899), EPA updated the generic name of the chemical substance. A provisional generic name was used in the proposed rule.

III. Chemical Substances Subject to These SNURs

A. What is the designated cutoff date for ongoing uses?

EPA designates the date of publication of the proposed rule as the cutoff date for determining whether the new use is ongoing, *i.e.,* August 20, 2024 (89 FR 67368 (FRL–11916–01–OCSPP)). This designation is explained in more detail in Unit II.B.

B. What information was provided for each chemical substance?

In Unit III.C. of the proposed rule, EPA provided the following information for each chemical substance subject to these SNURs:

- PMN number (the CFR citation assigned in the regulatory text section of this document).
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service Registry Number (CASRN) or Accession Number (if assigned for confidential chemical identities).
- Basis for the SNUR (*e.g.,* effective date of and basis for the TSCA Order).
- Potentially useful information.

The regulatory text section of this document specifies the chemical substances and activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated, may be claimed as CBI, as discussed in more detail in Unit II.C. of the proposed rule.

In addition, as discussed in Unit III.B. of the proposed rule, these SNURs include PMN substances that are subject to Orders issued under TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). Those TSCA Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. As such, the SNURs identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4).

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be

found at *https://www.epa.gov/laws-regulations-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review

This action establishes SNURs for new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866 (58 FR 51735, October 4, 1993).

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because a significant new use rule for a new chemical under TSCA section 5 is exempt from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

According to the PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to SNURs have already been approved by OMB pursuant to PRA under OMB control number 2070–0038 (EPA ICR No. 1188). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per submission. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, EPA has concluded that no small or large entities presently engage in such activities.

A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was 7 in Federal fiscal year (FY) 2020, 9 in FY2021, 9 in FY2022, 23 in FY2023, and 7 in FY2024, and only a fraction of these submissions were from small businesses.

In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $37,000 to $6,480. This lower fee reduces the total reporting and recordkeeping cost of submitting a SNUN to about $14,500 per SNUN submission for qualifying small firms. Therefore, the potential economic impacts of complying with these proposed SNURs are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684 (FRL–5597–1)), the Agency presented its general determination that SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars) in any one year as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by SNURs, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by these SNURs. In addition, the estimated costs of this action to the private sector do not exceed $183 million or more in any one year (the 1995 dollars are adjusted to 2023 dollars for inflation using the GDP implicit price deflator). The estimated costs for this action are discussed in Unit I.D.

F. Executive Order 13132: Federalism

This action will not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it is not expected to have a substantial direct effect on 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. Accordingly, the requirements of Executive Order 13132 do not apply to this action.

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

This action will not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it does not concern an environmental health or safety risk. Since this action does not concern a human health risk, EPA's 2021 Policy on Children's Health also does not apply. Although the establishment of these SNURs do not address an existing children's environmental health concern because the chemical uses involved are not ongoing uses, SNURs require that persons notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of the identified chemical substances for an activity that is designated as a significant new use by the SNUR. This notification allows EPA to assess the intended uses to identify potential risks and take appropriate actions before the activities commence.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve any technical standards subject to NTTAA section 12(d) (15 U.S.C. 272 note).

K. Congressional Review Act (CRA)

This action is subject to the CRA (5 U.S.C. 801 *et seq.*), and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 725

Environmental protection, Administrative practice and procedure, Biologics, Chemicals, Hazardous substances, Imports, Labeling, Occupational safety and health, Reporting and recordkeeping requirements.

Dated: July 24, 2025.

Mary Elissa Reaves,

Director, Office of Pollution Prevention and Toxics.

For the reasons stated in the preamble, 40 CFR chapter I is amended as follows:

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add §§ 721.11894 through 721.11924 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

§ 721.11894 Sulfonated phenolic resin salt, polymer with acetone-phenol reaction products, formaldehyde and phenol, sodium salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonated phenolic resin salt, polymer with acetone-phenol reaction products, formaldehyde and phenol, sodium salt (PMN P–18–356) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: skin corrosion; serious eye damage; reproductive toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=6.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11895 Sulfonated phenolic resin salt, polymer with acetone-phenol reaction products, formaldehyde and phenol, potassium salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonated phenolic resin salt, polymer with acetone-phenol reaction products, formaldehyde and phenol, potassium salt (PMN P–18–357) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: skin corrosion; serious eye damage; reproductive toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=6.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11896 Octadecanamide, N,N-dialkyl, salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as octadecanamide, N,N-dialkyl, salts (PMN P–19–188) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), and (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; specific target organ toxicity; serious eye damage. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=34.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11897 Acid N-[4-(4-diarylalkyl]-, carbopolycyclic alkenyl, methyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acid N-[4-(4-diarylalkyl]-, carbopolycyclic alkenyl, methyl ester (PMN P–20–175) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; respiratory sensitization; skin sensitization; carcinogenicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11898 Acid N-(diarylalkyl)-, carbopolycyclic alkenyl, methyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as acid N-(diarylalkyl)-, carbopolycyclic alkenyl, methyl ester (PMN P–20–176) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; respiratory sensitization; skin sensitization; carcinogenicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11899 Carbopolycyclic alkenyl, 2-carboxylic acid, 2-[[[(isocyanatophenyl) alkyl]carbocycle]amino]carbonyl]oxy]ethyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as carbopolycyclic alkenyl, 2-carboxylic acid, 2-[[[(isocyanatophenyl) alkyl] carbocycle]amino]carbonyl]oxy]ethyl ester (PMN P–20–178) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace

policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; respiratory sensitization; skin sensitization; carcinogenicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11900 Amines, C36-alkylenedi-, polymers with 5,5′-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis[1,3-isobenzofurandione] and 4,4′-[2,2,2-trifluoro-1-(trifluoromethyl)ethylidene]bis[2-aminophenol].

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as amines, C36-alkylenedi-, polymers with 5,5′-[(1-methylethylidene)bis(4,1-phenyleneoxy)]bis[1,3-isobenzofurandione] and 4,4′-[2,2,2-trifluoro-1-(trifluoromethyl)ethylidene]bis[2-aminophenol] (PMN P–21–15; CASRN 2419899–87–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), and (g)(1) and (5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(ii) *Industrial, commercial, and consumer activities.* It is a significant new use to use the substance other than as a raw material in a temporary bonding adhesive formulation. The adhesive is used to bond completed semiconductor wafers to a backing substrate to facilitate mechanical grinding of the wafer to reduce its thickness. It is a significant new use to manufacture, process, or use the substance in any manner that results in worker inhalation exposure.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (f) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11901 Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-(3-aminopropyl)-.omega.-(1-methylethoxy)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as poly[oxy(methyl-1,2-ethanediyl)], .alpha.-(3-aminopropyl)-.omega.-(1-methylethoxy)- (PMN P–21–32; CASRN 2304726–48–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or destroyed.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii), and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin corrosion; serious eye damage; skin sensitization; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to process or use the substance in any manner in formulation containing the substance at greater than 4%.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=110. Whenever the substance is released together with poly[oxy(methyl-1,2-ethanediyl)], .alpha.-(3-aminopropyl)-.omega.-butoxy- (PMN P–21–33; CASRN 2304726–50–7), N should be calculated using the combined number of kilograms of both substances released per site per day.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11902 Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-(3-aminopropyl)-.omega.-butoxy-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as poly[oxy(methyl-1,2-ethanediyl)], .alpha.-(3-aminopropyl)-.omega.-butoxy- (PMN P–21–33; CASRN 2304726–50–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or destroyed.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1), (g)(3)(iii) and

(g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin corrosion; serious eye damage; skin sensitization; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to process or use the substance in any manner in formulation containing the substance at greater than 4%.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=110. Whenever the substance is released together with poly[oxy(methyl-1,2-ethanediyl)], .alpha.-(3-aminopropyl)-.omega.-(1-methylethoxy)- (PMN P–21–32; CASRN 2304726–48–3), N should be calculated using the combined number of kilograms of both substances released per site per day.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11903 Alkanoic acid, hydroxy-(hydroxyalkyl)-alkyl-, polymer with .alpha.-[(hydroxyalkyl)alkyl]-.omega.-alkoxypoly(oxy-alkanediyl), dialkyl carbonate, alkanediol, alkylene[isocyanato-carbomonocycle] and [oxybis(alkylene)]bis[alkyl-alkanediole] alkenoate, compd. with dialkyalkanamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkanoic acid, hydroxy-(hydroxyalkyl)-alkyl-, polymer with .alpha.-[(hydroxyalkyl)alkyl]-.omega.-alkoxypoly(oxy-alkanediyl), dialkyl carbonate, alkanediol, alkylene[isocyanato-carbomonocycle] and [oxybis(alkylene)]bis[alkyl-alkanediole] alkenoate, compd. with dialkyalkanamine (PMN P–21–75) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50, or 1000 if spray applied.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin corrosion; skin irritation; serious eye damage; eye irritation; respiratory sensitization; reproductive toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11904 Alkanedioic acid, polymers with alkanoic acid-dipentaerythritol reaction products, alkanedioc acid dihydrazide, hydroxy-(hydroxyalkyl)-alkylalkanoic acid, isocyanato-(isocyanatoalkyl)-alkyl substituted carbomonocycle, dialkylalkanediol and polyalkylene glycol(hydroxyalkyl)alkyl alkyl ether (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkanedioic acid, polymers with alkanoic acid-dipentaerythritol reaction products, alkanedioc acid dihydrazide, hydroxy-(hydroxyalkyl)-alkylalkanoic acid, isocyanato-(isocyanatoalkyl)-alkyl substituted carbomonocycle, dialkylalkanediol and polyalkylene glycol(hydroxyalkyl)alkyl alkyl ether (PMN P–21–80) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50, or 1000 if spray applied.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; respiratory sensitization; skin sensitization; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11905 Phenol, 4,4′-(1-methylethylidene)bis-, polymer with 2,2′-[(1-methylethylidene)bis(4,1-phenyleneoxymethylene) bis[heteromonocycle], bis(2-methyl-2-propenoate) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as phenol, 4,4′-(1-methylethylidene)bis-, polymer with 2,2′-[(1-methylethylidene)bis(4,1-

phenyleneoxymethylene)] bis[heteromonocycle], bis(2-methyl-2-propenoate) (PMN P–21–96) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; respiratory sensitization; skin sensitization; reproductive toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=2.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11906 Poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-[2(or 3)-[[substituted benzoyl]oxy]hydroxypropoxyl]-, .alpha., .alpha.′, .alpha.″-ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-[2(or 3)-[[substituted benzoyl]oxy]hydroxypropoxyl]-, .alpha., .alpha.′, .alpha.″-ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1) (PMN P–21–98) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; skin sensitization; specific target organ toxicity; reproductive toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture or process the substance in any manner or method that results in inhalation exposure. It is a significant new use to use the substance in formulations at concentrations greater than 4%.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=12.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11907 Substituted heteromonocycle, polymer with haloalkyl substituted heteromonocycle, dialkyl-alkanediamine, (alkylalkylidene)bis[hydroxy-carbomonocycle] and oxybis[alkanol], reaction products with metal oxide and dialkanolamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted heteromonocycle, polymer with haloalkyl substituted heteromonocycle, dialkyl-alkanediamine, (alkylalkylidene)bis[hydroxy-carbomonocycle] and oxybis[alkanol], reaction products with metal oxide and dialkanolamine (PMN P–21–126) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely destroyed.

(2) The significant new uses are:

(i) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(3)(iii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=230.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (f) through (h), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11908 Carbonic acid, diphenyl ester, polymer with 1,4-butanediol and 1,10-decanediol.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as carbonic acid, diphenyl ester, polymer with 1,4-butanediol and 1,10-decanediol (PMN P–21–175; CASRN 1615685–41–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely destroyed.

(2) The significant new uses are:

(i) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(3)(iii), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=22.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (f), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11909 3,5,8-Trioxa-4-silaalkanoic acid, 4-ethenyl-4-(2-alkoxy-1-alkyl-2-oxoethoxy)-2,6-dialkyl-7-oxo-, alkyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as 3,5,8-trioxa-4-silaalkanoic acid, 4-ethenyl-4-(2-alkoxy-1-alkyl-2-oxoethoxy)-2,6-dialkyl-7-oxo-, alkyl ester (PMN P–22–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or destroyed.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), and (g)(1) and (5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: eye irritation; reproductive toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to process for use or use the substance other than as a crosslinker in formulating general purpose sealants and adhesives. It is a significant new use to process for use or use the substance in consumer products other than in the form of a paste. It is a significant new use to process for use or use the substance where the concentration of the substance exceeds 6% by weight in consumer products. It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11910 .beta.-N-Acetylhexosaminidase (expressed in genetically modified Bacillus licheniformis strain ATJI0138).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as .beta.-N-acetylhexosaminidase (expressed in genetically modified Bacillus licheniformis strain ATJI0138) (PMN P–22–8; CASRN 9012–33–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1) and (5). For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; respiratory sensitization; skin sensitization; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure. It is a significant new use to process the substance to greater than 1% in formulation for use in a consumer product.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11911 Alkanes, C4–9-branched and linear.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as alkanes, C4–9-branched and linear (PMN P–22–9; CASRN 2577172–51–9) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into a fuel or refined or blended into other chemical or fuel formulations.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 0.1%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a).

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the substance other than as a fuel, a refinery feedstock, a chemical feedstock, or a fuel blending additive or component.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (f), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11912 Amino alkanoic acid, N-[3-(trimethoxysilyl)propyl]-, 3-(trimethoxysilyl)propyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as amino alkanoic acid, N-[3-(trimethoxysilyl)propyl]-, 3-(trimethoxysilyl)propyl ester (PMN P–22–10) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: skin irritation; serious eye damage; reproductive toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the substance in any manner that generates inhalation exposure.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=80.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11913 2-Pyridinecarboxylic acid, 3-halo-4-nitrogen-substituted-5-halo-6-halo, aryl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as 2-pyridinecarboxylic acid, 3-halo-4-nitrogen-substituted-5-halo-6-halo, aryl ester (PMN P–22–13) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: eye irritation; skin sensitization; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g). It is a significant new use to manufacture, process, or use the substance in solid form without using a dust collection system with a combined capture and control efficiency of at least 32%.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11914 2-Pyridinecarboxylic acid, 3-halo-4-nitrogen-substituted-5-halo-6-halo-(generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as 2-pyridinecarboxylic acid, 3-halo-4-nitrogen-substituted-5-halo-6-halo- (PMN P–22–15) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: eye irritation; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g). It is a significant new use to manufacture, process, or use the substance in solid form without using a dust collection

system with a combined capture and control efficiency of at least 32%.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11915 Polyphosphoric acids, esters with heteromonocycle homopolymer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyphosphoric acids, esters with heteromonocycle homopolymer (PMN P–22–37) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or cured.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: skin corrosion; skin irritation; serious eye damage; eye irritation; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to process the substance to greater than 1% in formulation. It is a significant new use to use the substance in a formulation containing the substance at a concentration greater than 1%.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=2.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11916 Silica gel, reaction products with alkyl metal salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as silica gel, reaction products with alkyl metal salt (PMN P–22–44) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely destroyed.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), and (g)(1) and (5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: eye irritation; skin irritation; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(a) through (c).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11917 Graphene nanoplatelets (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as graphene nanoplatelets (PMN P–22–54) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been:

(i) Completely reacted or cured; or

(ii) Embedded into a permanent solid polymer form that is not intended to undergo further processing, except mechanical processing or physical blending.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this

substance may cause: specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k), (v)(3), and (x)(3). It is a significant new use to manufacture the substance other than by import into the United States in the form of a solution (*i.e.,* no domestic manufacture). It is a significant new use to process the substance in any manner that generates inhalation exposure. It is a significant new use to use the substance in an application method where the concentration of the substance in the formulation exceeds the confidential concentration listed in the Order.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11918 Phenoxathiinium, 10-phenyl-, 5-alkyl-2-alkyl-4-(2,4,6-substituted tri-carbopolycycle, hetero-acid)benzenesulfonate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as phenoxathiinium, 10-phenyl-, 5-alkyl-2-alkyl-4-(2,4,6-substituted tri-carbopolycycle, hetero-acid)benzenesulfonate (1:1) (PMN P–22–86) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e) the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin irritation; serious eye damage; skin sensitization; genetic toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates a vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11919 Heterotrisubstituted-bile acid, 1-(difluorosulfomethyl)-2,2,2-trifluoroethyl ester, ion(1-), (5)-, 5-phenyldibenzothiophenium (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heterotrisubstituted-bile acid, 1-(difluorosulfomethyl)-2,2,2-trifluoroethyl ester, ion(1-), (5)-, 5-phenyldibenzothiophenium (1:1) (PMN P–22–122) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e) the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin irritation; serious eye damage; skin sensitization; genetic toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates a vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11920 Sulfonium, (alkylsubstitutedphenyl)diphenyl-, salt with 1-(heterosubstitutedalkyl)-2,2,2-triheterosubstitutedalkyl trisubstitutedbenzoate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as sulfonium, (alkylsubstitutedphenyl)diphenyl-, salt with 1-(heterosubstitutedalkyl)-2,2,2-triheterosubstitutedalkyl

trisubstitutedbenzoate (1:1) (PMN P–22–179) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e) the concentration is set at 0.1%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin irritation; serious eye damage; skin sensitization; genetic toxicity; carcinogenicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates a vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11921 Dibenzothiophenium, 5-phenyl-, 4-[1-(heterosubstitutedalkyl)-2,2,2-triheterosubstitutedalkoxy]-4-oxoalkyl trisubstitutedbenzoate (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dibenzothiophenium, 5-phenyl-, 4-[1-(heterosubstitutedalkyl)-2,2,2-triheterosubstitutedalkoxy]-4-oxoalkyl trisubstitutedbenzoate (1:1) (PMN P–22–180) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e) the concentration is set at 0.1%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin irritation; serious eye damage; skin sensitization; genetic toxicity; carcinogenicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates a vapor, dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 9 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11922 .beta.-cyclodextrin, polymer with 2,3,5,6-tetrafluoro-1,4-benzenedicarbonitrile, hydrolyzed, 2-(trimethylammonio)ethyl ethers, chlorides.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as .beta.-cyclodextrin, polymer with 2,3,5,6-tetrafluoro-1,4-benzenedicarbonitrile, hydrolyzed, 2-(trimethylammonio)ethyl ethers, chlorides (PMN P–22–115; CASRN 2683011–63–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been incorporated into an article.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3) through (5), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 10. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), and (g)(1) and (5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: skin irritation; eye irritation; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the substance with particle size less than 20 microns. It is a significant new use to process for use or use the

substance in consumer products except when incorporated into an article.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11923 Substituted heterocyclic onium compound, salt with heteropolysubstitutedalkyl substitutedtricycloalkane carboxylate (1:1), polymer with 1-alkenyl-4-[(alkylcycloalkyl)oxy]carbomonocycle, 5-ethyloctahydro-4,7-methano-1H-inden-5-yl 2-methyl-2-propenoate, hexahydro-5-oxo-2,6-methanofuro[3,2-b]furan-3-yl 2-methyl-2-propenoate and 4-hydroxyphenyl 2-methyl-2-propenoate (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted heterocyclic onium compound, salt with heteropolysubstitutedalkyl substitutedtricycloalkane carboxylate (1:1), polymer with 1-alkenyl-4-[(alkylcycloalkyl)oxy]carbomonocycle, 5-ethyloctahydro-4,7-methano-1H-inden-5-yl 2-methyl-2-propenoate, hexahydro-5-oxo-2,6-methanofuro[3,2-b]furan-3-yl 2-methyl-2-propenoate and 4-hydroxyphenyl 2-methyl-2-propenoate (PMN P–22–129) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted or adhered (during photolithographic processes) onto a semiconductor wafer surface or similar manufactured article used in the production of semiconductor technologies.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1), (g)(2)(i) through (iii) and (v), (g)(3)(i) and (ii), and (g)(5). For purposes of § 721.72(e) the concentration is set at 1.0%. For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin irritation; serious eye damage; skin sensitization; genetic toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (k), and (t). It is a significant new use to import the substance other than in solution, unless in sealed containers weighing 5 kilograms or less. It is a significant new use to process the substance in any way that generates dust, mist, or aerosol in a non-enclosed process. It is a significant new use to manufacture the substance longer than 18 months.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11924 Haloalkylfurancarboxaldehyde (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as haloalkylfurancarboxaldehyde (PMN P–22–162) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (destroyed).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) and (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), and (g)(1), (g)(3)(iii) and (g)(5). For purposes of § 721.72(g)(1), this substance may cause: acute toxicity; skin irritation; serious eye damage; skin sensitization; genetic toxicity; reproductive toxicity; specific target organ toxicity. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(a) through (c), and (o). It is a significant new use to manufacture, process, or use the substance in any manner that results in inhalation exposure.

(iv) *Disposal.* It is a significant new use to dispose of the substance, or any waste streams containing the substance, other than by hazardous waste incineration achieving at least 99.99% destruction of the substance.

(v) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4), where N=540.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

PART 725—REPORTING REQUIREMENTS AND REVIEW PROCESSES FOR MICROORGANISMS

■ 3. The authority citation for part 725 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, 2613, and 2625.

■ 4. Add §§ 725.1082 to subpart M to read as follows:

Subpart M—Significant New Uses for Specific Microorganisms

§ 725.1082 Microorganism expressing enzymes (generic).

(a) *Microorganism and significant new uses subject to reporting.* (1) The genetically-modified microorganism identified generically as microorganism expressing enzymes (MCAN J–23–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) It is a significant new use to manufacture, process, or use the microorganism other than in a

fermentation system that meets all of the following conditions:

(A) Enzyme production occurs by submerged fermentation (*i.e.,* for enzyme production, growth of the microorganism occurs beneath the surface of the liquid growth medium); and

(B) Any fermentation of solid plant material or insoluble substrate to which the microorganism fermentation broth is added after the standard industrial fermentation is completed is initiated only after the inactivation of the microorganism as delineated in § 725.422(d).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart L of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 725.950(b)(2) through (4) are applicable to manufacturers and processors of this microorganism.

(2) *Modification or revocation of certain notification requirements.* The provisions of § 725.984 apply to this section.

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Proposed Rules

Federal Register
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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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2025–0070]

RIN 3150–AL33

List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 4

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by revising the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 4 to Certificate of Compliance No. 1042. Amendment No. 4 would change the certificate of compliance to incorporate a method to determine new loading patterns, introduce a steel plate composite option, introduce the use of MAVRIC software for a confirmatory run of the HSM–MX dose rates, make technical specification changes for consistency and terminology clarification, make various updated final safety analysis report editorial corrections for consistency and clarification, add measured exposures from past loading campaigns, allow use of a blended Portland cement, change the use of the MX-Loading Crane, and clarify the scenarios under which the maximum heat loads can be reduced.

DATES: Submit comments by August 28, 2025. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration of only comments received on or before this date.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2025–0070, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

You can read a plain language description of this direct final rule at *https://www.regulations.gov/docket/NRC-2025-0070.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: George Tartal, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–0016, email: *George.Tartal@nrc.gov.*

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0070 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0070. Address questions about NRC dockets to Helen Chang, telephone: 301–415–3228, email: *Helen.Chang@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–0070 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on October 14, 2025. However, if the NRC receives any significant adverse comment by August 28, 2025, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule. In general, absent significant modifications to the proposed revisions requiring

republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule, certificate of compliance, or technical specifications.

For a more detailed discussion of the proposed rule changes and associated analyses, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that ''[t]he Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the Nuclear Waste Policy Act states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule that added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on March 24, 2017 (82 FR 14987), that approved the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance No. 1042.

This rule would be limited to the changes contained in Amendment No. 4 to Certificate of Compliance No. 1042 and would not include other aspects of the TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System design.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on this proposed rule with respect to clarity and effectiveness of the language used.

V. Regulatory Planning and Review

Executive Order (E.O.) 12866, as amended by E.O. 14215, provides that the Office of Information and Regulatory Affairs (OIRA) will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA determined that this proposed rule is not a significant regulatory action under E.O. 12866.

VI. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS accession No./ **Federal Register** citation
Proposed Certificate of Compliance	
''Proposed CoC No.1042—EOS Amendment No. 4''	ML25078A250
Preliminary Safety Evaluation Report	
''PSER—EOS Amendment No. 4''	ML25078A252
Proposed Conditions for Cask Use and Technical Specifications	
''Proposed Technical Specifications—EOS Amendment No. 4''	ML25078A251
Environmental Documents	
''Storage of Spent Fuel In NRC-Approved Storage Casks at Power Reactor Sites'' Final Rule (July 18, 1990)	55 FR 29181
TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System Amendment Application Documents	
''Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 0 (Docket 72–1042),'' September 29, 2022.	ML22272A575
''TN Americas LLC Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 1—Response to Request for Supplemental Information,'' March 30, 2023.	ML23089A175

Document	ADAMS accession No./ **Federal Register** citation
"Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 2 (Docket 72–1042, CAC No. 001028, EPID: L–2022–LLA–0017)—Supplemental Responses to Request for Supplemental Information," June 28, 2023.	ML23179A120
"TN Americas LLC, Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 3 (Docket 72–1042, CAC No. 001028, EPID: L–2022–LLA–0017)—Response to Request for Additional Information," April 22, 2024.	ML24113A307
"Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 4 (Docket 72–1042, CAC No. 001028, EPID: L–2022–LLA–0017)—Revised Response to Request for Additional Information," November 6, 2024.	ML24311A209
"Application for Amendment 4 to NUHOMS EOS Certificate of Compliance No. 1042, Revision 5 (Docket 72–1042, CAC No. 001028, EPID: L–2022–LLA–0017)—Supplemental Responses to Request for Additional Information," February 12, 2025.	ML25043A122
Other Documents	
"Agreement State Program Policy Statement; Correction." (October 18, 2017)	82 FR 48535
Presidential Memorandum, "Plain Language in Government Writing." (June 10, 1998)	63 FR 31885
List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042: Direct Final Rule, March 24, 2017.	82 FR 14987

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2025–0070. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder NRC–2025–0070; (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

Dated: July 17, 2025.

For the Nuclear Regulatory Commission.

Michael King,

Acting Executive Director for Operations.

[FR Doc. 2025–14293 Filed 7–28–25; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1364; Project Identifier AD–2024–00613–E]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain General Electric Company (GE) Model GE90–90B, GE90–94B, GE90–110B1, and GE90–115B engines. This proposed AD was prompted by a manufacturer investigation that revealed certain high-pressure turbine (HPT) stage 1 and HPT stage 2 disks were manufactured from powder metal material suspected to contain iron inclusion. This proposed AD would require replacement of affected HPT stage 1 and HPT stage 2 disks with parts eligible for installation. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 12, 2025.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–1364; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For GE material identified in this proposed AD, contact GE, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ge.com;* website: *ge.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7178; email: *alexei.t.marqueen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–1364; Project Identifier AD–2024–00613–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may revise this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM

contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA was notified by the manufacturer of the detection of iron inclusion in a turbine disk manufactured from the same powder metal material used to manufacture certain HPT stage 1 and HPT stage 2 disks for GE Model GE90–90B, GE90–94B, GE90–110B1, and GE90–115B engines. Further investigation by the manufacturer determined that the iron inclusion is attributed to deficiencies in the manufacturing process and may cause reduced material properties and a lower fatigue life capability, which may result in premature fracture and uncontained failure. The manufacturer also informed the FAA that additional risk assessments determined that there were no incidents of premature fracture and uncontained failure associated with the discovery of this iron inclusion material on these engines but concluded that replacement of the affected HPT stage 1 and HPT stage 2 disks is necessary to prevent any future failure events. The exposure of HPT stage 1 and HPT stage 2 disks to iron inclusion, if not addressed, could result in uncontained debris release, damage to the engine, and damage to the airplane.

FAA's Determination

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed GE GE90–100 Service Bulletin (SB) 72–0926, Revision 01, dated December 22, 2023 (GE GE90–100 SB 72–0926, Revision 01). This material specifies the affected part numbers, serial numbers, and cyclic removal thresholds for the HPT stage 1 and HPT stage 2 disks. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements in This NPRM

This proposed AD would require replacement of certain HPT stage 1 disks and HPT stage 2 disks with parts eligible for installation. Table 1 to paragraph (c) of this AD includes all part numbers and serial numbers for affected HPT stage 1 disks that have been scrapped or that have already been removed from GE Model GE90–90B and GE90–94B engines, and certain part numbers and serial numbers for affected HPT stage 1 disks and HPT stage 2 disks that have been scrapped or that have already been removed from GE Model GE90–110B1 and GE90–115B engines. GE GE90 SB 72–1229, dated October 11, 2023, includes these part numbers and serial numbers. Therefore, the part numbers and serial numbers for affected HPT stage 1 disks listed in table 1 to paragraph (c) of this AD take precedence over those listed in GE GE90 SB 72–1229, dated October 11, 2023.

Differences Between This Proposed AD and the Referenced Material

GE GE90–100 SB 72–0926, Revision 01 includes cyclic removal thresholds for certain parts that have already been removed or scrapped while this proposed AD requires those parts to be removed from service and replaced before further flight.

GE GE90–100 SB 72–0926, Revision 01 uses the term ''high pressure turbine rotor (HPTR),'' while this proposed AD uses the term ''high pressure turbine (HPT).''

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect two engines installed on airplanes of U.S. registry. The FAA estimates that one engine installed on an airplane of U.S. registry would require replacement of the HPT stage 1 disk, and one engine installed on an airplane of U.S. registry would require replacement of the HPT stage 2 disk. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace HPT stage 1 disk	8 work-hours × $85 per hour = $680	$932,136 (prorated)	$932,816	$932,816
Replace HPT stage 2 disk	8 work-hours × $85 per hour = $680	$186,406 (prorated)	187,086	187,086

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2025–1364; Project Identifier AD–2024–00613–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 12, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following General Electric Company (GE) Model engines:

(1) GE90–90B and GE90–94B engines with a high pressure turbine (HPT) stage 1 disk having a part number and serial number identified in table 1 to paragraph (c) of this AD installed; and

(2) GE90–110B1 and GE90–115B engines with an HPT stage 1 disk or HPT stage 2 disk having a part number and serial number identified in table 1 to paragraph (c) of this AD or Table 1 or Table 2 of GE GE90–100 Service Bulletin 72–0926, Revision 01, dated December 22, 2023 (GE GE90–100 SB 72–0926, Revision 01) installed.

TABLE 1 TO PARAGRAPH (c)—AFFECTED HPT STAGE 1 AND 2 DISKS

Part name	Part No.	Serial No.
HPT Stage 1 Disk	1847M95G01	GWN05K5J
HPT Stage 1 Disk	1847M95G01	GWN05K5M
HPT Stage 1 Disk	1847M95G01	GWN05NP6
HPT Stage 1 Disk	1865M13G08	GWN10N9A
HPT Stage 1 Disk	1865M13G08	GWN0NJ92
HPT Stage 1 Disk	1865M13G08	GWN0NJ94
HPT Stage 1 Disk	1865M13G08	GWN0NK87
HPT Stage 1 Disk	1865M13G08	GWN0RJ4G
HPT Stage 1 Disk	1865M13G08	GWN0WPEC
HPT Stage 2 Disk	1865M14P04	TMT4RK67
HPT Stage 2 Disk	1865M14P04	TMT4RG10
HPT Stage 2 Disk	1865M14P04	TMT4RG11

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a manufacturer investigation that revealed certain HPT stage 1 disks and HPT stage 2 disks were manufactured from powder metal material suspected to contain iron inclusion. The FAA is issuing this AD to prevent premature fracture and uncontained failure of the HPT stage 1 disks and HPT stage 2 disks. The unsafe condition, if not addressed, could result in uncontained debris release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

At the applicable times specified in paragraphs (g)(1) through (3) of this AD, remove each affected HPT stage 1 disk and HPT stage 2 disk from service and replace with a part eligible for installation.

(1) For HPT stage 1 disks and HPT stage 2 disks with a part number and serial number identified in table 1 to paragraph (c) of this AD, before further flight.

(2) For HPT stage 1 disks with a part number and serial number identified in Table 1 of GE GE90–100 SB 72–0926, Revision 01, that are not identified in table 1 to paragraph (c) of this AD, at the next piece-part exposure or before exceeding 4,650 cycles since new (CSN), whichever occurs first.

(3) For HPT stage 2 disks with a part number and serial number identified in Table 2 of GE GE90–100 SB 72–0926, Revision 01, that are not identified in table 1 to paragraph (c) of this AD, at the next piece-part exposure or before exceeding 11,300 CSN, whichever occurs first.

(h) Grace Period for HPT Stage 1 Disk Replacement

For affected HPT stage 1 disks having greater than 4,650 CSN on the effective date of this AD, the replacement required by paragraph (g)(2) of this AD may be deferred up to 50 flight cycles after the effective date of this AD.

(i) Definitions

(1) For the purpose of this AD, a ''part eligible for installation'' is any HPT stage 1 disk or HPT stage 2 disk having a part number and serial number that is not identified in table 1 to paragraph (c) of this AD or Table 1 or Table 2 of GE GE90–100 SB 72–0926, Revision 01.

(2) For the purpose of this AD, a ''piece-part exposure'' is when the affected HPT stage 1 disk or HPT stage 2 disk is removed from the engine and completely disassembled.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Additional Information

For more information about this AD, contact Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7178; email: *alexei.t.marqueen@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) GE GE90–100 Service Bulletin 72–0926, Revision 01, dated December 22, 2023.

(ii) [Reserved]

(3) For GE material identified in this AD, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ge.com;* website: *ge.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 25, 2025.

Peter A. White,

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

[FR Doc. 2025–14287 Filed 7–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. FDA–2025–F–2137]

Spoonbill Foundation; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a food additive petition, submitted by the Spoonbill Foundation, proposing that we amend our food additive regulations to provide for the safe use of 4′-phosphopantetheine (4′-PPT) as a nutrient in medical food.

DATES: The food additive petition was filed on July 3, 2025.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Marissa Santos, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–8160.

SUPPLEMENTARY INFORMATION: Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 5A4842), submitted on behalf of Spoonbill Foundation by Immix Law Group, 500 NW Naito Pkwy, Unit G, Portland, OR 97209. The petition proposes that we amend our food additive regulations in part 172 (21 CFR 172), ''Food Additives Permitted For Direct Addition to Food For Human Consumption,'' to provide for the safe use of 4′-PPT as a nutrient in medical food.

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

Dated: July 25, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14339 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2025–F–2423]

APIX Biosciences US LLC; Filing of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a food additive petition, submitted by APIX Biosciences US LLC, proposing that we amend our food additive regulations to provide for the safe use of cholesterol as a source of sterol in food for honeybees at a level between 0.009 and 0.5% by weight of the food.

DATES: The food additive petition was filed on July 11, 2025.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this document into the ''Search'' box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Wasima Wahid, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Place, Rockville, MD 20855, 240–402–5857, *Wasima.Wahid@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 2322), submitted by APIX Biosciences US LLC, 2580 NE Rivercrest Rd., Fayetteville, AR 72701. The petition proposes that we amend our food additive regulations in 21 CFR part 573—Food Additives Permitted in Feed and Drinking Water of Animals to provide for the safe use of cholesterol as a source of sterol in food for honeybees at a level between 0.009 and 0.5% by weight of the food.

The petitioner has claimed that this action is categorically excluded under 21 CFR 25.32(r) because it is of a type that does not individually or cumulatively have a significant effect on the human environment. In addition, the petitioner has stated that, to their knowledge, no extraordinary circumstances exist that may significantly affect the quality of the human environment. If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Dated: July 25, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14335 Filed 7–28–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Parts 2510, 2520, 2550

RIN 1210–AC10

Pooled Employer Plans: Big Plans for Small Businesses

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Guidance and request for information.

SUMMARY: This document contains limited interpretive guidance to help small employers select high-quality, low-cost ''pooled employer plans'' or ''PEPs.'' This document also solicits information about prevailing pooled employer plan market practices. The Department will consider the responses as part of a process aimed at developing a potential regulatory safe harbor or safe harbors that comprehensively encourage market participants to offer and employers to join such plans. These efforts, taken pursuant to President Trump's January 20, 2025, Memorandum titled ''Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis,'' are designed to reduce investment costs for workers saving for their retirement, thereby improving their lives. These efforts also will help small employers provide more attractive benefits to potential hires, drawing discouraged workers into the labor force.

DATES: To be assured consideration, comments must be received at one of the following addresses no later than September 29, 2025.

ADDRESSES: The Employee Benefits Security Administration (EBSA) encourages interested persons to submit their comments on this request for information online. You may submit comments, identified by RIN 1210–AC10, by either of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5655, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attn: Pooled Employer Plans: Big Plans for Small Businesses Regulation RIN 1210–AC10.

Instructions: All submissions must include the agency name and Regulatory Identifier Number RIN 1210–AC10 for this request. If you submit comments online, do not submit paper copies. All comments received will be posted without change on *https://www.regulations.gov* and *https://www.dol.gov/agencies/ebsa* and will be made available for public inspection at the Public Disclosure Room, N–1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

Warning: Do not include any personally identifiable or confidential business information that you do not want publicly disclosed. Comments are public records that are posted online as received and can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: Scott Ness, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

In this document, the Department is taking initial steps to build on positive market developments to help small employers join high-quality, low-cost retirement plans called pooled employer plans (PEPs) and provide more attractive benefits to workers and potential hires. Because PEPs are relatively new, small employers may be unaware of PEPs, or may not understand the Employee Retirement Income Security Act of 1974 (ERISA) standards applicable to them. The Department hopes to address challenges such as these which may impede small employers from taking advantage of PEPs. In addition to promoting retirement savings and reducing participant costs, expanding the use of PEPs is aligned with the Department's broader economic goals, including improving job quality and increasing labor force participation, especially at small businesses. Section II of this document provides a general description of the ERISA framework applicable to PEPs. Section III contains limited observations of the PEP marketplace made by the Department based on reports filed with the agency. Section IV provides limited interpretive guidance to help small employers understand their responsibilities as fiduciaries in connection with joining a PEP. Section V includes a set of ''tips'' to assist small employers in selecting a PEP. Section VI solicits information about prevailing PEP practices, responses to which will be considered as a possible basis for a regulatory safe harbor that encourages market participants to offer and employers to join such plans. Section VII seeks input on information to assist the Department in developing the report to Congress required by section 344 of SECURE 2.0.

II. Background

Statutory Authorization for Pooled Employer Plans

Under ERISA, an employee benefit plan (whether a pension plan or a welfare plan) must be sponsored by an employer, by an employee organization, or by both. Section 3(5) of ERISA defines the term ''employer'' for this purpose as ''any person acting directly as an employer, or indirectly in the interest of an employer, in relation to an employee benefit plan, and includes a group or association of employers acting for an employer in such capacity.''

By regulation, 29 CFR 2510.3–55, the Department of Labor (Department) has interpreted the definitional provisions of ERISA to permit a multiple employer plan (MEP) to be established or maintained by a bona fide group or association of employers or by a bona fide professional employer organization. Although that regulation clarified and expanded the types of arrangements that can be treated as MEPs under Title I of ERISA, it does not extend to so-called ''open MEPs.'' The term ''open MEP'' generally refers to a single defined contribution retirement plan that covers employees of multiple unrelated employers.[1]

The Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act) removed possible legal barriers to the broader use of multiple employer plans by authorizing a new type of ERISA-covered defined contribution retirement plan—a ''pooled employer plan'' operated by a ''pooled plan provider.'' [2] The SECURE Act added sections 3(43) and 3(44) of ERISA to define and authorize these pooled employer plans, which offer benefits to the employees of multiple unrelated employers without the need for any commonality among the participating employers or other genuine organizational relationship unrelated to participation in the plan, thus enabling

[1] *See generally* Request for Information titled '' 'Open MEPs' and Other Issues Under Section 3(5) of the Employee Retirement Income Security Act'' at 84 FR 37545 (July 31, 2019) (referring to ''open MEPs'' as single defined contribution retirement plans that cover employees of multiple unrelated employers).

[2] The SECURE Act was enacted as Division O of the Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94) (December 20, 2019).

a type of open MEP.[3] A pooled employer plan arrangement can allow most of the administrative and fiduciary responsibilities of sponsoring a retirement plan to be transferred to a pooled plan provider. Therefore, a pooled employer plan can offer employers, especially small employers, an efficient workplace retirement savings option with reduced burdens and costs compared to sponsoring their own separate retirement plan. New section 3(44) of ERISA establishes requirements for pooled plan providers, including a requirement to register with the Department and the Department of the Treasury before beginning operations as a pooled plan provider. The effective date for these provisions allowed ''pooled employer plans'' to begin operating on or after January 1, 2021.

Statutory Requirements for Pooled Employer Plans

Under section 3(2) of ERISA, which defines the term ''pension plan'' generally,[4] a pooled employer plan is treated for purposes of ERISA as a single pension plan that is a multiple employer plan. A pooled employer plan, in turn, is generally defined in section 3(43)(A) as a plan which is an individual account plan established or maintained for the purpose of providing benefits to the employees of two or more employers.[5] A pooled employer plan may be a plan described in section 401(a) of the Internal Revenue Code (Code) which includes a trust exempt from tax under section 501(a) of such Code or in section 403(a) of the Code. A pooled employer plan may also be a plan that consists of annuity contracts described in section 403(b) of such Code. The terms of the pooled employer plan must meet certain statutory requirements described below.

Section 3(43)(B) of ERISA specifically provides that the terms of the pooled employer plan must contain certain requirements. For instance, the plan terms must designate a ''pooled plan provider'' and provide that the pooled plan provider is a named fiduciary of the plan. The terms of the plan also must designate a named fiduciary (other than an employer in the plan) to be responsible for collecting contributions to the plan and require such fiduciary to implement written contribution collection procedures that are reasonable, diligent, and systematic.

Section 3(43)(B)(iii)(I) of ERISA provides that the terms of the plan must provide that each employer in the plan retains fiduciary responsibility for the selection and monitoring, in accordance with ERISA fiduciary requirements, of the person designated as the pooled plan provider and any other person who is designated as a named fiduciary of the plan. Subparagraph (II) of this section also provides that each employer in the plan retains fiduciary responsibility for the investment and management of the portion of the plan's assets attributable to the employees of that employer (or beneficiaries of such employees) in the plan to the extent not delegated to another fiduciary by the pooled plan provider and subject to the ERISA rules relating to self-directed investments.

Section 3(43)(B)(iv) of ERISA states that the terms of the plan must provide that employers in the plan, and participants and beneficiaries, are not subject to unreasonable restrictions, fees, or penalties with regard to ceasing participation, receipt of distributions, or otherwise transferring assets of the plan in accordance with applicable rules for plan mergers and transfers.

Section 3(43)(B)(v) of ERISA provides that the terms of the plan must require the pooled plan provider to provide to employers in the plan any disclosures or other information that the Secretary of Labor (Secretary) may require, including any disclosures or other information to facilitate the selection or monitoring of the pooled plan provider by employers in the plan. This section also requires each employer in the plan to take any actions that the Secretary or pooled plan provider determines are necessary to administer the plan or to allow for the plan to meet the ERISA and Code requirements applicable to the plan, including providing any disclosures or other information that the Secretary may require or which the pooled plan provider otherwise determines are necessary to administer the plan or to allow the plan to meet such ERISA and Code requirements.

Section 3(43)(B)(vi) provides that any disclosure or other information required to be provided to participating employers may be provided in electronic form and must be designed to ensure that only reasonable costs are imposed on pooled plan providers and employers in the plan.

Pooled Plan Provider Defined

A pooled plan provider with respect to a pooled employer plan is defined in ERISA section 3(44) to mean a person that is designated by the terms of the plan as a named fiduciary under ERISA, as the plan administrator, and as the person responsible to perform all administrative duties (including conducting proper testing with respect to the plan and the employees of each employer in the plan) that are reasonably necessary to ensure that the plan meets the Code requirements for tax-favored treatment and the requirements of ERISA and to ensure that each employer in the plan takes such actions as the Secretary or the pooled plan provider determines necessary for the plan to meet Code and ERISA requirements. Such actions may include providing to the pooled plan provider any disclosures or other information that the Secretary may require or that the pooled plan provider otherwise determines are necessary to administer the plan or to allow the plan to meet Code and ERISA requirements.

Section 3(44) specifically provides that a pooled plan provider must acknowledge in writing its status as a named fiduciary under ERISA and as the plan administrator. In addition, this section also provides that the pooled plan provider is responsible for ensuring that all persons who handle plan assets or who are plan fiduciaries are bonded in accordance with ERISA requirements.[6]

[3] *See also* ERISA section 3(2)(C) providing that a pooled employer plan shall be treated as a single pension plan.

[4] Section 3(2)(A) of ERISA, in relevant part, defines a ''pension plan'' to mean ''any plan, fund, or program . . . established or maintained by an employer or by an employee organization, or by both, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund, or program (i) provides retirement income to employees, or (ii) results in a deferral of income by employees for periods extending to the termination of covered employment or beyond . . . .'' Section 3(2)(C) of ERISA, in relevant part, provides that a ''pooled employer plan shall be treated as—(i) a single employee pension benefit plan or single pension plan; and (ii) a plan to which section 210(a) applies.''

[5] The term ''pooled employer plan'' does not include a multiemployer plan or plan maintained by employers that have a common interest other than having adopted the plan. The term also does not include a plan established before the date the SECURE Act was enacted unless the plan administrator elects to have the plan treated as a pooled employer plan and the plan meets the ERISA requirements applicable to a pooled employer plan established on or after such date.

[6] The SECURE Act requires that pooled plan providers must ensure that all plan fiduciaries and other persons who handle plan assets are bonded in accordance with section 412 of ERISA. In the Department's view, the SECURE Act confirms the application of ERISA section 412 requirements to pooled employer plans, except that the Act establishes $1,000,000 as the maximum bond amount as compared to $500,000 for plans that do not hold employer securities. Thus, the normal section 412 rules for ERISA plans govern the bonding requirements for pooled employer plans and the pooled plan provider is subject to the provisions of ERISA section 412(b), which provides that ''it shall be unlawful for any plan official of such plan or any other person having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any plan official, with respect to whom the requirements of subsection (a) [of ERISA section

Continued

Section 3(44) also requires the pooled plan provider to register with the Secretary, and to provide to the Secretary such other information as the Secretary may require, before beginning operations as a pooled plan provider. In the Department's view, the primary purpose of the registration requirement is to provide the Department with sufficient information about persons acting as pooled plan providers to engage in effective monitoring and oversight of this new type of ERISA-covered retirement plan. In 2020, the Department published a final rule, titled Registration Requirements for Pooled Plan Providers, to enable pooled plan providers to register with the Department.[7]

To meet the registration requirements set forth by section 3(44), pooled plan providers must file a Form PR prior to beginning operations, as well as upon other events, such as when new PEPs are added or terminated, to amend or correct previously submitted registration information, or to signal that the pooled plan provider is ceasing operations.

Though the Form PR data provides important information about the universe of pooled plan providers, the Department relies on a combination of the Form PR and the Form 5500, Annual Return/Report of Employee Benefit Plan, submitted for each PEP to determine the number of PEPs, along with information about the participants and assets of those plans.

As reported through Form PR filings, 142 unique pooled plan providers remained registered with the Department as of the end of calendar year 2023. By matching Form 5500 data for the plan year ending in 2022 with data from the Form PR registrations, the Department has identified 190 PEPs in operation, which reported approximately 618,000 participants and nearly $5 billion in assets.

III. Common Elements of Effective PEPs

In advance of this RFI, the Department analyzed 2023 Form 5500 filings because these reports were the first to require new information about the number of participating employers in a PEP. While the 2023 Form 5500 data may not be fully complete, it does include all PEPs that filed a 2022 Form 5500 and reported more than $100 million in assets and offers a reasonable dataset to assess the nascent PEPs marketplace.

The PEPs market was highly concentrated according to the 2023 filings. The 12 largest PEPs identified by assets under management held nearly 70% of all PEP assets and the 4 largest PEPs held more than 40% of all PEP assets.[8] However, upon review, the Department found that these 12 PEPs show a diversity of business models and serve different kinds of employers. For example, the largest of these 12 PEPs held $1.68 billion in assets in 2023 but only served 63 employers and approximately 56,000 participants. The next largest PEP as of 2023 held $1.08 billion in assets but served 33,773 employers and approximately 538,000 employees. More broadly, the average number of participants per participating employer in each of these 12 PEPs ranged from 16 to 884, with half of the PEPs serving employers that averaged at least 188 participants per participating employer.

Many of these PEPs appeared to be delivering on Congressional intent by offering diversified investment lineups at a lower cost than small plans could likely negotiate on their own behalf. For example, Morningstar finds that the median total cost for each participant in a small retirement plan is 84 basis points, accounting for likely investment expenses and other administrative costs charged directly to participants. In contrast, based on the same data source, the Department estimates that the total costs to participate and invest through one of the three largest PEPs reviewed were between 23 and 42 basis points for a typical participant in 2023.

In fact, some of these 12 PEPs have gathered enough assets to access investment types that would typically be inaccessible to small plans, such as collective investment trusts (CITs) and separately managed accounts. These CITs are almost always cheaper than similar, or even identical strategies, offered as registered open-end mutual funds.[9] A 2023 report by Morningstar found that retirement plans with less than $25 million in assets held less than 10% of their assets in CITs.[10] In contrast, more than 40% of the largest 12 PEPs' assets are held in CITs; however, 5 PEPs held no CIT assets at all. Of the 7 PEPs holding CITs, the median percent of assets in CITs was 65%, but the minimum was just 1% of assets.

Most—although not all—of the 12 PEPs we examined offered limited investment lineups that appear to be designed to be accepted in their entirety by participating employers. These lineups generally covered major asset classes without overwhelming participants by offering overlapping or arcane designated investment alternatives. (These limited lineups could also help PEPs gather enough assets in specific pooled investment strategies to gain the scale necessary to lower costs for participants.) The median number of funds offered by these PEPs was 17 designated investment alternatives, not including target-date funds (TDFs).

All but one of the largest PEPs offered TDFs, and collectively participants invested the majority of their assets in these vehicles. Fifty-eight percent of assets among the largest PEPs were invested in TDFs. TDFs can be a simple way for plan participants to reasonably manage the asset allocation of their investment portfolio. The 12 largest PEPs hold a greater proportion of assets in TDFs than is true of the plan universe more generally. EBSA estimates that about 30% of 401(k) plan assets are held in TDFs as of 2023. Some of this difference may be due to the fact that some legacy plans did not offer TDFs or automatic enrollment in the past. Nonetheless, those PEPs that the Department reviewed appear to be successfully channeling participants into simple, low-fee TDFs, which can help participants who do not wish to set their asset allocation mix themselves and do not use a managed account or other advisory service.

About half of the 12 largest PEPs that the Department reviewed seemed to avoid investments offered by parties in interest (sometimes referred to as ''conflicted investments''). Seven of the 12 largest PEPs entirely avoided party-in-interest investment strategies (*i.e.,* investments offered by the pooled plan provider or an affiliate) according to Form 5500 filings. Of the other PEPs, 29% of their assets were held in party-in-interest investments, and two of these 5 PEPs exclusively held party-in-interest investments.

412] have not been met.'' *See* 29 CFR 2550.412–1, 29 CFR part 2580; *see also* Field Assistance Bulletin 2008–04 (providing a general description of statutory and regulatory requirements for bonding). The Department does not read the SECURE Act as broadening the section 412 bonding rules to apply to persons who do not handle plan assets, funds or other property within the meaning of section 412. Similarly, the existing statutory and regulatory exemptions for certain banks, insurance companies, and registered broker-dealers continue to apply.

[7] 85 FR 72934 (Nov. 16, 2020); 29 CFR 2510.3–44 (Registration Requirement to Serve as a Pooled Plan Provider to Pooled Employer Plans).

[8] These calculations were based on data pulled on February 7, 2025, and subsequent or amended filings could result in different results.

[9] Mitchell, Lia, 2023 Retirement Plan Landscape Report: An In-Depth Look at the Trends and Forces Reshaping U.S. Retirement Plans (April 2023), *https://www.morningstar.com/lp/retirement-plan-landscape-2023.* Morningstar finds that CITs are generally half the cost of registered open-end mutual funds and that CITs are cheaper 88% of the time compared to mutual funds.

[10] *Ibid.*

IV. Interpretive Guidance for Investment Selection and Management

Section 3(43)(B) of ERISA sets forth certain requirements for plan terms relating to pooled employer plan investments. This section, in relevant part, provides that the terms of the PEP must provide that each employer participating in the plan ''retains fiduciary responsibility for the investment and management of the portion of the plan's assets attributable to the employees of the employer (or beneficiaries of the employees).'' [11] This provision, among other things, unmistakably places duties of selecting and monitoring plan investments squarely on participating employers in accordance with ERISA's fiduciary standards, including the duties of prudence and loyalty, rather than exclusively on the trustee of the plan as is ordinarily the default under ERISA.[12]

However, section 3(43)(B)(iii)(II) of ERISA explicitly provides that the terms of the PEP may grant the pooled plan provider, as a named fiduciary, the authority to delegate the investment and management functions ''to another fiduciary.'' The statute thus allows the pooled plan provider to transfer the investment and management functions and obligations of participating employers to another fiduciary. In such circumstances, the pooled plan provider, as a named fiduciary, is subject to and must ensure compliance with sections 402, 403, 404, 405, and 406 of ERISA to effect such a transfer. Among other things, this means that the pooled plan provider must prudently select the fiduciary who will be performing the investment and management functions, and the pooled plan provider also must monitor that selection at reasonable intervals, in such manner as may be reasonably expected to ensure that the appointment comports with the terms of the plan and statutory standards.

If a pooled plan provider, as named fiduciary, were to appoint an investment manager as defined in section 3(38) of ERISA, the manager would be responsible for the prudent investment and management of the plan's assets—not the participating employers. Further, in such circumstances, neither the participating employers nor the pooled plan provider would be liable for any acts or omissions of the investment manager, except for any potential co-fiduciary liability under section 405(a) of ERISA. In the Department's view, the risk to participating employers of fiduciary liability could be minimized greatly if the pooled plan provider, as named fiduciary, expressly assumed full responsibility for, and exercised sole discretion and judgment in selecting and retaining the manager and did not attempt to reduce its responsibility by relying on authorization or ratification from the participating employers for the selection and retention, such as through an adhesive participation agreement. In these circumstances, fiduciary liability of participating employers would be minimized because the pooled plan provider assumed full responsibility for selecting and retaining the investment manager. This means the pooled plan provider has the duty to directly monitor the investment manager. Participating employers, in turn, must prudently monitor the pooled plan provider.

V. Fiduciary Tips for Small Employers Selecting a PEP

Pending additional guidance, the Department has prepared the following tips to assist small business owners in picking a PEP.

1. *Consider what a PEP has to offer you and your employees.* Unlike establishing and maintaining your own retirement plan for just your employees and shouldering the day-to-day operations of the plan, PEPs can offer a turnkey retirement savings solution, managed completely by professionals. They can also offer you economies of scale. These features could leave you with the time you need to run your business while simultaneously providing your employees with an opportunity to save and achieve retirement security.

2. *Make sure you understand the type of PEP under consideration.* PEPs are a relatively new type of retirement plan, and although they all have certain things in common, they do not all operate the same way. For example, some PEPs are straightforward and offer uniform features to all participating employers and their employees. By contrast, other PEPs may offer flexibility and customization. Each approach is permissible under the law—the best fit depends on the needs and goals of your business and employees. Once you decide on the best fit, consider several similar PEPs before selecting one.

3. *Make sure you consider the experience and qualifications of the PPP.* Federal law requires all PEPs to be administered by a person called the ''pooled plan provider'' or ''PPP.'' Understanding the experience and qualifications of the pooled plan provider is one of the most important—if not the single most important—aspects of joining a PEP. Federal law generally holds the pooled plan provider accountable for all operations of the PEP. Therefore, it is crucial that you ask the pooled plan provider about its experience with employee benefit plans. Examples of relevant questions for pooled plan providers include questions relating to the quality of their services, customer satisfaction, prior litigation or government enforcement matters, and whether they are registered with the Department as is required by law. Other examples of relevant questions include queries about the number of employers and participants in the plan and the amount of its assets, to evaluate whether the PEP will offer economies of scale.

4. *Make sure you ask questions about the PEP's fees.* Operating a PEP involves services such as trustee services, custodial services, recordkeeping, audits, and other administrative services. Fees for these services are often quoted on a per-participant basis or based on the level of the employer's assets in the plan, or a combination of the two. There may also be start-up fees. It is important to understand all the fees and expenses that will be charged by the PEP and how they will be allocated among participating employers and their employees' accounts. Examples of relevant questions include asking the pooled plan provider for a breakdown by service of all the fees and expenses associated with joining the PEP. Also relevant is a breakdown by service of how much the pooled plan provider (and any affiliate) gets paid and who approves these fees and expenses. Another relevant question is whether the pooled plan provider receives any compensation from third parties in connection with the PEP, and whether it uses the data from participant accounts for cross-selling activities.

5. *Make sure you understand the investment options.* Examples of relevant questions include the number of fund options, whether they are diversified, how they perform relative to their benchmarks, and whether they have materially different risk and return characteristics. Also relevant is who selects the funds on the menu and how often their choices and process are reevaluated. You may want to ask about the default investment for employees who do not direct the investment of their account assets. TDFs have become an increasingly popular investment option in 401(k) plans and similar employee-directed retirement plans.

[11] ERISA Sec. 3(43)(B)(iii)(II).

[12] *See* ERISA Sec. 403(a) (upon acceptance of being named or appointed, the trustee or trustees shall have exclusive authority and discretion to manage and control the assets of the plan subject to two exceptions).

You may want to ask the pooled plan provider whether the PEP has TDFs. It is also important to understand the fees associated with the investments made available for employees. As discussed in #6 below, you may have fiduciary responsibility for the selection of the investment options for your employees.

6. *Ask questions about your exposure to fiduciary liability for investments.* Under federal law, employers joining a PEP are legally responsible as fiduciaries for the proper selection of investment options for their employees unless the pooled plan provider hires an investment professional to act as a fiduciary with respect to investment selection. Therefore, it is very important to know whether the PEP has a fiduciary for this purpose. If so, you may want to ask the pooled plan provider to name the fiduciary that is responsible for selecting the PEP's investment options and the person responsible for selecting this fiduciary. You have fiduciary responsibility for the investment and management of the portion of the PEP's assets attributable to your employees if no such delegation occurred.

7. *Ask questions about your exposure to fiduciary liability should you join the PEP.* Sometimes, through a subscription agreement, a PEP may purport to disclaim ultimate fiduciary responsibility for the service providers it hires, the fees it pays to these service providers, and the fees it pays to itself or affiliates internally. Therefore, an example of a relevant question is whether the PEP is structured to assume all plan administration, management, and operation functions. Put differently, you may want to ask whether the PEP's governing documents put any fiduciary duties on you.

8. *Don't forget to monitor your PEP on an ongoing basis.* Federal law requires employers in the PEP to prudently monitor the pooled plan provider and any other persons specifically designated as a named fiduciary of the PEP. This does not mean that you are required to oversee the day-to-day activities of these individuals. However, at reasonable intervals you should review the operations and performance of the PEP, including performance of the investments, to make sure it is operating the way you expected it to. This would include, as applicable, a review of the resolution of complaints about the PEP from your employees. This would also include checking to see if the fees that were charged are the same as the ones you agreed to, and if not, actively seeking out an explanation.

9. *Make sure you fully inquire about the implications of exiting the PEP.* Your company's business circumstances may change such that the PEP you have selected is no longer the best fit for you and your employees. For example, your company and the size of its workforce may grow, and you may decide to sponsor a single-employer plan, perhaps a defined benefit plan, or the company may downsize or even go out of business. Or you may conclude that the PEP simply is no longer the best PEP for your needs. Accordingly, when initially interviewing a PPP, examples of relevant questions include asking the pooled plan provider for an explanation of what would happen if you, as the employer, or any of your employees who separate from service, were to cease participation in the PEP and seek to transfer assets to another retirement solution. A good question to ask in this context can be whether the PEP imposes any restrictions (including fees, timing, penalties, etc.) on the ability of a participating employer or its separated employees to cease participating in the PEP. If the PEP does impose restrictions, an example of a relevant follow up question would include asking what they are and why do they exist? Another good question to consider asking is whether the PEP or any of its investments contain a market value adjustment that would be triggered when the employer or employee ceases participation, receives distributions, or otherwise transfers assets out of the PEP. You should also understand what happens to the unvested portion of your employees' account balances under the plan's forfeiture provisions if the employee ceases participation upon separation of service. You may want to also ask if, as the participating employer, you cease participating in the PEP and terminate your company's involvement with the PEP altogether, whether the accounts of your current and former employees remain in the PEP.

VI. Request for Information

In this Section VI, the Department solicits responses to questions primarily for the purpose of considering whether additional guidance to facilitate small employers joining PEPs would be helpful.

Shortly after the SECURE Act introduced PEPs, the Department began to examine PEP formations and operations. The point of the examination was to determine whether there is a need or demand for a new prohibited transaction class exemption or for amendments to existing prohibited transaction exemptions. The examination started on June 18, 2020, with the publication in the **Federal Register** of a Request for Information concerning the possible parties, business models, conflicts of interest, and prohibited transactions that might exist with PEPs (2020 MEP RFI).[13]

Responses to the 2020 MEP RFI reflected a broad range of views and included no consensus. Some individuals stated that there were no potential conflicts of interest implicated by a pooled plan provider offering an investment in which it has a financial interest. Others, however, stated that such arrangements should be prohibited because they are inherently and unlawfully conflicted.

Notably, many individuals stated that the nascent PEP marketplace was not yet ready for a class exemption because the need for such relief depends on the structure of PEPs and structures were still maturing. Considering the varied and inconclusive responses to the 2020 MEP RFI, coupled with the increased number of PPPs since then as well as the further development and maturation of the PEP marketplace, the Department requests information based on the questions below.

General Questions

1. The law does not limit the types of entities that may elect to serve as pooled plan providers. Which types of entities (for example, asset managers, third-party administrators, recordkeepers) are acting as pooled plan providers? Are these entities generally contracting out most administrative functions or performing these functions themselves?

2. How are PEPs marketed and distributed and by whom? Do marketing and distribution methods differ depending on the model? Do PEPs compensate third parties to advertise, distribute, promote, or otherwise supply access to and participation in PEPs? If yes, how is such compensation typically determined and from what source(s) is it paid?

3. Do vendors of pooled employer plans (including businesses that are themselves pooled plan providers but that are vending in a non-pooled-plan-provider capacity) also offer model single-employer plans or different PEP options? How do they determine which option to recommend to employers? To what extent and for what reasons do they offer customization and variations, such as different share classes, within the same PEP?

4. What barriers, if any, prevent small employers from becoming aware of, understanding, or trusting PEPs? Have employers with existing plans merged

[13] Prohibited Transactions Involving Pooled Employer Plans Under the SECURE Act and Other Multiple Employer Plans, 85 FR 36880.

their plans into PEPs? Are there specific challenges associated with doing so that could or should be addressed through guidance or regulatory intervention?

5. In the context of corporate transactions, are there specific challenges for the retirement plans of acquiring businesses to accept acquired businesses' assets from PEPs (*e.g.,* through plan spin-offs/mergers or through direct rollovers)? What are the challenges associated with preventing leakage when an entity participating in a PEP is acquired?

6. Have professional employer organizations (PEOs) offered PEPs or do they offer only traditional multiple-employer plans? Are there any obstacles or barriers that would prevent a PEO from offering a fully integrated HR platform with a PEP retirement solution?

Conflicts of Interest and Mitigation

7. What percentage of pooled plan providers are using independent 3(38) investment managers pursuant to the delegation permitted by section 3(43)(B)(iii)(II) of ERISA? For this purpose, independent means not affiliated with the pooled plan provider. When 3(38) investment managers are used, are the agreements entered into between the 3(38) investment managers and the pooled plan providers, or do the 3(38) investment managers contract directly with the participating employers?

8. When independent 3(38) investment managers are used for investment and management of assets, how often do the managers provide services to the PEP or pooled plan provider other than investment management services, and what type of other services?

9. Do pooled plan providers purport to limit authority of their 3(38) investment managers to choose the funds or arrangements in which they invest? To what extent do pooled plan providers encourage or require investments from a limited menu of options? To what extent do pooled plan providers purport to limit the range of options to those in which the pooled plan providers have a financial interest?

10. Are PEPs offering investments with revenue sharing arrangements that offset the costs of recordkeeping or other plan services? Are PEPs offering investments that are proprietary to the pooled plan provider, its affiliates, or any other PEP service provider?

11. How do pooled plan providers manage potential conflicts of interest in cases in which they offer investments in which they have a financial interest?

12. Are there any potential conflicts of interest in PEP distribution models? If so, how are they managed?

13. What existing prohibited transaction exemptions (statutory or administrative) do pooled plan providers rely on, if any?

14. Based on the business models that pooled plan providers have developed, is there a need for additional prohibited transaction exemptions? If so, explain why they are needed, what conditions should be included, and why they would be in the interest of, and protective of, affected plans.

Safe Harbor Considerations

15. Should the Department codify a regulatory safe harbor based on the guidance and tips in Sections IV and V of this RFI, respectively, for small employers to satisfy their fiduciary responsibilities for selection and monitoring pooled plan providers and other named fiduciaries referenced in section 3(43)(B)(iii)(I) and their fiduciary responsibilities for the investment and management of the portion of the PEP's assets attributable to their employees referenced in section 3(43)(B)(iii)(II)? Why or why not? Are there additional considerations or conditions, apart from the guidance and tips in Sections IV and V, that the Department should consider with respect to the design or adoption of such a safe harbor?

16. Would the safe harbor referenced in question 15 encourage the growth of high-quality PEPs? Would such a safe harbor help pooled plan providers market PEPs to participating employers while simultaneously encouraging small businesses to join PEPs?

17. Should the safe harbor referenced in question 15 require the PEP to use a 3(38) investment manager that is not affiliated with the pooled plan provider?

18. What disclosures should be provided to participating employers as part of such a safe harbor? Have employers experienced difficulties in obtaining information about PEPs before joining and, if so, what types of information?

19. Should arrangements between an independent 3(38) investment manager and participating employers be permitted, encouraged, or discouraged as part of the safe harbor referenced in question 15—for instance, should the safe harbor encourage or discourage arrangements under which each participating employer in a PEP has a different investment menu for its own employees, or create special protective conditions for such arrangements? Should the safe harbor include conditions designed to ensure that the PPP gives all participating employers and plan participants the same investment options and fee structures on the same terms? Why or why not?

20. Should such a safe harbor exclude PEPs that offer investments in which the pooled plan provider has a financial interest?

21. Should such a safe harbor create any specific requirements regarding the offer of TDFs, the offer of managed accounts, the acceptable number of pooled investments offered as designated investment alternatives, or the asset class coverage of designated investment alternatives available to participating employers in a PEP?

22. Should such a safe harbor designate a permissible range of total fees for participants in the PEP? For this purpose, the safe harbor could define total fees as an average percent of assets.

23. Are there any issues specific to registered investment company funds or collective investment trusts that such a safe harbor should address? If so, what are they and why are they relevant for the safe harbor?

24. Should such a safe harbor require the use of written representations or certifications by the pooled plan provider about the PEP and the pooled plan provider's diligence in meeting the requirements of ERISA. Could any such written representations help participating employers satisfy their duty to prudently monitor the pooled plan provider, working similar to the way the written representations work in the fiduciary safe harbor in section 408(e) of ERISA (safe harbor for annuity selection)?

25. In addition to the safe harbor referenced in questions 15 through 24 for participating employers, do market participants see a need for a safe harbor for pooled plan providers themselves to encourage the formation of high-quality PEPs? If so, which service provider relationships (*e.g.,* recordkeepers, consultants, trustees, investment managers) and which PEP model (*e.g.,* bundled or unbundled) are most in need of a safe harbor or safe harbors? What should such a safe harbor include?

VII. Report to Congress

Section 344 of SECURE 2.0 directed the Department, not later than five years after enactment, and every five years thereafter, to submit a report to Congress, and make publicly available on a website, the Department's findings from a study of the PEP industry, including recommendations on how PEPs can be improved, through legislation, to serve and protect retirement plan participants. On August 11, 2023, the Department issued a

Request for Information (August 2023 RFI) with a series of questions aimed at developing this report.[14] After studying the responses to the August 2023 RFI, the Department solicits responses to the following additional questions primarily for the purpose of assisting the Department with this report. The Department recognizes potential limitations in existing Form 5500 and Form PR data, including inconsistent reporting and a lack of participant-level cost and service detail. Commenters are encouraged to recommend improvements to plan data collection and public reporting that would facilitate more accurate monitoring and evaluation of the PEP market.

26. What information can commenters provide on the range of investment options provided in PEPs, both in terms of the number and type of investments? The ''range of investment options'' means the specific investment options the responsible plan fiduciary has selected as ''designated investment alternatives'' under the PEP, without regard to the amount of assets invested in each. This excludes investments available through a brokerage window or similar arrangement.

27. What types of fees are assessed in PEPs and what is the range of the amount of such fees?

28. How do employers select a PEP? Do they tend to use third parties to assist in the selection process? How do employers monitor PEPs? Specifically, which aspects of PEPs are periodically reviewed? How often do employers conduct reviews of the PEPs they have joined?

29. What disclosures are provided to participants in PEPs? Are they generally the same disclosures that are required to be disclosed under ERISA to participants in other defined contribution plans? Responses to the August 2023 RFI stated that disclosures to PEP participants should not be any different than disclosures in other defined contribution plans. Do those responses represent the current view of the public?

Signed at Washington, DC, this 24th day of July 2025.

Janet Dhillon,

Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2025–14281 Filed 7–28–25; 8:45 am]

BILLING CODE 4510–29–P

[14] 88 FR 54511, 12 (August 11, 2023).

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[ED–2025–OPE–0151]

Intent To Establish Negotiated Rulemaking Committees; Correction

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed rule; correction.

SUMMARY: On July 25, 2025 the U.S. Department of Education published an intent to establish negotiated rulemaking committees in the **Federal Register** Page 35261, Column 1, 2, and 3; Page 35262, Column 1, 2, and 3; Page 35263, Column 1, 2, and 3; Page 35264, Column 1, 2, and 3 seeking public comment for the Public Hearing; Negotiated Rulemaking Committees; Department's intention to establish two negotiated rulemaking committees to prepare regulations for the Federal student financial assistance programs authorized under Title IV of the Higher Education Act (HEA) of 1965, as amended (Title IV, HEA programs). ED is requesting a correction to the Docket ID Number ED–2025–0151. Docket ID should read as ED–2025–OPE–0151.

The Acting Assistant Secretary, Office of Postsecondary Education, hereby issues a correction notice as required by the Paperwork Reduction Act.

Signing Authority: This document of the U.S. Department of Education was signed on July 25, 2025, by Christopher J. McCaghren, ED.D, *Acting Assistant Secretary, Office of Postsecondary Education.* That document with the original signature and date is maintained by the U.S. Department of Education. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned has been authorized to sign the document in electronic format for publication, as an official document of the U.S. Department of Education. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Tracey St. Pierre,

Director, Office of the Executive Secretariat, Office of the Secretary, U.S. Department of Education.

[FR Doc. 2025–14333 Filed 7–28–25; 8:45 am]

BILLING CODE 4000–01–P

Notices

Federal Register
Vol. 90, No. 143
Tuesday, July 29, 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

Food and Nutrition Service

Agency Information Collection Activities: Summer Food Site Locations for State Agencies

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection for the mandatory collection of summer meal site information from State agencies.

DATES: Written comments must be received on or before August 28, 2025.

ADDRESSES: Comments may be sent to: Edward Harper, Program Integrity and Innovation Division, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, Alexandria, VA 22314. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically. All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Edward Harper at 703–305–2340.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were 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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Summer Food Site Locations for State Agencies.

Form Number: FNS–905.

OMB Number: 0584–0649.

Expiration Date: December 31, 2025.

Type of Request: Revision of a currently approved collection.

Abstract: The FNS–905 form: *Summer Food Site Locations for State Agencies* is the instrument used to collect information from State agencies about approved summer meal sites for the Summer Food Service Program (SFSP) and the Seamless Summer Option (SSO) of the National School Lunch Program. The form collects site name, location, and operating details such as dates and times of the day that the sites are in operation, for sites that provide summer meals to children 18 years and younger in low-income areas during summer months. The FNS–905 form is completed by State agencies.

The FNS–905 form is among the requirements found in statute in Section 26 of the National School Lunch Act (NSLA) (42 U.S.C. 1769g), which mandates that FNS enter into a contract with a nongovernmental organization to develop and maintain a national information clearinghouse for grassroots organizations working on hunger, food, nutrition, and other agricultural issues, including food recovery, food assistance and self-help activities to aid individuals to become self-reliant, and other activities that empower low-income individuals. The FNS–905 form is specific to summer meal site data and populates the National Hunger Clearinghouse database with summer meals site information and locations. The USDA National Hunger Clearinghouse is a resource for the public to find information about the food safety net. Information collection activities associated with the USDA National Hunger Clearinghouse and its associated FNS–543 form, National Hunger Clearinghouse Database Form, are covered under OMB Control Number 0584–0474, which is approved through May 31, 2028. Submission of the FNS–905 is a regulatory requirement per 7 CFR 225.8(e) which states that ''by June 30 . . . the State agency must submit to FNS a list of open site locations and their operational details and provide a minimum of two updates during the summer operational period.'' The information from this form is used to populate the Summer Meals for Kids Site Finder map at *https://www.fns.usda.gov/summer/sitefinder.*

FNS provides information about approved meal sites for individuals to find meals for children 18 years and younger when school is out for the summer, and for groups that assist low-income individuals or communities to find meals for children. This information is a way to connect families to summer meals and assist communities in developing, coordinating, and evaluating strategic initiatives, partnerships, and outreach activities.

In December 2022, Congress passed the Consolidated Appropriations Act, 2023 (Pub. L. 117–328), authorizing a new, non-congregate meal service option in rural areas where no congregate meal service is available. Beginning in summer 2025, the Act also makes it mandatory for states to report summer site data once by June 30 and update that data at least twice each year, for a minimum total of three annual submissions. However, FNS expects State agencies to continue to submit the form approximately 11 times a year. The currently approved burden for this collection is 73 burden hours and 583 responses. The estimated number of respondents increases from 53 respondents to 54 to account for full State agency compliance of this requirement. Due to 54 State agencies now complying with this requirement, the total annual responses will increase from 583 to 594. In addition, FNS is increasing the estimated time to complete the requirement from 7.5 minutes (.125 hours) to 8 minutes (.1336 hours) to more accurately reflect the time that it takes to complete the template. These changes increase the burden hours from 73 hours to 79 hours due to the adjustment.

Affected Public: State, Local and Tribal Government: Respondent groups

identified include State agencies administering the SFSP.

Estimated Number of Respondents: The total estimated number of respondents is 54. This includes the 50 States, the District of Columbia, the Virgin Islands, Guam, and Puerto Rico (the State agencies that administer SFSP).

Estimated Number of Responses per Respondent: 11. The FNS–905 form is required to be used starting in summer 2025 and State agencies are required to report data at least three times during the summer operational period. States agencies are encouraged to submit weekly updates if there are any changes.

Estimated Total Annual Responses: 594.

Estimated Time per Response: The estimated time of completion is approximately 8 minutes (0.1336 hours) for each response.

Estimated Total Annual Burden on Respondents: 79 hours. See the table below for estimated total annual burden for the State agencies.

Regulation	Burden activity	Estimated number of respondents	Estimated responses per respondent	Estimated total annual responses	Estimated hours per response	Estimated total annual hours	Previously approved under 0584–0649	Difference due to program changes	Difference due to adjustment
Reporting State Agency									
225.8(e)	SA Submits FNS–905 Form to FNS.	54	11	594	0.1336	79.3584	73	.....	6.3584
Grand Total.	.....	54	11	594	0.1336	79.36	73	0	6.36

James C. Miller,

Administrator, Food and Nutrition Service.

[FR Doc. 2025–14288 Filed 7–28–25; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities, Proposed Collection: Request for Comments on Understanding Participant Experiences in SNAP E&T

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a new information collection for the contract of the project titled ''Understanding Participant Experiences in Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T).'' The purpose of this collection is to help FNS develop a comprehensive understanding of how SNAP participants experience the SNAP E&T program and to identify actionable recommendations to help programs improve their customer service and efficiently connect participants with training and services that meet their needs.

DATES: Written comments must be received on or before September 29, 2025.

ADDRESSES: Comments may be mailed to Kristen Corey, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314 or submitted via email to *kristen.corey@usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal; go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Michael Burke at 703–305–4369.

SUPPLEMENTARY INFORMATION: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were 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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Understanding Participant Experiences in SNAP E&T.

Form Number: N/A.

OMB Number: 0584–NEW.

Expiration Date: Not yet determined.

Type of Request: New collection.

Abstract: The Supplemental Nutrition Assistance Program (SNAP) offers a vital lifeline to low-income Americans, preventing hunger during difficult times. When determining SNAP eligibility, States must identify anyone in the household that is (1) subject to general work requirements, (2) subject to a time limit on benefits if they are not meeting work requirements, and (3) required to participate in the State's SNAP Employment and Training (E&T) program. States vary considerably in how they determine eligibility, share information about work requirements and employment and training opportunities, and make referrals to SNAP E&T programs. The ''Understanding Participant Experiences in SNAP E&T'' project will help the U.S. Department of Agriculture (USDA), Food and Nutrition Service's (FNS) to assess SNAP participants' understanding of work requirements and their experiences accessing SNAP E&T programs that meet their needs.

We expect four States to participate in the project, including two States that operate mandatory SNAP E&T programs and two States that operate voluntary SNAP E&T programs. The project aims to (1) explore SNAP work registrants' understanding of work requirements when certifying or recertifying for SNAP eligibility; (2) describe SNAP work registrants' experiences with accessing SNAP E&T services and finding training opportunities that meet their needs; (3) assess the experiences of SNAP E&T participants; and (4) develop recommendations that States can use to support program participants in navigating work requirements and SNAP E&T.

To achieve the research objectives, the project will document and describe the

experiences of SNAP participants in the four States through two qualitative research methods: photovoice and in-depth interviews. Photovoice engages participants in structured activities where they use photos they have taken to guide interviews with researchers. The interviews will focus on and highlight themes and issues most significant to participants about SNAP E&T. In-depth interviews will provide rich, detailed accounts of participants' thoughts, behaviors, and experiences with work requirements and in SNAP E&T programs. Finally, the project will include video interviews with SNAP E&T participants and staff that provide E&T services to create a multimedia deliverable that tells a complete story of navigating work requirements and engaging with SNAP E&T. The study team will work with FNS to select and recruit State agencies and SNAP E&T providers that offer direct services to SNAP participants to support the recruitment for photovoice and in-depth interviews.

Affected public: Members of the public affected by the data collection include individuals and households, State and local government workers from SNAP agencies in four States, and staff at not-for-profit and for-profit organizations that provide services to SNAP E&T participants. Respondent groups will include: (1) SNAP E&T program participants; (2) directors and managers from State and local government agencies supporting SNAP E&T programs; and (3) staff at providers that offer direct services to SNAP E&T participants.

Estimated number of respondents: SNAP E&T participants will be asked to participate in either a photovoice interview or an in-depth interview (which include several possible notifications), as well as a possible video interview for the multimedia deliverable. State and local government staff and staff that provide SNAP E&T services will respond to study recruitment efforts (which include several possible notifications), an administrative data request, and a possible video interview for the multimedia deliverable. The total estimated number of unique respondents—which includes everyone contacted for data collection regardless of whether they participate—is 1,233. This includes up to 1,163 individuals/households, 24 State and local government staff, and 46 staff that provide E&T services. The study team will contact 1,163 individuals/households; 779 will be respondents and 384 will be non-respondents. Of the 779 respondents, 20 will participate in photovoice interviews, 160 will participate in an in-depth interview, and 11 will participate in pre-testing the photovoice and in-depth interview instruments.

Among individuals participating in the photovoice and in-depth interviews, 15 will also be contacted again to participate in video interviews for the multimedia deliverable; of these, 10 will be respondents and 5 will be non-respondents.

Before the start of data collection in one non-study State, the study team will pretest all photovoice activities (including the consent form, the kickoff session, the photo submission form, and the interview discussion guide) with three SNAP E&T participants. We will also pretest the in-depth interview guide with eight SNAP E&T participants in two non-study States.

To begin recruiting participants, the study team will contact 24 State SNAP agency staff, which includes State program staff and State data systems staff; 14 will be respondents and 10 will be non-respondents. Four of the State data systems staff will provide administrative data which will be used to recruit SNAP E&T participants. The study team will contact 32 staff from not-for-profit and eight staff at for-profit organizations that serve as SNAP E&T providers to support the recruitment effort for the photovoice interviews and in-depth interviews. Among staff that provide E&T services participating in the recruitment effort, eight individuals will also be contacted again to participate in interviews for the multimedia deliverable.

Estimated number of responses per respondent: Across all 1,233 unique respondents (839 respondents and 394 non-respondents) and 3,250 annual responses, the average number of responses is 2.64.

Estimated total annual responses. 3,250.

Estimated time per response. The estimated time per response varies from 0.033 hours for activities related to reading flyers for photovoice and in-depth interview recruitment to 8 hours for State data systems staff to provide administrative data. The response time will vary depending on the respondent group, with an average estimated time of 11.70 minutes (0.19 hours).

Estimated total annual burden on respondents. The total estimated annual burden on respondents is 38,022 minutes (633.70 hours).

James C. Miller,

Administrator, Food and Nutrition Service.

[FR Doc. 2025–14290 Filed 7–28–25; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ozark-Ouachita Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

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

DATES: An in-person meeting will be held on Wednesday, August 13, 2025, 1 p.m. to 4 p.m., Central Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person or virtual oral comments must pre-register by 11:59 p.m. Central Daylight Time on August 1, 2025. Written public comments will be accepted by 11:59 p.m. Central Daylight Time on August 11, 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 at held at the Ozark-St. Francis National Forests Supervisor's Office, located at 605 West Main Street, Russellville, Arkansas. Committee information and meeting details can be found at the following website *https://www.fs.usda.gov/r08/ozark-stfrancis/committees* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *caroline.mitchell@usda.gov* or via mail (postmarked) to Caroline Mitchell, Ouachita National Forest, P.O. Box 1270, Hot Springs, Arkansas 71902. 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. Central Daylight Time on August 1, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to *caroline.mitchell@usda.gov* or via mail (postmarked) to Caroline Mitchell, Ouachita National Forest, P.O. Box 1270, Hot Springs, Arkansas 71902.

FOR FURTHER INFORMATION CONTACT: Craig McBroome, Designated Federal Officer, by phone at 479–964–7248 or email to *robert.mcbroome@usda.gov;* or Caroline Mitchell, RAC Coordinator, at 501–321–5318 or *caroline.mitchell@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Hear from Title II project proponents and discuss project proposals;
2. Make funding recommendations on Title II projects;
3. Approve meeting minutes;
4. Schedule the next meeting; and
5. Other.

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: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

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: July 24, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025–14250 Filed 7–28–25; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Skyline Mine Little Eccles Lease by Application in Emery County and Flat Canyon Lease Modification in Sanpete County, Utah; Revised

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; revised.

SUMMARY: On April 15, 2024, in compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the National Forest Management Act of 1976 (NFMA), and the Mineral Leasing Act of 1920, as amended (MLA), the U.S. Department of the Interior (DOI), Bureau of Land Management (BLM) Price Field Office, and U.S. Department of Agriculture (USDA), Forest Service (Forest Service) Manti-La Sal National Forest, published a Notice of Intent in the **Federal Register**, 73 FR 26184 (BLM_FRN_MO4500176455) to prepare an Environmental Impact Statement (EIS) in response to a Lease by Application (LBA) for the Little Eccles Federal Coal Lease Tract (UTU–92226) of 120 acres and a Lease Modification Application (LMA) to add 640 acres to the Flat Canyon Lease Tract (UTU–77114). This notice is revising the previous Notice of Intent with respect to the USDA to announce that the USDA Natural Resources and Environment (NRE), Acting Under Secretary intends to prepare the EIS in response to the LBA for the Little Eccles Federal Coal Lease Tract (UTU–92226) and LMA to the Flat Canyon Lease Tract (UTU–77114). The USDA, Acting Under Secretary for NRE proposes to prepare an EIS in coordination with BLM and issue the project decision of the USDA.

DATES: The USDA plans that the EIS will publish before August 10, 2025, and that the USDA, NRE, Acting Under Secretary will sign the USDA Record of Decision by August 31, 2025.

ADDRESSES: Additional information about the proposal can be found on the following website: *https://eplanning.blm.gov/eplanning-ui/project/2015277/510.*

FOR FURTHER INFORMATION CONTACT: Barbara Van Alstine, Forest Supervisor, Manti-La Sal National Forest, by email at *barbara.vanalstine@usda.gov,* by phone at 435–636–3536, 599 W Price River Drive, Suite A, Price, UT 84501.

Individuals who use telecommunication devices for the hearing-impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The EIS will evaluate potential impacts of leasing and underground mining of Federal coal reserves contained in both lease tracts in accordance with the USDA interim final rule published at 7 CFR part 1b on July 3, 2025. A project decision by the Acting Under Secretary constitutes a final administrative determination of the USDA and this project shall not be subject to objections pursuant to 36 CFR 218.13(b).

As described in the April 15, 2024 Notice of Intent to prepare an EIS (73 FR 26184 [BLM_FRN_MO4500176455]), Canyon Fuel Company, LLC, submitted two coal lease applications to the BLM Price Field Office on June 10, 2019. One is an LBA for the Little Eccles Federal Coal Lease Tract of 120 acres in T. 14 S., R. 6 E., SLM, Emery County, Utah sec. 10: SE ¼. The other is an LMA for the existing Flat Canyon Lease Tract to add 660 acres in T. 14 S., R. 5 E., SLM, Sanpete County, Utah sec. 9. Both tracts are adjacent to the existing Skyline Mine which has been in operation since 1981. The surface estate of the lease tracts is administered by the USDA Forest Service Manti-La Sal National Forest. The mineral estate (coal) is administered by the BLM Price Field Office. The BLM and USDA Forest Service, as Federal defendants in *WildEarth Guardians* v. *Haaland* (2:16–cv–00168) (D. Utah), have a responsibility under the Settlement Agreement filed March 8, 2023, to complete an EIS under NEPA analyzing whether to lease or to forgo leasing of the coal reserves in the Little Eccles Federal Coal Lease Tract and to modify or forgo lease modification of the Flat Canyon Federal Coal Lease Tract.

Additional Information

Since settlement was reached in *WildEarth Guardians* v. *Haaland,* the legal framework for analyzing and reaching a decision on this project has changed considerably. First, the One Big

Beautiful Bill Act (OBBB; Public Law 119–21, Section 50201) requires accelerated processing of pending coal lease applications. Within 90 days (*i.e.,* no later than October 2, 2025), the Bureau of Land Management must publish any required environmental review, establish the fair market value, hold a lease sale, and identify the highest bidder for each currently pending lease application.

Next, Section 5 of E.O. 14261, Reinvigorating America's Beautiful Clean Coal Industry and Amending Executive Order 14241, requires the Secretary of Agriculture to prioritize coal leasing and related activities, consistent with applicable law, as the primary land use for the public lands with coal resources identified in a report (described in section 4(a) of the E.O.) and expedite coal leasing in these areas, including by utilizing such emergency authorities as are available to them and identifying opportunities to provide for expedited environmental reviews, consistent with applicable law. The Skyline project is in the Uinta Region—Uinta Basin, Piceance Basin, as identified in the *Consolidated Interagency Report in Response to Section 4(a) of Executive Order 14261, Reinvigorating America's Beautiful Clean Coal Industry and Amending Executive Order 14241.* This report, in Chapter 3, identifies statutory, regulatory, policy and procedural barriers to coal leasing activities.

Third, on July 3, 2025, the Department of Agriculture issued an interim final rule revising the departmental NEPA regulations at 7 CFR part 1b to provide necessary direction on the implementation of the NEPA in light of the NEPA amendments by the Fiscal Responsibility Act of 2023 and the Council on Environmental Quality rescinding the 40 CFR parts 1500–1508 regulations (effective April 11, 2025). The Acting Under Secretary for NRE has identified processes outlined in the rescinded Forest Service National Environmental Policy Act (NEPA) regulations (36 CFR 220, *see* 90 FR 29632, 29635 (July 3, 2015)), and the Forest Service pre-decisional objection process, 36 CFR 218, as imposing undue burdens on the processing of coal leasing activities. Particularly, the comment period required by Forest Service NEPA regulations for a draft environmental impact statement, 45-day comment period at the draft EIS stage required by 36 CFR 218, and the pre-decisional objection process for an EIS (45-days to file objections and up to 45 days to respond to objections, as specified by 36 CFR 218) would preclude the Secretary of the Interior from complying with OBBB requirements for coal leasing activities, as previously described.

With the changed statutory and regulatory environment, the Acting Under Secretary for NRE is proposing preparation of an EIS for the Skyline project and will be the responsible official for the Record of Decision. The Acting Under Secretary for NRE intends to issue the environmental impact statement and record of decision under the NEPA regulations at 7 CFR 1b, Sections 1b.7 and 1b.8. This change will expedite coal leasing in the Uinta Region—Uinta Basin, Piceance Basin, in compliance with E.O. 14261, and accelerate the processing of pending coal lease applications as required by OBBB. The process is further expedited by eliminating the requirement for a pre-decisional objection process in accordance with 36 CFR 218, Section 218.13.

Purpose and Need for Action; Proposed Action; Alternatives; Anticipated Permits, Licenses, and Other Authorizations

See April 15, 2024 Notice of Intent to prepare an EIS (73 FR 26184 [BLM_FRN_MO4500176455]) for information on these actions.

List of Substantive Issues

The issues and a summary of expected impacts for the action alternatives are as follows:

Air Quality: Maximum and average annual CAP and HAP emissions remain the same as current annual emissions. No additional impacts on air quality, cancer and non-cancer risks, or AQRVs are expected.

Greenhouse Gas Emissions: The life of the mine would extend by 19 to 11 months. Mining activities, coal transport, coal combustion, and annual GHG emissions would continue to occur at the same rate as current rates. However, the total recoverable coal would increase and total GHG emissions from mining, downstream processing, and combustion of the coal would increase.

Geology: There would be 19.3 to 15.9 million tons mined. Any reactivation of faults within the Blackhawk Formation could fill with clay or ground-up rock and limit the reopening or creation of new hydrologic pathways intersecting the surface. Less than 0.5% of the area that could experience subsidence would be subject to tensile fractures. It is unlikely that appreciable surface cracking would result from the subsidence predicted. No unacceptable seismic risk would be created to the Electric Lake or Boulger dams.

Hydrology: Minimal impacts to water quantity, water availability, surface water, and to water balance and water quality of Electric Lake and Scofield, Huntington, and Cleveland Reservoirs are expected. No water balance or quality effects on water rights, users, or designated uses are expected. Impacts on the shallow ground water systems that support springs and seeps and provide baseflow to streams are not anticipated. Detrimental impacts on water quality parameters such as acidity, total suspended solids, and total dissolved solids in creeks and springs are considered unlikely.

The reduction of water volume or water balance of water bodies from interception of faults during mining is unlikely. The small volume of dewatering discharge relative to the capacity of Electric Lake, as well as the natural sources of volume changes in Electric Lake, would make it unlikely that any increase in volume would be identifiable or measurable.

Vegetation and Botany: No rare plant species would be affected. Some individual plants in a less than 10-acre area may be affected by tensile fissuring, but overall community composition would not be appreciably altered. Water volume delivered to wetlands, riparian areas, seeps and springs is not expected to change. Shifts in stream morphology may occur due to subsidence, but overall acreages of wetlands and riparian areas are not expected to change appreciably.

Fish and Wildlife (Aquatic and Terrestrial Species): There would be no effect on endangered species. The alternatives are not likely to jeopardize continued existence or adversely modify proposed critical habitat. No impacts on Forest Service sensitive species. The alternatives may impact individual American three-toed woodpecker and American (northern) goshawk, but are not likely to cause a trend to federal listing or loss of viability.

Approximately 9.6 to 7.5 acres of migratory bird habitat could experience subsidence-related tensile fractures within the subsidence area. A small number of individual plants along the fractures could experience mortality or reduced growth. A small number of trees may be become unstable and fall. No widespread reduction of foraging resources, cover, or water resources would occur. Nests could be destroyed if a tree falls that contains a nest, although the likelihood of this happening is low given that surface fractures would be localized and expected to affect a small portion (0.4 percent) of the wildlife analysis area.

Approximately 9.6 to 7.5 acres of big game crucial summer range could experience subsidence-related tensile fractures but no widespread reduction of foraging resources, cover, or water resources or decrease in habitat quality in the analysis area would occur. No reduction in herd numbers is expected.

Socioeconomics: Employment would be extended 8 months to one year. Economic output would total more than $1.5 to $1.3 billion over the life of the mine generating additional tax revenues. Estimated coal production would result in higher mineral lease distributions to the State and affected counties.

Schedule for the Decision Making Process

The Forest Service, along with BLM, previously published a Notice of Intent (NOI) to prepare an environmental impact statement for the Skyline Mine Little Eccles Lease by Application project on April 15, 2024. The NOI outlined a schedule for the decision-making process; however, this was prior to the issuance of E.O. 14261 in January 2025, recission of the CEQ NEPA regulations in April 2025, and issuance of the USDA NEPA regulations interim final rule in July 2025, and enactment of new statutory authority in the OBBB in July 2025. To comply with the OBBB, it is anticipated that both the DOI and USDA will publish an EIS before August 10, 2025, and sign the Records of Decision by August 31, 2025.

Lead and Cooperating Agencies

The USDA's Forest Service, at the direction of USDA, NRE is the co-lead agency with the BLM. See April 15, 2024 Notice of Intent to prepare an EIS (73 FR 26184 [BLM_FRN_MO4500176455]) for information on other agencies.

Responsible Official

The responsible official for the Department of Agriculture is the Acting Under Secretary for NRE. The scope of USDA's decision is limited to consenting to lease. See April 15, 2024 Notice of Intent to prepare an EIS (73 FR 26184 [BLM_FRN_MO4500176455]) for more information.

Previous Public Scoping Process

Under the Forest Service's previous NEPA regulations at 36 CFR 220, a Notice of Intent to prepare an EIS was previously published in the **Federal Register** on April 15, 2024, 73 FR 26184 [BLM_FRN_MO4500176455]) followed by a 45-day public scoping period ending on May 30, 2024. The lead agencies considered the input received during public scoping. A scoping report summarizing the pertinent comments within these submissions and the public scoping process is available at *https://eplanning.blm.gov/eplanning-ui/project/2015277/510.*

Public Comment

USDA is relying on the comments requested when the Forest Service published the initial NOI in April 2024. A copy of the Skyline Mine Little Eccles Lease and Flat Canyon Lease Modification Environmental Impact Statement Scoping Report is located at: *https://eplanning.blm.gov/eplanning-ui/project/2015277/570.*

Kristin Sleeper,

Acting Under Secretary, Natural Resources and Environment.

[FR Doc. 2025–14322 Filed 7–28–25; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–38–2025]

Foreign-Trade Zone (FTZ) 17, Notification of Proposed Production Activity; Garmin International, Inc.; (Avionics and Auto Products; Marine and Personal GPS Products); Olathe, Kansas

Garmin International, Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Olathe, Kansas within Subzone 17G. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 21, 2025.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include: avionic products (electronic interference suppression surface-mounts; configuration modules and subassemblies; servo actuators and flight control systems; power system interface subassemblies; communication, navigation and flight control systems; GPS and communication systems; GPS and navigation systems; satellite communication transceivers and radios; display modules; satellite communication transceivers and receivers; radar altimeter subassemblies; radar systems; autopilot and flight control systems; engine indication systems; traffic advisory systems; audio panel subassemblies; communication and datalink systems; housing and mounting components kits; night vision and display systems; GPS navigation and communication kits; flight display subassemblies; resistors; system interfaces; system integration devices; control system subassemblies; transponders with GPS systems; wiring system subassemblies; servo mounts and adapters; altitude and air speed sensors); removable media (with pilot software; with GPS navigation map updates; with marine navigation software updates); assemblies (autopilot and flight control system; printed circuit board); smartwatches with global position systems, performance tracking, fitness tracking, and navigation features; radar altimeters; GPS antenna kits; automobile products (performance control modules; electric drive systems); and, marine products (autopilot system instrument kits; integrated smart pumps; reactor-based autopilot systems) (duty rate ranges from duty-free to 5.3%).

The proposed foreign-status materials/components include: solder fluxes; silicone components (hoses; pads; radio-frequency (''RF'') absorber sheets; watch bands; foam cushions; watch straps); plastic components (barbed tube fittings; tapes; storage cases; bags; block shields; cable guard kits; cable ties; chafe blocks; clamps; cushions; fairleads; gaskets; hydrophobic patches; knob assemblies; O-rings; spacers; thermal pads; washers; wheel caps; wiring conduits; protective covers; protective cases); paper components (labels; envelopes; package sleeves; printed inserts); vinyl protective caps; polypropylene protective trays; nylon pins; assorted plastic hardware kits; rubber components (gaskets; O-rings; spacers; washers; insulators); polyurethane foam pads; assorted rubber hardware kits; paperboard boxes; synthetic fiber covered gaskets; synthetic microfiber cleaning cloths; zinc components (load cell arms; ratchet sockets); mount plates; assemblies (cable; printed circuit board; gear; electrical switch; housing; mechanical control rod; mount backplate; protective cover; drive plate; heated pitot; surface mount engine shield; hydraulic autopilot; mounting tray; pitot tube); steel components (wires; screws; washers; backshell

assemblies; spacers; standoffs; rings; pins; bolts; screw and washer kits; threaded fastener assemblies; jackscrew fasteners; backshells; cotter pins; studs; springs; alignment guides; bellcrank clamps; clamps; connecting links; endplate mounts; bushings; screw tops; brackets; nuts; tension and compression load cells; watch buckles); subassemblies (connector composite; counter-sunk top ring; servo actuator; connector; electromagnetic shield; display module; radio receiver; audio and communication system; support chassis; audio cable; flight instrument; signal conversion; actuator; adaptor plate; altitude reference sensor; altitude encoder); adapters; magnet carriers; copper components (washers; air fittings; thermal interface coins; gaskets; spring connectors; springs; standoffs; heat pipes); brass screws; nickel plated brass nuts; aluminum components (chain assemblies; backshells; adapters; adaptor switches; bracket assemblies; board supports; beams; brackets; bulkheads; cable guards; chain guards; capstans; clamps; covers; frames; fairleads; gussets; housings; install racks; links; mount adaptors; mount kits; mount racks; mounts; nut plate kits; washers; support trays; support shelves; structural supports; stiffeners; spacer bearings; spacers; shims; pulleys; pulley covers; ports; nut plates; protective covers; bracket support structures; electrolytic capacitors); watch components (stainless steel and aluminum buckles; buckles; faces; backplates; battery doors; stainless steel straps; leather straps); nameplates; linear actuators; magnet mounts; motor components (mounts; housings; clamps; actuators); shaft seals; solenoid components (armatures; box frames; coils; surface mount plunder stops; cups; rotors); electric motor fans; SD card readers; kits (mechanical fuse; breather vent; mounting; connector; electrical connector; capstan assembly; standoff; antenna; mount installation; light counterweight; receiver; resistor; mount bracket; marine transducer; electronic flight instrument system installation; autopilot control head; transducer replacement; thermocouple; mechanical arm attachment; watch tongue); solenoids; breather vent covers; shafts; bearing spacers; bearings; bronze bushings; flanged bearings; clutch components (cartridges; mounting kits; cartridge kits; lever arms); spiral bevel gear sets; pulley grooves; bearing cups; cable guards; DC brushless motors; servo actuators; housings (die-cast; pin connector; optic reflection); magnet motor carriers; power inductors; light pipes; linear actuator sensor magnets; power splitters; RF components (mixers; gaskets; shield covers; shield partitions); transformers; position magnets; lithium battery cells; lithium-ion batteries; modules (wireless Wi-Fi gateway; Bluetooth; RF; wireless data storage; liquid crystal display (''LCD''); programmed flash memory; media control; cooling; air data; configuration; sealed configuration and interface; signal output interface); smartwatch routers; avionic components (database and starter kits; autopilot devices; radar monitoring systems; GPS and communication system kits; GPS navigation systems; system display module subassemblies; system display modules; touchscreen displays; transponder kits; transponders; integrated system subassemblies; flight data and navigation displays; system displays; system display housings; attitude and air data heading reference system kits; attitude and air data heading reference systems; transponder subassemblies; engine indication system interfaces; altitude heading reference systems; altitude and heading device subassemblies; multi-functional flight instrument subassemblies); digital content protection receiver keys; removable storage media; LCD transistors; LCD display panels; bezels; printed circuit boards; fuses; switches (pushbutton; toggle; trim; optoelectronic); encoders; arrays (snapdome; radar antenna); connectors (board-to-board; micro power; electrical; battery; fuse holder); dual-row headers; flexible printed circuits; micro SD card adapters; printed circuit board stackers; ribbon cables; socket strips; ejector caps; mechanical cable retention fittings; integrated circuits; clock synthesizers; ball bearing pulleys; gear discs; sprockets; radio transmission apparatuses; digital cameras; receivers (data transmission, satellite radio data and weather); antennas; adapter rings; support chassis; connector plates; display components (backlights; module light guides; module spacers; frame panels); dual lock fasteners; frames (structural; surface mount); keypads; light pipe isolators; lock pawls; nut plates; lenses (photocell; glass; optic); heat sinks; chain guard adapters; encoder brackets; encoder spacers; pawl latches; capacitors (electrical; ceramic; polymer aluminum electrolytic); chip resistors; thermistors; thermocouples; trimmer potentiometers; relays; ring terminals; input control system joysticks with encoders; backshell components (clamps; covers; pins); backshells with jackscrew mechanism; connector adapters; crimp sockets; electrical crimp contacts; finger plates; EMI shielding finger stocks; ground plates; cushions (heat sink; infrared board); knob light pipes; mount clamps; mount racks; pitot-static ports; seal plugs; terminal studs; spring probes; diodes; transistors; surge protectors; transient blocking units; transient voltage suppressors; light emitting diodes; sensors (light; position; magnetic angle; fuel flow; pressure; internal measurement; velocity); optocouplers; oscillators; filters (acoustic wave; crystal; noise); oscillators (crystal; frequency control); signal processing devices; couplers (directional; hybrid); coaxial signal interfaces; wiring harnesses; cable jumpers; inline fuse holders; fuse holder connectors; network cables and wires; ferrite beads; ball bearings; films (diffuser; reflective); electronic flight instrument systems; engine indication devices; autopilot components (switch mounts; flight control systems; controllers; control heads); baseplates; cable guides; block guards; block stops; chafe blocks; position sensor mounts; data control processor components (bezels; chassis; housings; plates); flight control and autopilot devices; forked mechanical linkages; panel overlays; touchscreen flex seals; surface mount components (heat spreaders; install levers; locking tabs; crank arms); internal light diffusers; titanium finger rests; foil stickers; locking wedges; output mechanical hubs; output shafts; power buttons; pressure measurement protective caps and cases; motion guide blocks; electrical connector sockets; static pressure manifolds; wiring and cable conduits; altimeters; mechanical arms; accelerators; cross pin shafts; and, analog watch movements (duty rate ranges from duty-free to 11.20%, and 0.40¢/ea + 8.50% to 1.6¢/each + 6.80%). The request indicates that certain materials/components are subject to duties under section 1702(a)(1)(B) of the International Emergency Economic Powers Act (section 1702), section 232 of the Trade Expansion Act of 1962 (section 232) or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 1702, section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov*. The closing period for their receipt is September 8, 2025.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: July 24, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025–14312 Filed 7–28–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–937]

Overhead Door Counterbalance Torsion Springs From India: Preliminary Affirmative Determination of Critical Circumstances in the Countervailing Duty Investigation

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that critical circumstances exist with respect to imports of overhead door counterbalance torsion springs (overhead door springs) from producers and exporters from India.

DATES: Applicable July 29, 2025.

FOR FURTHER INFORMATION CONTACT: Zachary Shaykin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2638.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 2024, Commerce received a countervailing duty (CVD) petition concerning imports of overhead door springs from India filed in proper form on behalf of the petitioners, IDC Group Inc., Iowa Spring Manufacturing, Inc., and Service Spring Corp (collectively, the petitioners).[1] On November 25, 2024, Commerce published the notice of the initiation of this investigation [2] and, on April 3, 2025, Commerce published its *Preliminary Determination.*[3]

Commerce selected Alcomex Springs Pvt Ltd. (Alcomex) as the sole individually-examined respondent in this investigation.[4] On May 19, 2025, Alcomex withdrew its participation from this investigation.[5]

On June 24, 2025, the petitioners alleged that critical circumstances exist with respect to imports of overhead door springs from India, pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 531.206.[6]

In accordance with section 703(e)(1) of the Act and 19 CFR 351.206(c)(1), because the petitioners submitted the critical circumstances allegation more than 30 days before the scheduled date of the final determination,[7] Commerce will make a preliminary finding as to whether there is a reasonable basis to believe or suspect that critical circumstances exist. Commerce is issuing its preliminary finding of critical circumstances within 30 days after the petitioners submitted the allegation.[8]

Period of Investigation (POI)

The POI is January 1, 2023, through December 31, 2023.

Critical Circumstances Allegation

The petitioners allege that there were a massive increase of imports of overhead door springs from India and provided monthly import data for the period of June 2024 through March 2025.[9] The petitioners state that a comparison of total imports, by quantity (in pounds), for the base period of June 2024 through October 2024 to the comparison period November 2024 through March 2025, shows that imports of overhead door springs from India increased by 117.32 percent,[10] which is considered ''massive'' under 19 CFR 351.206(h)(2). The petitioners also allege that there is a reasonable basis to believe that there are subsidies in this investigation which are inconsistent with the Subsidies and Countervailing Measures Agreement of the World Trade Organization (SCM Agreement).[11]

Critical Circumstances Analysis

Section 703(e)(1) of the Act provides that Commerce will preliminarily determine that critical circumstances exist in a CVD investigation if there is a reasonable basis to believe or suspect that: (A) the alleged countervailable subsidy is inconsistent with the SCM Agreement; [11] and (B) there have been massive imports of the subject merchandise over a relatively short period.

In determining whether there are ''massive imports'' over a ''relatively short period,'' pursuant to section 703(e)(1)(B) of the Act and 19 CFR 351.206(h) and (i), Commerce normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.,* the base period) to a comparable period of at least three months following the filing of the petition (*i.e.,* the comparison period). However, the regulations also provide that if Commerce finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from the earlier time.[12] Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period.[13]

Alleged Countervailable Subsidies Are Inconsistent With the SCM Agreement

Alcomex

In the *Preliminary Determination,* we found that Alcomex, pursuant to section 776(b) of the Act, received countervailable subsidies inconsistent with the SCM Agreement under section 703(e)(1)(A) of the Act.[14] Such programs are the Advanced Authorization Program (AAP), the Duty Drawback (DDB), and the Remission of Duties and Taxes on Export Products (RoDTEP) programs, which were found to be export contingent in the *Preliminary Determination.*[15] Thus, because we preliminarily found that these programs are export contingent, we preliminarily

[1] *See* Petitioners' Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated October 29, 2024 (Petitions).

[2] *See Overhead Door Counterbalance Torsion Springs from the People's Republic of China and India: Initiation of Countervailing Duty Investigations,* 89 FR 92901 (November 25, 2024).

[3] *See Overhead Door Counterbalance Torsion Springs from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 90 FR 14602 (April 3, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[4] *See* Memorandum, ''Respondent Selection,'' dated December 18, 2024.

[5] *See* Alcomex's Letter, ''Overhead Door Counterbalance Torsion Springs from India; Alcomex's Withdrawal of Participation from Investigation,'' dated May 19, 2025 (Letter of Withdrawal of Participation).

[6] *See* Petitioners' Letter, ''Overhead Door Counterbalance Torsion Springs from India—Petitioners' Allegation of Critical Circumstances,'' dated June 24, 2025 (Critical Circumstances Allegation).

[7] The final determination for this CVD investigation is currently due no later than August 11, 2025. See Preliminary Determination, 90 FR at 14631.

[8] *See* 19 CFR 351.206(c)(2)(ii). In this case, 30 days after the petitioners submitted the allegation would place the deadline on Thursday, July 24, 2025.

[9] *See* Critical Circumstances Allegation at 7 and Attachment.

[10] *Id.* at 7.

[11] *Id.* at 4 and 5.

[12] *See* 19 CFR 351.206(i).

[13] *See* 19 CFR 351.206(h)(2).

[14] *See Preliminary Determination* PDM at 14–21.

[15] *Id.*

find that the criterion under section 703(e)(1)(A) of the Act has been met.[16]

Non-Responsive Companies

As explained in the *Preliminary Determination,* we preliminarily applied total adverse facts available (AFA) to Asha Spring and Engineering Company, Balaji Springs Pvt. Ltd., Modern Engineering & Spring Company, and Reliable Springs Ltd. (collectively, non-responsive companies), pursuant to section 776(b) of the Act.[17] In applying total AFA to these four companies, we preliminarily determined that each benefited from the AAP, the DDB, and RoDTEP programs.[18] Because we found that these programs are export contingent and therefore inconsistent with the SCM Agreement in the *Preliminary Determination,* we now preliminarily find, pursuant to section 776(b) of the Act, that the four non-responsive companies meet the criterion delineated by section 703(e)91)(A) of the Act.

Massive Imports

As stated above, Alcomex withdrew its participation from this investigation and,[19] thus, did not provide import company-specific shipment data needed for the critical circumstance analysis. Therefore, in accordance with section 703(e)(1), and sections 776(a) and (b) of the Act, Commerce preliminarily determines that critical circumstances exist with respect to imports of overhead door springs from India for Alcomex and the non-responsive companies.

To determine whether imports are massive within the meaning of 19 CFR 351.206(h) for all other exporters or producers, Commerce's normal practice is to subtract shipments reported by the cooperating mandatory respondents from the shipment data of subject merchandise. However, as stated above, there are no cooperative respondents under investigation. Therefore, for all other exporters and/or producers, we compared the monthly shipment data using import data from Trade Data Monitor (TDM) for a base and a comparison period. We determined to use the TDM data because the Panjiva data supplied by the petitioner did not report the U.S. Harmonized Tariff Schedule (HTSUS) codes for all entries reported.[20]

When determining whether massive shipments occurred, Commerce's practice is to include the month the petition was filed in the base period if the petition was filed during the last half of the month.[21] Further, Commerce's practice is to use the longest period for which information is available through the month in which provisional measures were applied or the month prior to provisional measures being applied if the preliminary determination published in the first half of the month.[22] The Petition was filed during the second half of October 2024, and the *Preliminary Determination* published during the first half of April 2025. Thus, to determine whether there was a massive surge in imports, Commerce utilized a five-month base period comprised of the total volume of shipments during the period June 2024 through October 2024 and a five-month comparison period comprised of the volume of shipments during the period November 2024 through March 2025.[23] The quantity of shipments recorded in the TDM data for the HTSUS codes 7320.20.5020, 7320.20.5045, and 7320.20.5060 during the comparison period exceeded the quantity of shipments recorded for the base period by 15 percent.[24] Therefore, we determine that the record supports a determination that there is a massive surge in imports between the base and comparison periods for all other exporters and producers of overhead door springs from India.[25]

Final Determination

We will make a final determination concerning critical circumstances in the final determination of this investigation, which is currently scheduled for October 15, 2025.

Public Comment

Case briefs or other written comments limited to Commerce's preliminary critical circumstances determination may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which this notice is published in the **Federal Register**. 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.[26] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[27]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[28] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[29]

Suspension of Liquidation

In accordance with section 703(e)(2)(A) of the Act, for Alcomex, the non-responsive companies, and all other producers or exporters of overhead door springs from India, we intend to direct U.S. Customs and Border Protection (CBP) to suspend liquidation of any unliquidated entries of subject merchandise from India entered, or withdrawn from warehouse for consumption, on or after January 3, 2025, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**. For such entries, CBP shall require a cash deposit equal to the estimated preliminary subsidy rates established in the *Preliminary Determination.* This suspension of liquidation will remain in effect until further notice.

[16] *Id.*

[17] *Id.* PDM at 7.

[18] *Id.* at 7 and Appendix.

[19] *See* Letter of Withdrawal of Participation.

[20] *See* Critical Circumstances Allegation at Attachment.

[21] *See, e.g., Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances,* 73 FR 31966 (June 5, 2008) and accompanying Decision Memorandum (IDM) at 91–92.

[22] *See, e.g., Certain Quartz Surface Products from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances, In Part,* 85 FR 25400 (May 1, 2020) and accompanying IDM at 2–3.

[23] *See* Memorandum, ''Preliminary Critical Circumstances Analysis,'' dated concurrently with this memorandum (Critical Circumstances Analysis Memorandum), at Attachment.

[24] *Id.*

[25] *Id.*

[26] *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*).

[27] *See* 19 351.309(c)(2) and (d)(2).

[28] *See* We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[29] *See APO and Service Final Rule.*

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce intends to notify the ITC of this preliminary determination of critical circumstances.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 771(i) of the Act, and 19 CFR 351.205(c).

Dated: July 24, 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. 2025–14338 Filed 7–28–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–936, A–570–186]

Overhead Door Counterbalance Torsion Springs From India and the People's Republic of China: Preliminary Affirmative Determinations of Critical Circumstances, in Part, in the Less-Than-Fair Value Investigations

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that critical circumstances exist with respect to imports of overhead door counterbalance torsion springs (overhead door springs) from India and certain imports from the People's Republic of China (China).

DATES: Applicable July 29, 2025.

FOR FURTHER INFORMATION CONTACT: Seth Brown (India), Office IX at (202) 482–0029 or Jacob Keller (China), Office I at (202) 482–4849; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 2024, Commerce initiated the less-than-fair-value (LTFV) investigations of overhead door springs from India and China.[1] On June 24, 2025, the IDC Group, Inc., Iowa Spring Manufacturing, Inc., and Service Spring Corp. (collectively, the petitioners) filed timely critical circumstances allegations, pursuant to section 733(e)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206, alleging that critical circumstances exist with respect to overhead door springs from India and China.[2] Commerce published its preliminary LTFV determinations on June 2, 2025.[3]

In accordance with 19 CFR 351.206(c)(1) and (c)(2)(ii), when a critical circumstances allegation is filed 30 days or more before the scheduled date of the final determination, but later than 20 days before the scheduled date of the preliminary determination, Commerce will make a preliminary finding whether there is a reasonable basis to believe or suspect that critical circumstances exits and will issue a preliminary critical circumstances determination within 30 days after the allegation is filed.

Legal Framework

Section 733(e)(1) of the Act provides that Commerce, upon receipt of a timely allegation of critical circumstances, will determine whether there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than fair value and that there was likely to be material injury by reasons of such sales; and (B) there have been massive imports of the subject merchandise over a relatively short period.

Further, 19 CFR 351.206(h)(1) provides that, in determining whether imports of the subject merchandise have been ''massive,'' Commerce will normally examine: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, 19 CFR 351.206(h)(2) provides that, ''{i}n general, unless the imports during the 'relatively short period'. . . have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Secretary will not consider the imports massive.'' Section 351.206(i) of Commerce's regulations defines ''relatively short period'' generally as the period starting on the date the proceeding begins (*i.e.,* the date the petition is filed) and ending at least three months later. This section of the regulations further provides that, if Commerce ''finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely,'' Commerce may consider a period of not less than three months from that earlier time.

Critical Circumstances Allegations

India

In their allegation, the petitioners stated that, based on the dumping margins calculated in the petition (*i.e.,* 46.75 percent to 126.14 percent), importers knew, or should have known, that imports of overhead door springs from India were being sold at LTFV because these margins exceeds the 25 and 15 percent thresholds established in Commerce's regulations for export price (EP) and constructed export price (CEP), respectively.[4] Additionally, the petitioners contended that the U.S. International Trade Commission's (ITC's) preliminary affirmative injury determination provides a reasonable basis to impute importers' knowledge that material injury is likely by reason of such imports.[5]

The petitioners also allege that there was a massive increase of imports of overhead door springs from India and provided monthly import data for the period June 2024 through March 2025.[6] The petitioners state that a comparison of total imports, by quantity, for the base period June 2024 through October 2024 to the comparison period November 2024 through March 2025, shows imports of overhead door springs from

[1] *See Overhead Door Counterbalance Torsion Springs from the People's Republic of China and India: Initiation of Less-Than-Fair-Value Investigations,* 89 FR 92895 (November 25, 2024) (*Initiation Notice*).

[2] *See* Petitioners' Letter, ''Allegation of Critical Circumstances,'' dated June 24, 2025 (Critical Circumstances Allegation China); *see also* Petitioners' Letter, ''Allegation of Critical Circumstances,'' dated June 24, 2025 (Critical Circumstances Allegation India).

[3] *See Overhead Door Counterbalance Torsion Springs from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 90 FR 23311 (June 2, 2025) (*China Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM); *see also Overhead Door Counterbalance Torsion Springs from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 90 FR 23316 (June 2, 2025) (*India Preliminary Determination*), and accompanying PDM (collectively, *Preliminary Determinations*).

[4] *See* Critical Circumstances Allegation China; *see also* Critical Circumstances Allegation India.

[5] *See Overhead Door Counterbalance Torsion Springs from China and India,* 89 FR 103877 (December 19, 2024) (ITC Preliminary Determination); *see also* Critical Circumstances Allegation China and Critical Circumstances Allegation India.

[6] *See* Critical Circumstances Allegation India at 8.

India increased by 117.32 percent,[7] which is considered ''massive'' under 19 CFR 351.206(h)(2).

China

In their allegation, the petitioners stated that based on the dumping margins calculated in the petition (*i.e.,* 669.36 percent to 778.31 percent), importers knew, or should have known, that imports of overhead door springs from China were being sold at LTFV because these margins exceed the 25 and 15 percent thresholds established in Commerce's regulations for EP and CEP, respectively.[8] Additionally, the petitioners contended that the ITC's preliminary affirmative injury determination provides a reasonable basis to impute importers' knowledge that material injury is likely by reason of such imports.[9]

The petitioners also allege that there was a massive increase of imports of overhead door springs from China and provided monthly import data for the period June 2024 through March 2025.[10] The petitioners state that a comparison period November 2024 through March 2025 shows that imports of overhead door springs from China increased by 25.44 percent,[11] which is considered ''massive'' under 19 CFR 351.206(h)(2).

Analysis

Generally, when determining whether critical circumstances exist pursuant to the statutory criteria, Commerce examines record evidence, including: (1) the evidence presented in the petitioners' allegation; (2) import statistics released by the ITC; and (3) shipment information submitted to Commerce by the respondents selected for individual examination.[12] Consistent with Commerce's practice, here we examined record information obtained since the initiation of this investigation.[13]

Use of Facts Available With Adverse Inferences

As discussed in the *Preliminary Determinations,* we determined that the use of facts otherwise available with adverse inferences (AFA), pursuant to sections 776(a) and (b) of the Act, was appropriate for the preliminary determination with respect to Asha Spring and Engineering Company (Asha Spring), Balaji Springs Pvt. Ltd. (Balaji Springs), Modern Engineering & Spring Company (Modern Engineering), and Reliable Springs Ltd (Reliable Springs) in the India LTFV investigation; and the China-wide entity which included the mandatory respondents Foshan Xulong Spring Factory (Xulong Spring) and Tianjin Wangxia Spring Co Ltd. (Tianjin Wangxia) in the China LTFV investigation. Therefore, because we determined that the use of AFA, pursuant to sections 776(a) and (b) of the Act, was necessary for this preliminary determination, we preliminarily find that necessary information is not on the record, pursuant to section 776(a)(1) of the Act. Thus, because these respondents in both the India and China LTFV investigations withheld information that Commerce requested, significantly impeded these proceedings, and failed to provide information within the deadlines established, pursuant to sections 776(a)(2)(A), (B), and (C) of the Act, respectively, we find that the use of the facts otherwise available is warranted. Furthermore, Alcomex Springs Pvt. Ltd. (Alcomex), the mandatory respondent in the India LTFV investigation, withdrew its participation following the preliminary determination;[14] therefore, information Alcomex provided cannot be verified, and pursuant to section 776(a)(D) of the Act we find that the use of facts otherwise available is appropriate for Alcomex. Consequently, we have made a preliminary determination of critical circumstances on the basis of facts otherwise available for Alcomex and other non-responsive companies in the India LTFV investigation and for the China-wide entity in the China LTFV investigation.

Section 776(b) of the Act provides that Commerce may use an adverse inference in selecting from among the facts otherwise available when a party fails to cooperate by not acting to the best of its ability to comply with a request for information. Further, section 776(b)(2) of the Act states that an adverse inference may include reliance on information derived from the petition, the final determination from the investigation, a previous administrative review, or other information submitted on the record. Because we find that the respondents listed above did not cooperate to the best of their abilities in these investigations, pursuant to section 776(b) of the Act, we find that adverse inferences are warranted in selecting from the facts otherwise available regarding certain aspects of these preliminary determinations of critical circumstances. We detail our use of adverse inferences in selecting from among the facts otherwise available below.

Section 733(e)(1)(A)(i) of the Act: History of Dumping and Material Injury by Reason of Dumped Imports in the United States or Elsewhere of the Subject Merchandise

In determining whether there is a history of dumping pursuant to section 733(e)(1)(A)(i) of the Act, Commerce generally considers current or previous antidumping duty (AD) orders on subject merchandise from the country in question in the United States and current orders in any other country with regard to imports of subject merchandise.[15] There are no current or previous AD orders on overhead door springs from India or China in the United States, and Commerce is not aware of the existence of any active AD orders on overhead door springs from India or China in other countries. Therefore, Commerce preliminarily finds that there is no history of injurious dumping of overhead door springs from India or China; thus, this criterion is not met.

Section 733(e)(1)(A)(ii) of the Act: The Importer Knew or Should Have Known That the Exporter Was Selling at Less Than Fair Value and That There Was Likely To Be Material Injury

In determining whether importers knew or should have known that exporters were selling subject merchandise at LTFV and that there was likely to be material injury by reason of such sales, Commerce must rely on the facts before it at the time the determination is made. Commerce

[7] *Id.*

[8] *See Initiation Notice; see also* Critical Circumstances Allegation China and Critical Circumstances Allegation India.

[9] *See* ITC Preliminary Determination.

[10] *See* Critical Circumstances Allegation China at 8.

[11] *Id.*

[12] *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Circular Welded Carbon Quality Steel Pipe from the People's Republic of China,* 73 FR 31970, 31972–73 (June 5, 2008); *see also Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China,* 74 FR 2049, 2052–53 (January 14, 2009).

[13] *See, e.g.,* Critical Circumstances Allegation China; and *China Preliminary Determination. See also* Critical Circumstances Allegation India; and *India Preliminary Determination.*

[14] *See* Alcomex's Letter, ''Alcomex's Withdrawal of Participation from Investigation,'' dated June 3, 2025.

[15] *See, e.g., Certain Oil Country Tubular Goods from the People's Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination,* 74 FR 59117, 59120 (November 17, 2009), unchanged in *Certain Oil Country Tubular Goods from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, Affirmative Final Determination of Critical Circumstances and Final Determination of Targeted Dumping,* 75 FR 20335 (April 19, 2010).

generally bases its decision with respect to knowledge on the margins calculated in the preliminary determination and the ITC's preliminary injury determination.[16]

Commerce normally considers margins of 25 percent or more for EP sales and 15 percent or more for CEP sales to impute importer knowledge of sales at LTFV.[17] For the India investigation, we preliminarily calculated a weighted-average dumping margin of 87.20 percent for Alcomex and all other producers and/or exporters, and the highest corroborated dumping margin alleged in the petition of 124.86 percent as the AFA rate for Asha Spring, Balaji Springs, Modern Engineering, and Reliable Springs.[18] Because the preliminary dumping margins for India exceed the thresholds sufficient to impute knowledge of dumping, we preliminarily find that there is a reasonable basis to believe or suspect that these producers/exports of subject merchandise knew, or should have known, that the exporters were selling subject merchandise at LTFV.

For the China investigation, we preliminarily applied the highest corroborated dumping margin alleged in the petition of 778.31 percent as the AFA rate for Xulong Spring, Tianjin Wangxia, and the China-wide entity. We further preliminarily applied the simple average of the petition margins of 734.33 percent as the separate rate for the following Chinese exporters: Chi Hardware Corporation Limited (Chi Hardware), Hangzhou Fuxing Spring Co., Ltd. (Fuxing), Hebei Meirui Metals & Minerals Co., Ltd. (Hebei Meirui), MFG Direct (Ningbo) Limited (Ningbo Direct), Ningbo Well Lift Door Co., Ltd. (Ningbo Well), Wuxi JiuPie Information Technology Co., Ltd. (Wuxi JiuPie), and Wuxi Kop Door Technology Co., Ltd (Wuxi KOP).[19] Because the preliminary dumping margins for China exceed the thresholds sufficient to impute knowledge of dumping, we preliminarily find that there is a reasonable basis to believe or suspect that these producers/exports of subject merchandise knew, or should have known, that the exporters were selling subject merchandise at LTFV.

In determining whether an importer knew or should have known that there was likely to be material injury caused by reason of such imports, Commerce normally will look to the preliminary injury determination of the ITC.[20] If the ITC finds a reasonable indication of present material injury to the relevant U.S. industry, Commerce will determine that a reasonable basis exists to impute importer knowledge that material injury is likely by reason of such imports.[21] Here, the ITC preliminarily found that there is ''reasonable indication'' of material injury to the domestic injury because of the imported subject merchandise from India and China.[22] Therefore, the ITC's preliminary injury determination is sufficient to impute knowledge to imports of the likelihood of material injury. For India, Commerce determines that importers knew, or should have known, that there was likely to be material injury by reason of sales of overhead door springs by Alcomex, Asha Spring, Balaji Springs, Modern Engineering, and Reliable Springs. Additionally, for China, Commerce determines that importers knew, or should have known, that there was likely to be material injury by reason of sales of overhead door springs by Xulong Spring, Tianjin Wangxia, Chi Hardware, Fuxing, Hebei Meirui, Ningbo Direct, Ningbo Well, Wuxi JiuPie, Wuxi KOP, and the China-wide entity.

Section 733(e)(1)(B): Whether There Have Been Massive Imports of the Subject Merchandise Over a Relatively Short Period

In determining whether there have been ''massive imports'' over a ''relatively short period,'' pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(h), Commerce normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.,* the ''base period'') to a comparable period of at least three months following the filing of the petition (*i.e.,* the ''comparison period''). However, the regulations also provide that if Commerce finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from that earlier time.[23] Pursuant to 19 CFR 351.206(h)(2), imports must increase by at least 15 percent during the ''relatively short period'' to be considered ''massive.''

India

As discussed above, we are applying AFA in reaching our findings for certain aspects of this preliminary determination of critical circumstances. Specifically, for Alcomex, Asha Spring, Balaji Springs, Modern Engineering, and Reliable Springs, because of these companies' noncooperation in this investigation, we do not have information regarding their import volumes. Therefore, as AFA, we preliminarily find that the companies listed above had massive imports of subject merchandise over a relatively short period, satisfying the criterion under section 733(e)(1)(B) of the Act and 19 CFR 351.206(h). Thus, we preliminarily determine that critical circumstances exist regarding imports of overhead door springs from India shipped by Alcomex, Asha Spring, Balaji Springs, Modern Engineering, and Reliable Springs, pursuant to section 733(e) of the Act and 19 CFR 351.206.

To determine whether imports are massive within the meaning of 19 CFR 351.206(h) for all other exporters or producers, Commerce's normal practice is to subtract shipments reported by the cooperating mandatory respondents from the overall shipment data of subject merchandise. However, as stated above, there are no cooperative mandatory respondents in the India investigation. Therefore, for all other exporters and producers, we compared the monthly shipment data using import data from Trade Data Monitor (TDM) for the five months preceding and following the filing of the petition. Because the petition was filed on October 20, 2024, in order to determine whether there was a massive surge in imports, Commerce

[16] *See, e.g., Granular Polytetrafluoroethylene Resin from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 86 FR 49299 (September 2, 2021), and accompanying PDM at 15, unchanged in *Granular Polytetrafluoroethylene Resin from India: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 87 FR 3772 (January 25, 2022); *see also Oil Country Tubular Goods from Mexico: Preliminary Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 87 FR 28808 (May 11, 2022), and accompanying PDM at 11, unchanged in *Oil Country Tubular Goods from Mexico: Final Affirmative Determinations of Sales at Less Than Fair Value and Critical Circumstances,* 87 FR 59041 (September 29, 2022)

[17] *See, e.g., Carbon and Alloy Steel Wire Rod from Germany, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Preliminary Determination of Critical Circumstances,* 67 FR 6224, 6225 (February 11, 2002) (*Steel Wire Rod Prelim*), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod from Moldova,* 67 FR 55790 (August 30, 2002) (*Steel Wire Rod Final*).

[18] *See India Preliminary Determination* PDM at 4–7.

[19] *See China Preliminary Determination.* PDM

[20] *See, e.g., Certain Potassium Phosphate Salts from the People's Republic of China: Preliminary Affirmative Determination of Critical Circumstances in the Antidumping Duty Investigation,* 75 FR 24572, 24573 (May 5, 2010).

[21] *See, e.g., Steel Wire Rod Prelim,* unchanged in *Steel Wire Rod Final.*

[22] *See ITC Preliminary Determination.*

[23] *See* 19 CFR 351.206(i).

compared the total volume of shipments during the period June 2024 through October 2024 with the volumes of shipments during the period November 2024 through March 2025.[24] The quantity for shipments recorded in the TDM data for U.S. tariff schedule codes 7320.20.5020, 7320.20.5045, and 7320.20.5060 during the comparison period exceeded the quantity of shipments recorded for the base period by 15 percent.[25] Therefore, we determine that the record supports a determination that there is a massive surge in imports between the base and comparison periods for all other exporters and producers of overhead door springs from India.[26]

Accordingly, consistent with section 733(e)(1) of the Act, Commerce preliminary determines that critical circumstances exist for imports of overhead door springs from India from all exporters and producers. For the underlying data and results of Commerce's analysis, *see* the India Critical Circumstances Analysis Memorandum.

China

As discussed above, for China we are applying AFA to reach our findings for certain aspects of this preliminary determination of critical circumstances. Specifically, for Xulong Spring and Tianjin Wangxia, because of these companies' noncooperation in this investigation, we do not have information regarding their import volumes. Therefore, we preliminarily find that the respondents listed above had massive imports of subject merchandise over a relatively short period, satisfying the criterion under section 733(e)(1)(B) of the Act and 19 CFR 351.206(h). Thus, we preliminarily determine that critical circumstances exist regarding imports of overhead door springs from China shipped by Xulong Spring, Tianjin Wangxia, and the China-wide entity, pursuant to section 733(e) of the Act and 19 CFR 351.206. To determine whether imports are massive within the meaning of 19 CFR 351.206(h) for all other exporters or producers, Commerce's normal practice is to subtract shipments reported by the cooperating mandatory respondents from the overall shipment data of subject merchandise. However, as stated above, there are no cooperative mandatory respondents under the China investigation. Therefore, for all other exporters and producers, we compared the monthly shipment data using import data from Trade Data Monitor (TDM) for the five months preceding and following the filing of the petition. Because the petition was filed on October 20, 2024, in order to determine whether there was a massive surge in imports, Commerce compared the total volume of shipments during the period June 2024 through October 2024 with the volumes of shipments during the period November 2024 through March 2025.[27] The quantity for shipments recorded in the TDM data for U.S. tariff schedule codes 7320.20.5020, 7320.20.5045, and 7320.20.5060 during the comparison period did not exceed the quantity of shipments recorded for the base period by 15 percent.[28] Therefore, we determine that the record does not support a determination that there is a massive surge in imports between the base and comparison periods for all other exporters and producers of overhead door springs from China.[29]

Accordingly, consistent with section 733(e)(1) of the Act, Commerce preliminary determines that critical circumstances exist for imports of overhead door springs from China from the China-wide entity but do not exist with regards to Chinese separate rate companies. For the underlying data and results of Commerce's analysis, *see* the China Critical Circumstances Analysis Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

Based on the criteria and findings discussed above, we preliminarily determine that critical circumstances exist with respect to all producers and/or exporters in India. Additionally, in China we preliminarily determine critical circumstances exist for the China-wide entity.

Final Critical Circumstances Determinations

We will make final determinations concerning critical circumstances in the final determinations of the China and India LTFV investigations, which are currently scheduled for August 11, 2025, and October 15, 2025, respectively.

Public Comment

Written comments limited to these preliminary critical circumstances determinations may be submitted to the Assistant Secretary for Enforcement and Compliance no later than three days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than two days after the date for filing case briefs. All comments regarding these preliminary critical circumstances determinations are subject to the same request for public executive summaries in case and rebuttal briefs, as noted in the *Preliminary Determinations.*[30]

Suspension of Liquidation

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for all imports of overhead door springs from India and China. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation ordered in the *Preliminary Determinations* shall be amended to apply to all unliquidated entries of subject merchandise from all producers and exporters of overhead door springs from India and China that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which the suspension of liquidation was first ordered. These suspension of liquidation instructions will remain in effect until further notice.

U.S. ITC Notification

In accordance with section 773(f) of the Act, we will notify the ITC of these preliminary determinations of critical circumstances.

[24] *See* Memorandum, ''Preliminary Critical Circumstances Analysis,'' dated concurrently with this memorandum (Critical Circumstances India Analysis Memorandum), at Attachment.

[25] *Id.*

[26] *See, e.g., Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, the Republic of Turkey, and the United Arab Emirates: Preliminary Affirmative Determinations of Sales at Less Than Fair Value and Preliminary Affirmative Critical Circumstances Determinations, in Part,* 85 FR 61722 (September 30, 2020), and accompanying PDM at 12–16.

[27] *See* Memorandum, ''Preliminary Critical Circumstances Analysis,'' dated concurrently with this memorandum (Critical Circumstances China Analysis Memorandum), at Attachment.

[28] *Id.*

[29] *See, e.g., Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, the Republic of Turkey, and the United Arab Emirates: Preliminary Affirmative Determinations of Sales at Less Than Fair Value and Preliminary Affirmative Critical Circumstances Determinations, in Part,* 85 FR 61722 (September 30, 2020), and accompanying PDM at 12–16.

[30] *See China Preliminary Determination,* 89 FR at 23311; *see also India Preliminary Determination,* 89 FR at 23317.

These determinations are issued and published pursuant to sections 733(f) and 777(i) of the Act and 19 CFR 351.206(c)(2)(iii).

Dated: July 24, 2025.

Christopher Abbot,

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

[FR Doc. 2025–14337 Filed 7–28–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–857]

Certain Softwood Lumber Products From Canada: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Administrative Review, and Final Determination of No Shipments; 2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers and/or exporters subject to this administrative review sold subject merchandise at less than normal value during the period of review (POR), January 1, 2023, through December 31, 2023.

DATES: Applicable July 29, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas Martin or Joshua Jacobson, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3936 or (202) 482–0266, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* on March 5, 2025.[1] This review covers 261 producers/exporters of subject merchandise, including two mandatory respondents, Canfor and West Fraser (collectively, the mandatory respondents).[2] The final weighted-average dumping margins are listed below in the ''Final Results of Review'' section of this notice. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). For a detailed description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[3]

Scope of the Order

The merchandise covered by this review is certain softwood lumber products from Canada. For a full description of the scope, *see* the Issues and Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. All requests for an administrative review of Smartlam LLC were timely withdrawn within 90 days of the publication of the initiation notice for this review.[4] As a result, Commerce is rescinding this review with respect to Smartlam LLC in accordance with 19 CFR 351.213(d)(1).[5]

Additionally, pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no entries of subject merchandise during the POR for which liquidation is suspended. Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty (AD) assessment rate calculated for the review period.[6] Therefore, for an administrative review of a company to be conducted, there must be a suspended entry that Commerce can instruct and U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.[7] In the absence of any suspended entries of subject merchandise from 53 companies that were initiated upon, we are rescinding the administrative review for these companies, in accordance with 19 CFR 351.213(d)(3). For a list of the companies for which we are rescinding this review, *see* Appendix III.

Analysis of Comments Received

All issues raised in the case briefs filed in this administrative review are addressed in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is included in Appendix I of this notice. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum is also accessible on the internet at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we rescinded this review with regard to 53 companies, as we stated was our intent in a memorandum.[8] In addition, we revised the names of certain respondents as identified in the *Preliminary Results,* and made certain changes to the dumping margin calculations for both the mandatory respondents. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Rate for Non-Selected Companies

Generally, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-

[1] *See Certain Softwood Lumber Products from Canada: Preliminary Results of Antidumping Duty Administrative Review; 2023,* 90 FR 11259 (March 5, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] As described in the *Preliminary Results* PDM, we have treated West Fraser Mills Ltd., Blue Ridge Lumber Inc., Manning Forest Products Ltd., and Sundre Forest Products Inc. (collectively, West Fraser) and we have treated Canfor Corporation, Canadian Forest Products Ltd., and Canfor Wood Products Marketing Ltd., Canfor Fox Creek Ltd. and Canfor Whitecourt Ltd. (collectively, Canfor) as single entities. *See Preliminary Results* PDM at 5–6.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2023 Administrative Review of the Antidumping Duty Order on Certain Softwood Lumber Products from Canada,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See* Petitioner's Letter, ''Partial Withdrawal of Request for Administrative Review,'' dated May 17, 2023.

[5] Appendix III identifies all companies for which we have rescinded this review.

[6] *See* 19 CFR 351.212(b)(1).

[7] *See, e.g., Shanghai Sunbeauty Trading Co.* v. *United States,* 380 F. Supp. 3d 1328, 1335–36 (CIT 2019), at 12 (referring to section 751(a) of the Act, the U.S. Court of International Trade held that: ''While the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended . . .''; *see also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review,* 77 FR 65532 (October 29, 2012) (noting that ''for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate'').

[8] *See* Memorandum, ''Correction to List of Companies Under Review and Notice of Intent to Rescind Review, In Part,'' dated July 9, 2025.

others rate in an investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others rate, Commerce will exclude any zero and *de minimis* weighted-average dumping margins, as well as any weighted-average dumping margins based entirely on facts available. Accordingly, Commerce's usual practice has been to average the margins for selected respondents, excluding margins that are zero, *de minimis,* or based entirely on facts available.

In this review, we calculated a weighted-average dumping margin of 35.53 percent for Canfor and 9.65 percent for West Fraser. In accordance with section 735(c)(5)(A) of the Act, Commerce calculated the weighted-average, based on the mandatory respondents' publicly ranged sales data, of the mandatory respondents' calculated weighted-average dumping margins and assigned this rate to the non-selected companies in these final results.[9] Accordingly, we have applied a rate of 20.56 percent to the non-selected companies.[10] A list of all non-selected companies is included in Appendix II.

Final Results of Review

As a result of this administrative review, we are assigning the following weighted-average dumping margins to the manufacturers/exporters listed below for the POR, January 1, 2023, through December 31, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
Canfor Corporation/Canadian Forest Products Ltd./Canfor Wood Products Marketing Ltd./Canfor Fox Creek Ltd./Canfor Whitecourt Ltd	35.53
West Fraser Mills Ltd./Blue Ridge Lumber Inc./Manning Forest Products Ltd./Sundre Forest Products Inc	9.65
Non-Selected Companies[11]	20.56

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review.

We calculated importer- (or customer-) specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's (or customer's) examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[12]

For all non-selected companies listed in Appendix II, we will instruct CBP to liquidate all entries of subject merchandise that entered the United States during the POR at the average of the rates calculated for Canfor and West Fraser as listed above.

For the companies/entities listed in Appendix III, for which we are rescinding this administrative review, Commerce will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2023, through December 31, 2023, in accordance with 19 CFR 351.212(c)(1)(ii).

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated duties, where applicable. Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies under review will be equal to the weighted-average dumping margin listed above in the ''Final Results of Review'' section; (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will continue to be 6.04 percent *ad valorem,* the all-others rate established in the original less than fair value investigation.[13] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this

[9] *See* Memorandum, ''Calculation of the Rate for Non-Selected Respondents,'' dated concurrently with this notice. A list of the non-selected companies under review is included as Appendix II.

[10] *Id.*

[11] *See* Appendix II of this notice for a list of the non-selected respondent companies.

[12] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[13] *See Certain Softwood Lumber Products from Canada: Final Affirmative Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 82 FR 51806 (November 8, 2017).

requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

Administrative Protective Order (APO)

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

Notification to Interested Parties

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h).

Dated: July 24, 2025.

Christopher Abbott,

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

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Changes Since the *Preliminary Results*
V. Differential Pricing Analysis
VI. Discussion of the Issues
- Comment 1: Whether Commerce Should Apply Adverse Facts Available (AFA) to West Fraser's Affiliated Log Purchases
- Comment 2: Whether Commerce Should Correct Its Cost of Manufacturing (COM) Adjustment for West Fraser's Purchases of Logs from Affiliated Suppliers.
- Comment 3: Whether Commerce Should Further Revise Canfor's Byproduct Offset Calculation
- Comment 4: Whether Commerce Should Correct Its Adjustment to Canfor's COM Based on the 'Swap' Transactions Between the Grande Prairie Sawmill and Canfor Green Energy
- Comment 5: Whether Commerce Should Revise Its Determination Regarding Canfor's Alleged Purchase of Electricity from Canfor Pulp Products Inc. (CPPI) at the Northwood Facility
- Comment 6: Whether Commerce Should Adjust Canfor's General and Administrative (G&A) Expenses Regarding Costs Related to Certain Mill Closures
- Comment 7: Whether Commerce Should Make Adjustments to the Price Used to Establish Export Price (EP) and Constructed Export Price (CEP)
- Comment 8: Whether Commerce Should Correct the List of Companies Under Review
- Comment 9: Whether Commerce's Differential Pricing Methodology Is Unlawful
- Comment 10: Whether Commerce Should Revise the Calculation of the Rate for Non-Selected Respondents
- Comment 11: Whether Commerce Should Exclude Certain Selling Expenses from Canfor's G&A Expense Ratio
- Comment 12: Whether Commerce Should Correct Its Byproduct Revenue Adjustment for West Fraser

VI. Recommendation

Appendix II

Non-Selected Exporters/Producers

1. 10104704 Manitoba Ltd. O/A Woodstock Forest Products
2. 1074712 BC Ltd.; Quadra Cedar
3. 5214875 Manitoba Ltd.
4. 54 Reman
5. 9224–5737 Quebec inc.; A.G. Bois
6. 0752615 B.C Ltd.; Fraserview Remanufacturing Inc.; Fraserview Cedar Products.
7. Absolute Lumber Products Ltd.
8. Adwood Manufacturing Ltd.
9. AJ Forest Products Ltd.
10. Aler Forest Products Ltd.
11. Alpa Lumber Mills Inc.
12. Andersen Pacific Forest Products Ltd.
13. Anglo American Cedar Products Ltd.; Anglo-American Cedar Products Ltd.
14. Antrim Cedar Corporation
15. Aquila Cedar Products Ltd.
16. Arbec Lumber Inc.; Arbec Bois Doeuvre Inc.
17. Aspen Pacific Industries Inc.
18. Aspen Planers Ltd.
19. B&L Forest Products Ltd.
20. B.B. Pallets Inc.; Les Palettes B.B. Inc.
21. Babine Forest Products Limited
22. Bakerview Forest Products Inc.
23. Barrette-Chapais Ltee
24. Barrette Wood Inc.
25. Benoît & Dionne Produits Forestiers Ltee; Benoît & Dionne Forest Products Ltd.
26. Blanchet Multi Concept Inc.
27. Blanchette & Blanchette Inc.
28. Bois Aise de Montreal Inc.
29. Bois Bonsaï Inc.
30. Bois Daaquam Inc.; Daaquam Lumber Inc.
31. Bois D'oeuvre Cedrico Inc.; Cedrico Lumber Inc.
32. Bois et Solutions Marketing SPEC, Inc.; SPEC Wood & Marketing Solution; SPEC Wood and Marketing Solutions Inc.
33. Bois Weedon Inc.
34. Boisaco Inc.
35. Boscus Canada Inc.
36. Boucher Bros. Lumber Ltd.
37. BP Wood Ltd.
38. Bramwood Forest Inc.
39. Brink Forest Products Ltd.
40. Brunswick Valley Lumber Inc.
41. Burrows Lumber (CD) Ltd., Theo A. Burrows Lumber Company Limited
42. Busque & Laflamme Inc.
43. Canadian Bavarian Millwork & Lumber Ltd.
44. Canasia Forest Industries Ltd.
45. Canyon Lumber Company Ltd.
46. Carrier & Begin Inc.
47. Carrier Forest Products Ltd.
48. Carrier Lumber Ltd.
49. Carter Forest Products Inc.
50. Cedar Island Forest Products Ltd.
51. Cedar Valley Holdings Ltd.
52. Cedarland Forest Products Ltd.
53. Cedarline Industries Ltd.
54. Central Cedar Ltd.
55. Central Forest Products Inc.
56. Centurion Lumber Ltd.
57. Chaleur Forest Products Inc.
58. Chaleur Forest Products LP
59. Channel-ex Trading Corporation
60. CHAP Alliance, Inc.
61. Chinook Wood Products Ltd.
62. Clair Industrial Development Corp. Ltd.
63. Clermond Hamel Ltee
64. CLG Enterprises Inc.
65. CNH Products Inc.
66. Columbia River Shake & Shingle Ltd./ Teal Cedar Products Ltd., DBA the Teal Jones Group.
67. Commonwealth Plywood Co. Ltd.
68. Conifex Fibre Marketing Inc.
69. Cowichan Lumber Ltd.
70. CS Manufacturing Inc. (dba Cedarshed)
71. CWP—Industriel Inc.
72. CWP—Montreal Inc.
73. D & D Pallets Ltd.
74. Dakeryn Industries Ltd.
75. Decker Lake Forest Products Ltd.
76. Deep Cove Forest Products, Inc.
77. Delco Forest Products Ltd.
78. Delta Cedar Specialties Ltd.
79. Devon Lumber Co. Ltd.
80. DH Manufacturing Inc.
81. Direct Cedar Supplies Ltd.
82. Doubletree Forest Products Ltd.
83. Downie Timber Ltd.
84. Dunkley Lumber Ltd.
85. EACOM Timber Corporation
86. East Fraser Fiber Co. Ltd.
87. Edgewood Forest Products Inc.
88. ER Probyn Export Ltd.
89. Falcon Lumber Ltd.
90. Fontaine Inc.
91. Foothills Forest Products Inc.
92. Forest Products Mauricie LP; Societe en commandite Scierie Opitciwan; Resolute Growth Canada Inc.; Resolute FP Canada Inc.; Resolute-LP Engineered Wood Larouche Inc.; Resolute-LP Engineered Wood St-Prime Limited Partnership
93. Fort St. James Forest Products Limited Partnership
94. Fraser Specialty Products Ltd.
95. FraserWood Industries Ltd.
96. Furtado Forest Products Ltd.
97. Goldwood Industries Ltd.
98. Goodfellow Inc.
99. Gorman Bros. Lumber Ltd.
100. GreenFirst Forest Products (QC) Inc.
101. Greenwell Resources Inc.
102. Griff Building Supplies Ltd.
103. Groupe Crete Chertsey Inc.
104. Groupe Crete Division St-Faustin Inc.
105. Groupe Lebel Inc.
106. H.J. Crabbe & Sons Ltd.
107. Haida Forest Products Ltd.
108. Halo Sawmill, a division of Delta Cedar

Specialties Ltd.; Halo Sawmill Manufacturing Limited Partnership
109. Hampton Tree Farms, LLC (dba Hampton Lumber Sales Canada)
110. Hornepayne Lumber LP
111. Hudson Mitchell & Sons Lumber Inc.
112. Independent Building Materials Distribution Inc.
113. Interfor Corporation; Interfor Sales & Marketing Ltd.
114. Intertran Holdings Ltd. (dba Richmond Terminal)
115. Island Cedar Products Ltd.
116. Ivor Forest Products Ltd.
117. J&G Log Works Ltd.
118. J.D. Irving, Limited
119. J.H. Huscroft Ltd.
120. Jan Woodlands (2001) Inc.
121. Jasco Forest Products Ltd.
122. Jazz Forest Products Ltd.
123. Jhajj Lumber Corporation
124. Kalesnikoff Lumber Co. Ltd.
125. Kan Wood Ltd.
126. Kebois Ltee; Kebois Ltd.
127. Kelfor Industries Ltd.
128. Kermode Forest Products Ltd.
129. Keystone Timber Ltd.
130. Kings Wood Products Linc.
131. Kirkland Lake Forest Products Inc.
132. La Crete Sawmills Ltd.
133. Lafontaine Lumber Inc.
134. Langevin Forest Products Inc.
135. Lecours Lumber Co. Limited
136. Leisure Lumber Ltd.
137. Les Bardeaux Lajoie Inc.
138. Les Bois d'oeuvre Beaudoin Gauthier Inc.
139. Les Bois Martek Lumber
140. Les Chantiers de Chibougamau Ltee; Les Chantiers de Chibougamau Ltd.
141. Les Industries P.F. Inc.
142. Les Produits Forestiers D&G Ltee; D&G Forest Products Ltd.
143. Les Produits Forestiers Sitka Inc. (aka Sitka Forest Products Inc.)
144. Leslie Forest Products Ltd.
145. Lignum Forest Products LLP
146. Linwood Homes Ltd.
147. Lonestar Lumber lnc.
148. Lulumco Inc.
149. Madera Forest Products INC
150. Magnum Forest Products Ltd.
151. Maibec Inc.
152. Mainland Sawmill, a division of Terminal Forest Products
153. Manitou Forest Products Ltd.
154. Marcel Lauzon Inc.
155. Marwood Ltd.
156. Materiaux Blanchet Inc.
157. Metrie Canada Ltd.
158. Mid Valley Lumber Specialties Ltd.
159. Midway Lumber Mills Ltd.
160. Mill & Timber Products Ltd.
161. Millar Western Forest Products Ltd.
162. Mirax Lumber Products Ltd.
163. Mobilier Rustique (Beauce) Inc.
164. Monterra Lumber Mills Limited
165. Morwood Forest Products Inc.
166. Multicedre Ltee
167. Murray Brothers Lumber Company Ltd.
168. Nakina Lumber Inc.
169. National Forest Products Ltd.
170. Nicholson and Cates Ltd.
171. Norsask Forest Products Inc.
172. Norsask Forest Products Limited Partnership
173. North American Forest Products Ltd. (located in Abbotsford, British Columbia)
174. North American Forest Products Ltd. (located in Saint-Quentin, New Brunswick)
175. North Enderby Timber Ltd.
176. Northland Forest Products Ltd.
177. Oakwood Manufacturing A Division of Weston Forest Products Inc.
178. Olympic Industries Inc.
179. Olympic Industries ULC
180. Oregon Canadian Forest Products; Oregon Canadian Forest Products Inc.
181. Pacific Coast Cedar Products Ltd.
182. Pacific Lumber Remanufacturing Inc.
183. Pacific NorthWest Lumber Ltd.
184. Pacific Western Wood Works Ltd.
185. PalletSource Inc.
186. Parallel Wood Products Ltd.
187. Partap Forest Products Ltd.
188. Peak Industries (Cranbrook) Ltd.
189. Phoenix Forest Products Inc.
190. Pine Ideas Ltd.
191. Plaster Rock Lumber Corporation
192. Pioneer Pallet & Lumber Ltd.
193. Porcupine Wood Products Ltd.
194. Power Wood Corp.
195. Precision Cedar Products Corp.
196. Produits Forestiers Petit Paris Inc.
197. Produits Matra Inc.
198. Promobois G.D.S. Inc.
199. R.A. Green Lumber Ltd.
200. RBC Timber Products
201. Rembos Inc.
202. Rene Bernard Inc.
203. Rielly Industrial Lumber Inc.
204. River City Remanufacturing Inc.
205. Riverside Forest Products Inc.
206. S&R Sawmills Ltd.
207. San Group
208. San Industries Ltd.
209. Sapphire Lumber Company
210. Sawarne Lumber Co. Ltd.
211. Scierie Alexandre Lemay & Fils Inc.
212. Scierie St-Michel Inc.
213. Scierie West Brome Inc.
214. Scott Lumber Sales; Scott Lumber Sales Ltd.
215. Sechoirs de Beauce Inc.
216. Shakertown Corp.
217. Sigurdson Forest Products Ltd.
218. Sinclar Group Forest Products Ltd.
219. Skana Forest Products Ltd.
220. Skeena Sawmills Ltd.
221. Star Lumber Canada Ltd.
222. South Beach Trading Inc.
223. Specialiste du Bardeau de Cedre Inc.; Specialiste du Bardeau de Cedre Inc. (SBC)
224. Spruceland Millworks Inc.
225. Sundher Timber Products Inc.
226. Surrey Cedar Ltd.
227. T.G. Wood Products
228. Taan Forest Limited Partnership (aka Taan Forest Products)
229. Taiga Building Products Ltd.
230. Tall Tree Lumber Company
231. Tenryu Canada Corporation
232. Terminal Forest Products Ltd.
233. The Wood Source Inc.
234. Tolko Industries Ltd.; Tolko Marketing and Sales Ltd.; Gilbert Smith Forest Products Ltd.
235. Top Quality Lumber Ltd.
236. Trans-Pacific Trading Ltd.
237. Triad Forest Products Ltd.
238. Twin Rivers Paper Co. Inc.
239. Tyee Timber Products Ltd.
240. Universal Lumber Sales Ltd.
241. Usine Sartigan Inc.
242. Vaagen Fibre Canada ULC
243. Vancouver Specialty Cedar Products Ltd.
244. Vancouver Urban Timberworks Ltd.; Van Urban
245. Vanderhoof Specialty Wood Products Ltd.
246. Vanderwell Contractors (1971) Ltd.
247. Visscher Lumber Inc.
248. W.I. Woodtone Industries Inc.
249. West Bay Forest Products Ltd.
250. Western Forest Products Inc.
251. Western Lumber Sales Limited
252. Western Timber Products, Inc.
253. Westminster Industries Ltd.
254. Weston Forest Products Inc.
255. Westrend Exteriors Inc
256. Weyerhaeuser Co.
257. White River Forest Products L.P.
258. Woodline Forest Products Ltd.
259. Woodtone Specialties Inc.

Appendix III

List of Companies Rescinded from the Review

1. AA Trading Ltd.
2. All American Forest Products Inc.
3. Bardobec Inc.
4. Best Quality Cedar Products Ltd.
5. Campbell River Shake & Shingle Co. Ltd.
6. Canada Pallet Corp.
7. Careau Bois Inc.
8. Carl Wood Lumber Ltd.
9. Cedarcoast Lumber Products
10. Central Alberta Pallet Supply
11. Coast Clear Wood Ltd.
12. Coast Mountain Cedar Products Ltd.
13. Comox Valley Shakes Ltd. (2019); Comox Valley Shakes (2019) Ltd.
14. Coulson Manufacturing Ltd.
15. Distribution Rioux Inc.
16. Elrod Cartage Ltd.
17. Galloway Lumber Company Ltd.
18. Glandell Enterprises Inc.
19. Goldband Shake & Shingle Ltd.
20. Greenwell Resources Inc.
21. Groupe Lignarex Inc.
22. Hy Mark Wood Products Inc.
23. Imperial Cedar Products Ltd.
24. Les Bois Traites M.G. Inc.
25. Modern Terminal Ltd.
26. Nagaard Sawmill Ltd.
27. Nickel Lake Lumber
28. NSC Lumber Ltd.
29. Pacific Pallet Ltd.
30. Partap Industries
31. Pat Power Forest Products Corporation
32. Portbec Forest Products Ltd.; Les Produits Forestiers Portbec Ltee
33. Rick Dubois
34. S&W Forest Products Ltd.
35. Silvaris Corporation
36. Smart Wood Forest Products Ltd.
37. Smartlam LLC
38. Sonora Logging Ltd.
39. Source Forest Products
40. South Coast Reman Ltd.; Southcoast Millwork Ltd.
41. South Fraser Container Terminals
42. Suncoast Industries Inc.
43. Suncoh Custom Lumber Ltd.
44. Surplus G Rioux

45. Swiftwood Forest Products Ltd.
46. T&P Trucking Ltd.
47. Temrex Forest Products LP; Produits Forestiers Temrex SEC.
48. Valley Cedar 2 Inc.
49. Waldun Forest Product Sales Ltd.
50. Watkins Sawmills Ltd.
51. West Coast Panel Cutters
52. Winton Homes Ltd.
53. WWW Timber Products Ltd.

[FR Doc. 2025–14298 Filed 7–28–25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF073]

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

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council's Spiny Dogfish Advisory Panel will hold two public meetings.

DATES: The meetings will be held on Wednesday, August 20, 2025, one from 2:30 p.m.–4:30 p.m. and another from 5 p.m. to 7 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the Council's calendar prior to the meeting at *www.mafmc.org.*

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

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Spiny Dogfish Advisory Panel (AP) will meet twice via webinar on Wednesday, August 20, 2025, once from 2:30 p.m. until 4:30 p.m. and again from 5 p.m. until 7 p.m. The AP is meeting twice to maximize participation. The purpose of this meeting is for the AP to provide advice regarding the framework adjustment action to modify spiny dogfish fishery accountability measures, including catch overage paybacks. More information on this action is available at *https://www.mafmc.org/actions/spiny-dogfish-accountability-measures-fw.*

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden, (302) 526–5251 at least 5 days prior to the meeting date.

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

Dated: July 24, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–14243 Filed 7–28–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0346]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, 571–372–2089.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Innovative Readiness Training Community Application; OMB Control Number 0704–0583.

Needs and Uses: This information collection is necessary to support the Department of Defense's Innovative Readiness Training (IRT) program. Each year the military collects voluntary applications from communities to participate in IRT missions. Communities respond to the collection as they will have a chance to receive incidental support and services from the DoD during the conduct of the IRT mission and training. Currently most missions are in the form of civil engineering projects or medical care. IRT, however, is not limited to this, and any application is considered for its potential training value and incidental community benefit. This information allows the best possible match between the community and military training requirements while ensuring each applicant is eligible to receive support and services under 10 U.S.C. 2012.

Affected Public: State, local, and tribal governments.

Annual Burden Hours: 550.

Number of Respondents: 100.

Responses per Respondent: 1.

Annual Responses: 100.

Average Burden per Response: 5.5 hours.

Frequency: On Occasion.

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14325 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0344]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(P&R), DoD, announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of Defense Education Activity (DoDEA), Research, Accountability & Evaluation Division, ATTN: Research Requests, 4800 Mark Center Drive, Alexandria, VA 22350–1400, or James Revell, DoDEA Research, Accountability & Evaluation Division at Tel: (571) 372–1891.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Education Activity; Research Study Request DoDEA Form 1304.01–F1; OMB Control Number 0704–0457.

Needs and Uses: The Department of Defense Education Activity (DoDEA) Research Study Request form is administered annually and is used to conduct research involving DoDEA schools, teachers, principals, students, and parents. DoDEA receives requests from researchers both internal to DoDEA as well as outside the Federal government or DoD, to conduct research studies in DoDEA schools and districts. This information collection is needed to aid in the systematic and consistent collection of information on proposed research in accordance with guidelines established in DoDEA Administrative Instruction 1304.01, ''Research Request Program.''

Affected Public: Individuals or households.

Annual Burden Hours: 50.

Number of Respondents: 50.

Responses per Respondent: 1.

Annual Responses: 50.

Average Burden per Response: 1 hour.

Frequency: Annually.

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14328 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2022–OS–0113]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 28, 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: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Climate Transformation Task Force (CTTF) Evaluation at the Military Service Academies submitted under ''DoD-wide Data Collection and Analysis for the Department of Defense Qualitative and Quantitative Data Collection in Support of the Independent Review Commission on Sexual Assault Recommendations,'' OMB Control Number: 0704–0644.

Type of Request: New.

Number of Respondents: 936.

Responses per Respondent: 1.

Annual Responses: 936.

Average Burden per Response: 52.2 minutes.

Annual Burden Hours: 814.32.

Needs and Uses: The Independent Review Commission on Sexual Assault in the Military (IRC–SAM) recommended that the Department develop a ''state-of-the-art DoD prevention research capability'' to better understand and develop prevention approaches for sexual assault, and other crimes. In 2023, United States Military Academy (USMA), United States Naval Academy (USNA), and United States Air Force Academy (USAFA) were directed to develop Plans of Action and Milestones (POAMs) related to the prevention of sexual assault and other harmful behaviors. This information collection requirement is necessary to understand the impact of the Military Service Academies' (MSAs) POAMs on creating and maintaining a climate to develop leaders of characters that are mission ready. This data collection includes TAC officer/AOC/Company Officer/NCOs that oversee cadets and midshipmen via a survey, faculty, staff, alumni, and parents (of current students) via focus groups. This information will help support the development of evidence-based approaches for prevention.

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14323 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0347]

Proposed Collection; Comment Request

AGENCY: The Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of Local Defense Community Cooperation (OLDCC) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of Local Defense Community Cooperation, 2231 Crystal Drive, Arlington, VA 22202, ATTN: Mr. Patrick O'Brien or call 703–697–2123.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: OLDCC Economic Adjustment Data System; OMB Control Number 0704–0625.

Needs and Uses: The OLDCC in coordination with other Federal Agencies, delivers a program of technical and financial assistance to enable states and communities to plan and carry out civilian responses to workforce, business, and community needs arising from Defense actions; cooperate with military installations and leverage public and private capabilities to deliver public infrastructure and services to enhance the military mission and achieve facility and infrastructure savings; and increase military, civilian, and industrial readiness and resiliency, and support military families. The Economic Adjustment Data System supports this mission by providing a platform for authorized grant applicants to submit their application packages, and for grant awardees to submit quarterly or semi-annual performance reports. Respondents will be States, U.S. Territories, counties, municipalities, other political subdivisions of a state, special purpose units of a state or local government, other instrumentalities of a state or local government, and tribal nations supporting a military installation or the defense industrial base.

Affected Public: State, Local, or Tribal Government; Business or other for-profit; Not-for-profit Institutions.

Annual Burden Hours: 620.

Number of Respondents: 62.

Responses per Respondent: 6.

Annual Responses: 372.

Average Burden per Response: 100 minutes.

Frequency: On occasion.

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14330 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0342]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, 571–372–2089.

SUPPLEMENTARY INFORMATION: Section 572 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 required commanders of each military command to conduct a climate assessment of the command or unit for purposes of preventing and responding to sexual assaults. A subsequent November 2015 memo from the Acting Under Secretary of Defense for Personnel and Readiness (USD P&R) designated the DEOCS as the survey tool to support the NDAA requirement for a DoD command climate assessment program. As outlined in DoD Instruction (DoDI) 6400.11, all active duty and Reserve component commanders and DoD civilian organization leaders are required to administer a DEOCS to their unit or organization annually. Also included in the DEOCS population are active duty and Reserve component members of the Coast Guard, students at the U.S. Military Service Academies, U.S. Coast Guard Academy, and U.S. Merchant Marine Academy, and foreign nationals working for the DoD. The survey is web-based and is a census of the commander's unit. The core survey questions are organized into three main categories that include (1) unit experience, (2) leadership, and (3) behaviors and personal experience. In addition to the core content, the data collection includes items measuring readiness detracting behaviors experienced by Active-Duty members, Reserve members, and DoD civilian employees to meet Department requirements to assess other forms of harassment and discrimination in response to the Independent Review Commission on Sexual Assault in the Military (IRC–SAM) recommendation.

Title; Associated Form; and OMB Number: Defense Organizational Climate Survey (DEOCS); OMB Control Number 0704–0659.

Needs and Uses: The DEOCS is fielded in response to Section 572 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013. A May 2019 memo from the Acting Secretary of Defense directed that the goals of the DEOCS include developing and providing leaders with assessment tools ''that help them with developing an appropriate course of action from a suite of interventions and provide them with feedback on their impact of their efforts.'' The information gathered from the DEOCS will be used by commanders, prevention workforce personnel, equal opportunity officers (EOAs), survey administrators, and other leaders to assess the unit's command climate and measure the risk and protective factors associated with the six strategic target outcomes (sexual assault, sexual harassment, racial/ethnic discrimination, suicide, readiness, and retention). Based on the DEOCS results, commanders/leaders, their command climate administrator, and their Integrated Primary Prevention Workforce (IPPW) personnel will develop a Comprehensive Integrated Primary Prevention (CIPP) plan to positively impact their organization's leadership climate. The survey results are provided to the commander/leader, their command climate administrator, and their IPPW personnel. Survey responses could also be used in future analyses. The statutory and policy requirements for the DEOCS can be found in the following:

- FY13 NDAA, Section 572
- FY14 NDAA, Section 1721
- DoDI 6400.11, ''DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders''
- DoDI 1350.02, ''DoD Military Equal Opportunity Program''
- Office of the Under Secretary of Defense for Personnel and Readiness. (2018). Realignment of force resiliency elements of the Office of the Under Secretary of Defense for Personnel and Readiness [Memorandum].
- Independent Review Commission on Sexual Assault in the Military (IRC–SAM) (*media.defense.gov/2021/Jul/02/2002755437/-1/-1/0/IRC-FULL-REPORT-FINAL-1923-7-1-21.PDF/IRC-FULL-REPORT-FINAL-1923-7-1-21.PDF*)
  - Improve Data Collection and Data Reporting on Others Forms of Harassment and Discrimination that May Contribute to Risk for Sexual Violence

Affected Public: Individuals.
Annual Burden Hours: 624,238.
Number of Respondents: 1,070,123.
Responses per Respondent: 1.
Annual Responses: 1,070,123.
Average Burden per Response: 35 minutes.
Frequency: As Required.

Unit commanders and organizational leaders must administer a DEOCS during the Annual Force-wide administration. There is not a standardized method for defining at which level in the hierarchy units are required to take the DEOCS, how to define a unit, or how to define unit membership. As a result, there may be overlap between DEOCS units resulting in individuals taking more than one DEOCS. The additional survey items included on the DEOCS to meet the requirement to gather information on racial and ethnic issues among active duty and Reserve component members is collected biennially (*i.e.* every other year).

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14329 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0309]

Proposed Collection; Comment Request

AGENCY: United States Transportation Command (USTRANSCOM), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the USTRANSCOM announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Surface Deployment Distribution Command (SDDC), 1 Soldier Way, Scott AFB, IL 62225, Sherry Verdu/Estella McNaughton, 618–220–5323.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: SDDC Transportation Financial Management System Access Request; SDDC Form 417; OMB Control Number 0704–0587.

Needs and Uses: The information collection requirement is necessary to establish Human Resource accounts within the Transportation Financial Management System (TFMS) for the SDDC. The information is used to establish and control user accounts in TFMS and Oracle Business Intelligence Enterprise Edition, and to authenticate Transportation Enhanced Access Management Service access. Respondents are new employees that will be paid through the Defense Civilian Pay System, travelers that will be reimbursed using the SDDC line of accounting, or anyone requiring access to the accounting system to enter data or query exiting data. They are responding to the information collection to ensure they receive pay and benefits or to gain access to the accounting system as part of their assigned duties.

Affected Public: Individuals or households.

Annual Burden Hours: 414.

Number of Respondents: 993.

Responses per Respondent: 1.

Annual Responses: 993.

Average Burden per Response: 25 minutes.

Frequency: As required.

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14326 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–HA–0343]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OASD(HA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to, Assistant Secretary of Defense for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, Ms. Kimberly Lahm, *dha.ncr.healthcare-ops.mbx.ha-womens-health-policy@health.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Understanding Service Member Experiences with Family Planning; OMB Control Number 0704–SMFP.

Needs and Uses: Building on prior experience executing the DoD Women's Reproductive Health Survey (WRHS) and other research on the health and health behaviors of service members (*e.g.,* the Health Related Behaviors Survey [HRBS]), RAND National Defense Research Institute (NDRI) will conduct a series of focus groups with men and women across DoD service branches (Air Force, Army, Marine Corps, Navy, and Space Force) to augment this survey data and better understand how service members experience family planning both within the Military Health System and via community providers. These focus groups will also gather information on service members' experiences with any new policies related to reproductive health.

This study will highlight areas related to family planning that may threaten DoDs ability to field a ready and lethal force. It will also point to areas where DoD may need to augment or develop care, programs, services, or policies that provide needed reproductive health care and family planning services to the force in order to maintain and enhance health, readiness, retention, and lethality.

Affected Public: Individuals and households.

Annual Burden Hours: 4,800.

Number of Respondents: 4,800.

Responses per Respondent: 1.

Annual Responses: 4,800.

Average Burden per Response: 1 hour.

Frequency: Once.

The purpose of the data collection effort is to better understand service members experiences with family planning services provided by both DoD and community providers. Respondents include approximately 4,800 active duty service members from all service branches (below the rank of flag officer) at 24 CONUS installations. Data will be

collected via 60-minute focus group. These focus groups will be in-person, conducted separately by gender (*i.e.,* men vs women) and rank (*i.e.,* E1–E4, E5–E6, E7–E9/W1–W5, O1–O3, O4–O5, O6). Each group will be led by one facilitator and include one notetaker. Consent will be obtained verbally at the beginning of each session and each participant will receive an information sheet containing the consent information. A recruitment flyer will be used to assist installation POCs with recruitment.

Dedicated notetakers will take verbatim notes during each focus group and discussion. These notes will be immediately cleaned to remove any identifying information (*e.g.,* names, titles). Notes will be entered into a COTS software package for analyzing qualitative data (*e.g.,* NVivo) and will be stored on RAND-issued laptops and RAND servers, both of which require two-factor authentication. A Data Safety Plan has been approved for the study.

A six-item post-focus group survey will also be given to participants. The purpose is to collect sociodemographic and military characteristics that will be used to understand the representativeness of participants compared to the larger active-duty force. The survey will be paper-and-pencil and is anonymous. It should take no more than two minutes to complete. Data from the survey will be hand-entered into Excel and analyzed using the same software.

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14324 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0345]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Manpower Data Center, 4800 Mark Center Drive, Alexandria, VA 22350, Derrick Thomas, 571–256–7241.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Synchronized Pre-deployment and Operational Tracker Enterprise Suite (SPOT–ES); OMB Control Number 0704–0460.

Needs and Uses: The National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181, Section 861, requires a common database between the Department of State (DoS), DoD, and the United States Agency for International Development (USAID) to serve as the repository of information on contracts and contractor personnel performing in Iraq and Afghanistan. A 2010 Memorandum of Understanding between DoS, DoD and USAID designates the Synchronized Pre-deployment and Operational Tracker as that common database. Public Law 110–181, Section 862, requires a process for registering, processing, accounting for, and keeping appropriate records of personnel performing private security functions in an area of combat operations. Any individuals who choose not to have data collected will not be entitled to employment opportunities with businesses that require this data to be collected per DFARS Clause 252.225–7040.

Affected Public: Individuals and households.

Annual Burden Hours: 42,418.

Number of Respondents: 1805.

Responses per Respondent: 47.

Annual Responses: 84,835.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14327 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2025–HQ–0103]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the United States Marine Corps announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Headquarters Marine Corps Records, Reports, Directives, and Forms Management Section, 3000 Marine Corps, Pentagon Rm. 2B253, Mr. Mark Kazzi, (571) 256–8883.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: National Museum of the Marine Corps Experience Analysis Study; OMB Control Number 0712–NMMC.

Needs and Uses: The Marine Corps has contracted Windwalker Group, LLC to conduct an experience analysis study at the National Museum of the Marine Corps (NMMC). This study is crucial for the NMMC to evaluate and enhance its programs and design to create a more engaging and fulfilling visitor experience.

The contractor will collect information from NMMC visitors via a Customer Experience Study survey as they exit the museum. Data collectors will invite visitors to participate in the approximately 10-minute, anonymous survey, emphasizing that participation is voluntary and appreciated. Visitors will be informed of their right to withdraw at any time and that there are no direct benefits or risks associated with participation. Those agreeing to participate will be asked to scan a QR code with their smartphone or data collector's smartphone to access the online version of the survey. Paper surveys will also be provided upon request. Data collectors will retrieve the paper responses and enter them verbatim into a survey tool. Any physical copies of the survey will be returned to the contractor until the end of the project when they will be shredded. Online survey data, collected via QR code, will be automatically stored in a secure survey tool. An In-depth Gallery Study will also be conducted in which data collectors will unobtrusively observe museum visitors who are viewing exhibits in select NMMC galleries. Using gallery maps, data collectors will track visitor(s) movements and complete an observation rubric. Per 5 CFR 1320.3(h)(3), the observational phase of the study is not subject to the Paperwork Reduction Act.

The study will provide the museum with valuable insights into its programs and services, informing improvements to the visitor experience and enabling the museum to better serve its diverse audience. Additionally, the data will help the museum identify areas for improvement in the design and accessibility of its galleries, ultimately enhancing the overall visitor experience.

Affected Public: Individuals or households.

Annual Burden Hours: 813.

Number of Respondents: 4,880.

Responses per Respondent: 1.

Annual Responses: 4,880.

Average Burden per Response: 10 minutes.

Frequency: Annually.

Dated: July 25, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–14321 Filed 7–28–25; 8:45 am]

BILLING CODE 6001–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0218]

Agency Information Collection Activities; Comment Request; 2026–2027 Free Application for Federal Student Aid (FAFSA)

AGENCY: Federal Student Aid, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Department is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a revision of an approved information collection request (ICR).

DATES: The Department is requesting emergency processing and OMB approval for a revision of this information collection no later than August 3, 2025. The Department is revising the collection to incorporate updates which align with the One Big Beautiful Bill Act (OBBBA) which was signed into law on July 4, 2025. The Department will request public comments as part of a full clearance process following the emergency approval of this collection.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

Title of Collection: 2026–2027 Free Application for Federal Student Aid (FAFSA).

OMB Control Number: 1845–0001.

Type of Review: An emergency revision of a currently approved ICR.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 31,791,647.

Total Estimated Number of Annual Burden Hours: 20,412,753.

Abstract: Section 483 of the Higher Education Act of 1965, as amended (HEA), mandates that the Secretary of Education ''. . . shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance . . .''.

The determination of need and eligibility are for the following Title IV, HEA, federal student financial assistance programs: the Federal Pell Grant Program; the Campus-Based programs (Federal Supplemental Educational Opportunity Grant (FSEOG) and Federal Work-Study (FWS)); the William D. Ford Federal Direct Loan (Direct Loan) Program; the Teacher Education Assistance for College and Higher Education (TEACH) Grant; and the Children of Fallen Heroes Scholarship.

Federal Student Aid (FSA), an office of the U.S. Department of Education (the Department), subsequently developed an application process to collect and process the data necessary to determine a student's eligibility to receive Title IV, HEA program assistance. The application process involves an applicant's submission of the Free Application for Federal Student Aid (FAFSA). After submission and processing of the FAFSA form, an applicant receives a FAFSA Submission Summary, which is a summary of the processed data they submitted on the FAFSA form. The applicant reviews the summary, and, if necessary, will make corrections or updates to their

submitted FAFSA data. Institutions of higher education listed by the applicant on the FAFSA form also receive a summary of processed data submitted on the FAFSA form, which is called the Institutional Student Information Record (ISIR).

In addition to the calculation of financial need for the various Title IV programs, the FAFSA form also collects data that allows for a determination of an applicant's eligibility for state and institutional financial aid programs. If these data elements are not collected, the Department and institutions of higher education will be unable to make determinations of financial need and award any Title IV, HEA program assistance, as mandated by the HEA. Many states would also be greatly hindered in their calculation of state aid to applicants.

Additional Information: The OBBBA was signed into law on July 4, 2025. The Act made changes to the FAFSA for the 2026–27 award year. The Department would not have been able to make these changes prior to the enactment of the OBBBA. Because of this, obtaining full OMB clearance to use the most accurate version of the FAFSA prior to FAFSA beta testing and FAFSA launch would not be possible.

The FAFSA form is scheduled to be launched by October 1, 2025, for the 2026–2027 award year. Without emergency review of an updated FAFSA form, beta testing and the launch of the FAFSA would be delayed. This means that students would not be able to complete a FAFSA form to determine eligibility for federal student aid. Institutions of higher education would not be able to package aid for their students until their students' FAFSA forms have been processed. These delays would cause the FAFSA form to not be available to the public on time. Applicants and schools rely on the on-time launch of the FAFSA form each year. Delays could impact institutional enrollment projections, student enrollment, and student decisions to apply for federal student aid.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–14331 Filed 7–28–25; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Notice; Request for Comment; Correction

AGENCY: Election Assistance Commission.

ACTION: Notice; correction.

SUMMARY: The U.S. Election Assistance Commission published a document in the **Federal Register** on July 24, 2025 regarding a notice that it is requesting OMB approval for the extension of information collection of four Testing and Certification forms. The notice contained an incorrect phone number.

FOR FURTHER INFORMATION CONTACT: Paul Aumayr, 202–476–9051, or email, *paumayr@eac.gov;* U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 24, 2025, in FR Doc. 2025–13959, on page 34854 in the second column, correct the **FOR FURTHER INFORMATION CONTACT** to read:

Paul Aumayr, Senior Election Technology Specialist, Testing and Certification Program, Washington DC, 202–476–9051. All requests and submissions should be identified by the title of the information collection.

Seton Parsons,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2025–14299 Filed 7–28–25; 8:45 am]

BILLING CODE 4810–71–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years an information collection request with the Office of Management and Budget (OMB).

DATES: Comments regarding this proposed information collection must be received on or before September 29, 2025. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent to Adam Guzzo, Program Manager, Office of State and Community Energy Programs, at 1000 Independence Ave. SW, Washington, DC 20585 or by email at *EECBG@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Adam Guzzo, Program Manager, Office of State and Community Energy Programs; 1000 Independence Ave. SW, Washington, DC 20585; (202) 258–6766; *EECBG@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and 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 collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5150;

(2) *Information Collection Request Titled:* Energy Efficiency and Conservation Block Grant Information Collection Request;

(3) *Type of Review:* Renewal;

(4) *Purpose:* The information collected is used by DOE program staff to track grant recipients' activities, monitor their progress, and provide oversight for financing program expenditures and the repurposing of funds. The collected information also enables program staff to provide required or requested information on program activities to OMB, Congress, and the public. Likely recipients include the remaining entities maintaining Energy Efficiency and Conservation Block Grants (EECBG) financed under the American Recovery and Reinvestment Act of 2009 (ARRA);

(5) *Annual Estimated Number of Respondents:* 61;

(6) *Annual Estimated Number of Total Responses:* 61;

(7) *Annual Estimated Number of Burden Hours:* 183;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $11,009.

Statutory Authority: Energy Independence and Security Act of 2007 (EISA) (Pub. L. 110–140). This collection also meets OMB requirements for: (1) administration of American Recovery and Reinvestment Act of 2009 (ARRA or Recovery Act) (Pub. L. 111–5) Financing programs created as part of the EECBG formula and competitive grants; and (2) ARRA funds.

Signing Authority

This document of the Department of Energy was signed on July 25, 2025, by Eric Mahroum, Director of the Office of State and Community Energy Programs,

pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 25, 2025.

Jennifer Hartzell,

Alternate Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–14305 Filed 7–28–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2503–192]

Duke Energy Carolinas, LLC; Notice of Intent To Prepare an Environmental Assessment

On January 29, 2025, Duke Energy Carolinas, LLC (licensee), filed an application pursuant to Article 409 of the project license, requesting Commission approval to grant Pickens Regional Joint Water System an easement to construct, operate, and maintain a raw water intake facility on Lake Keowee. The project is located on the Toxaway, Keowee, and Little Rivers in Transylvania County, North Carolina, and Oconee and Pickens counties, South Carolina.

The licensee proposes to grant Pickens Regional Joint Water System a 0.37 acre easement on Lake Keowee, to construct, operate, and maintain a raw water intake facility with a gross maximum instantaneous water withdrawal rate of 16.5 million gallons per day (MGD) and a gross maximum average annual withdrawal rate of 12 MGD. Proposed construction within the project boundary includes screened intake pipes, shoreline stabilization, and a floating dock. The Commission issued a notice of application for filing, soliciting comments, motions to intervene, and protests for this easement request on April 30, 2025. The public comment period closed on May 30, 2025.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) for the project.[1] Commission staff plans to issue an EA by December 15, 2025. Revisions to the schedule may be made as appropriate. The EA will be issued for a 30-day comment period. All comments filed on the EA will be reviewed by staff and considered in the Commission's final decision on the proceeding.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others to access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Any questions regarding this notice may be directed to Robert Ballantine at (202) 502–6389 or *robert.ballantine@ferc.gov.*

Dated: July 24, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–14303 Filed 7–28–25; 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 exempt wholesale generator filings:

Docket Numbers: EG25–405–000.

Applicants: Skadden, Arps, Slate, Meagher & Flom LLP.

Description: Destiny Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/23/25.

Accession Number: 20250723–5126.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: EG25–406–000.

Applicants: Selma Energy Center, LLC.

Description: Selma Energy Center, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/24/25.

Accession Number: 20250724–5042.

Comment Date: 5 p.m. ET 8/14/25.

Docket Numbers: EG25–407–000.

Applicants: Emmons-Logan Energy Storage, LLC.

Description: Emmons-Logan Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/24/25.

Accession Number: 20250724–5115.

Comment Date: 5 p.m. ET 8/14/25.

Docket Numbers: EG25–408–000.

Applicants: Rock Creek Solar, LLC.

Description: Rock Creek Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/24/25.

Accession Number: 20250724–5116.

Comment Date: 5 p.m. ET 8/14/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–1393–004.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing: Amendment to Appendix 7 of LGIA to be effective 5/16/2025.

Filed Date: 7/24/25.

Accession Number: 20250724–5089.

Comment Date: 5 p.m. ET 8/14/25.

Docket Numbers: ER25–2517–000.

Applicants: Angiola East, LLC.

Description: Supplement to 06/13/2025, Angiola East, LLC tariff filing under ER25–2517.

Filed Date: 7/23/25.

Accession Number: 20250723–5131.

Comment Date: 5 p.m. ET 8/4/25.

Docket Numbers: ER25–2960–000.

Applicants: Consolidated Edison Company of New York, Inc.

Description: § 205(d) Rate Filing: 99 Interconnection Requirement to be effective 7/25/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5120.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: ER25–2961–000.

Applicants: Lafitte Solar, LLC.

Description: Initial Rate Filing: Market Based Rate to be effective 7/24/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5121.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: ER25–2962–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of WMPA, SA No. 7137; AE2–204 re: withdrawal to be effective 9/22/2025.

Filed Date: 7/23/25.

Accession Number: 20250723–5123.

Comment Date: 5 p.m. ET 8/13/25.

Docket Numbers: ER25–2963–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Concho Valley Electric Cooperative TSA 1st Amended to be effective 7/1/2025.

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1753198064.

Filed Date: 7/23/25.
Accession Number: 20250723–5124.
Comment Date: 5 p.m. ET 8/13/25.
Docket Numbers: ER25–2965–000.
Applicants: Mammoth North LLC.
Description: § 205(d) Rate Filing: Normal filing 2025 to be effective 7/25/2025.
Filed Date: 7/24/25.
Accession Number: 20250724–5035.
Comment Date: 5 p.m. ET 8/14/25.
Docket Numbers: ER25–2966–000.
Applicants: Great Bend Solar, LLC.
Description: § 205(d) Rate Filing: Normal filing 2025 to be effective 7/25/2025.
Filed Date: 7/24/25.
Accession Number: 20250724–5036.
Comment Date: 5 p.m. ET 8/14/25.
Docket Numbers: ER25–2967–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Dothan Solar Amended & Restated LGIA Filing to be effective 7/11/2025.
Filed Date: 7/24/25.
Accession Number: 20250724–5083.
Comment Date: 5 p.m. ET 8/14/25.
Docket Numbers: ER25–2968–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amended GIA DSA, OTP-Palmdale, WDT625 WDT10547 (SA. 595 596) to be effective 9/23/2025.
Filed Date: 7/24/25.
Accession Number: 20250724–5090.
Comment Date: 5 p.m. ET 8/14/25.
Docket Numbers: ER25–2969–000.
Applicants: Duke Energy Indiana, LLC.
Description: § 205(d) Rate Filing: DEI–WVPA–IMPA—Amendment to RS No. 253 to be effective 9/23/2025.
Filed Date: 7/24/25.
Accession Number: 20250724–5097.
Comment Date: 5 p.m. ET 8/14/25.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organization, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 24, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–14300 Filed 7–28–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25–1011–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Rate Schedule S–2 Tracker Filing eff 8–1–2025 to be effective 8/1/2025.
Filed Date: 7/23/25.
Accession Number: 20250723–5085.
Comment Date: 5 p.m. ET 8/4/25.
Docket Numbers: RP25–1012–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Appalachia to Market II Project (CP22–486) In-Service Compliance Filing to be effective 8/4/2025.
Filed Date: 7/23/25.
Accession Number: 20250723–5094.
Comment Date: 5 p.m. ET 8/4/25.
Docket Numbers: RP25–1013–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Compliance filing: Rate Schedules GSS and LSS EGTS Penalty Flow Through Refund Report 2025 to be effective N/A.
Filed Date: 7/24/25.
Accession Number: 20250724–5000.
Comment Date: 5 p.m. ET 8/5/25.
Docket Numbers: RP25–1014–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 7.24.25 Tariff Cover Sheet Update to be effective 7/25/2025.
Filed Date: 7/24/25.
Accession Number: 20250724–5047.
Comment Date: 5 p.m. ET 8/5/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *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: July 24, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–14301 Filed 7–28–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP25–514–001, CP25–517–001]

Tennessee Gas Pipeline Company, L.L.C.; Southern Natural Gas Company, L.L.C.; Elba Express Company, L.L.C.; Notice of Petitions for Waiver and Establishing Intervention Deadline

Take notice that on June 30, 2025, pursuant to Rule 207(a)(5) of the Federal

Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,[1] Southern Natural Gas Company, L.L.C. (Southern) and Elba Express Company, L.L.C., and Tennessee Gas Pipeline Company, L.L.C., filed petitions to waive section 157.23 of the Commission's regulations [2] as it applies to the South System Expansion 4 Project (SSE4 Project) and the Mississippi Crossing Project (MSX Project), respectively. The SSE4 project would be located in Mississippi, Alabama, and Georgia and consist of 14 new natural gas pipeline loops totaling approximately 291 miles, primarily along Southern's existing South Main Line; additional compression at 14 existing compressor stations; three new meter stations; modifications to nine existing meter stations; and other appurtenant facilities. The MSX Project would be located in Mississippi and Alabama and consist of approximately 208 miles of new pipeline; three new compressor stations and modifications at one existing compressor station; four new meter stations; three overpressure protection facilities; and other appurtenant facilities.

Any person desiring to intervene or to protest these filings must do so in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure.[3] Any person may comment on the petitions. Protests and comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants or commenters parties to the proceeding. Protests must comply with the requirements specified in section 385.2001 [4] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioners.

The Commission encourages electronic submission of comments, protests, and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original copy of the pleading by U.S. mail to Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions by any other courier in docketed proceedings should be delivered to, Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

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, Protest, and Intervention Deadline: 5:00 p.m. Eastern time on July 31, 2025.

Dated: July 24, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–14302 Filed 7–28–25; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.207(a)(5) (2024).

[2] 18 CFR 157.23 (2024).

[3] 18 CFR 385.211, 385.214 (2024). Intervention in the proceeding where the Commission will consider the applications for certificates of public convenience and necessity for the SSE4 and MSX Projects (Docket Nos. CP25–514–000 and CP25–517–000) does not make the person or entity a party to this petition for waiver proceeding, and vice versa. Persons or entities wishing to intervene in the proceeding where the Commission will consider the applications for certificates of public convenience and necessity must do so in that proceeding. Comments, protests, and interventions in that proceeding are due August 5, 2025.

[4] 18 CFR 385.2001 (2024).

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1238; FR ID 305095]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before September 29, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1238.

Title: First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.

Form Number: Not applicable.

Type of Review: Extension of an approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and State, local, or Tribal governments.

Number of Respondents and Responses: 65 respondents; 510 responses.

Estimated Time per Response: 1 hour–5 hours.

Frequency of Response: Third party disclosure reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in Sections 1, 2, 4(i), 7, 301, 303, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 157, 301, 303, 309, 332, and Section 106 of the National Historic Preservation Act of 1966, 54 U.S.C. 306108.

Total Annual Burden: 1,913 hours.

Total Annual Cost: $54,880.

Needs and Uses: The Commission will submit this information collection for approval after the comment period to obtain the full three-year clearance from the Office of Management and Budget (OMB). The Commission is requesting OMB approval for disclosure requirements pertaining to the *First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (First Amendment) to address the review of deployments of small wireless antennas and associated equipment under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108 (formerly codified at 16 U.S.C. 470f). The FCC, the Advisory Council on Historic Preservation (Council), and the National Conference of State Historic Preservation Officers (NCSHPO) amended the *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (Collocation Agreement) to account for the limited potential of small wireless antennas and associated equipment, including Distributed Antenna Systems (DAS) and small cell facilities, to affect historic properties. The Collocation Agreement addresses historic preservation review for collocations on existing towers, buildings, and other non-tower structures. Under the Collocation Agreement, most antenna collocations on existing structures are excluded from Section 106 historic preservation review, with a few exceptions that must meet the criteria defined in the Collocation Agreement designed to address potentially problematic situations. On August 3, 2016, the Commission's Wireless Telecommunications Bureau, Council, and NCSHPO finalized and executed the First Amendment to the Collocation Agreement, to tailor the Section 106 process for small wireless deployments by excluding deployments that have a minimal potential for adverse effects on historic properties.

The following are the information collection requirements in connection with the amended provisions of Appendix B of Part 1 of the Commission's rules (47 CFR Pt.1, App. B):

- Stipulation VII.C of the amended Collocation Agreement provides that proposals to mount a small antenna on a traffic control structure (*e.g.,* traffic light) or on a light pole, lamp post, or other structure whose primary purpose is to provide public lighting, and where the structure is located inside of or within 250 feet of the boundary of a historic district, are generally subject to review through the Section 106 process. These proposed collocations will be excluded from such review on a case-by-case basis, if (1) the collocation licensee or the owner of the structure has not received written or electronic notification that the Commission is in receipt of a complaint from a member of the public, an Indian Tribe, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties; and (2) the structure is not historic (not a designated National Historic Landmark or a property listed in or eligible for listing in the National Register of Historic Places) or considered a contributing or compatible element within the historic district, under certain procedures. These procedures require that applicant must request in writing that the SHPO concur with the applicant's determination that the structure is not a contributing or compatible element within the historic district, and the applicant's written request must specify the traffic control structure, light pole, or lamp post on which the applicant proposes to collocate and explain why the structure is not a contributing element based on the age and type of structure, as well as other relevant factors. The SHPO has thirty days from receipt of such written notice to inform the applicant whether it disagrees with the applicant's determination that the structure is not a contributing or compatible element within the historic district. If within the thirty-day period, the SHPO informs the applicant that the structure is a contributing element or compatible element within the historic district or that the applicant has not provided sufficient information for a determination, the applicant may not deploy its facilities on that structure without completing the Section 106 review process. If, within the thirty day period, the SHPO either informs the applicant that the structure is not a contributing or compatible element within the historic district, or the SHPO fails to respond to the applicant within the thirty-day period, the applicant has no further Section 106 review obligations, provided that the collocation meets the certain volumetric and ground disturbance provisions.

The First Amendment to the Collocation Agreement established new exclusions from the Section 106 review process for physically small deployments like DAS and small cells, fulfilling a directive in the Commission's *Infrastructure Report and Order,* 80 FR 1238, Jan. 8, 2015, to further streamline review of these installations. These exclusions will continue to reduce the cost, time, and burden associated with deploying small facilities in many settings and provide opportunities to increase densification at low cost and with very little impact on historic properties.

Facilitating these deployments thus directly advances deployment of 5G service in communities across the country.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–14251 Filed 7–28–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 305665]

SES Performance Review Board

AGENCY: Federal Communications Commission.

ACTION: Notice.

As required by the Civil Service Reform Act of 1978 (Pub. L. 95–454), Chairman Brendan Carr has appointed the following executives to the Senior Executive Service (SES) Performance Review Board (PRB):

Scott Delacourt

Jacob Lewis

Mark Stephens

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–14252 Filed 7–28–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL TRADE COMMISSION

[File No. P072104]

Notice on Agency Referrals for Criminal Regulatory Offenses

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (''Commission'' or ''FTC'') is providing guidance on the factors it will consider when deciding whether to refer alleged violations of criminal regulatory offenses to the U.S. Department of Justice (''DOJ'') for prosecution.

FOR FURTHER INFORMATION CONTACT: Michelle Grajales (202) 326–3172, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 400 7th St. SW, Washington, DC 20024.

SUPPLEMENTARY INFORMATION: Executive Order 14294, Fighting Overcriminalization of Federal Regulations, directed each agency to ''publish guidance in the **Federal Register** describing its plan to address criminally liable regulatory offenses'' within forty-five days (June 23, 2025). 90 FR 20363 (May 9, 2025). The Executive Order defined a criminal regulatory offense as ''a Federal regulation that is enforceable by a criminal penalty.'' *Id.* Criminal penalties are most appropriate for ''persons who know or can be presumed to know what is prohibited or required by the regulation and willingly choose not to comply, thereby causing or risking substantial public harm. Prosecutions of criminal regulatory offenses should focus on matters where a putative defendant is alleged to have known his conduct was unlawful.'' *Id.*

The Commission has promulgated a small number of regulations, such as the Wool, Fur, and Textile Rules, where the authorizing statute provides for a criminal penalty in certain circumstances. *See, e.g.,* 16 CFR parts 300, 301, and 303; 15 U.S.C. 68h; 15 U.S.C. 69i; 15 U.S.C. 70i. Although the Commission has referred violations of these regulations to DOJ for prosecution in the past, the Commission has not referred a regulatory violation for criminal prosecution in decades. *See, e.g.,* Annual Report of the Federal Trade Commission 101 (Sept. 30, 1996) (stating that Diamond Rug and Carpet Mills, Inc. ''falsely labeled the fiber content and weight of its carpets,'' pled guilty to criminal violations of the Textile Act, and was fined $100,000); Annual Report of the Federal Trade Commission 81–82 (June 30, 1966) (stating that a corporation was ''fined $4,000 on one count [and] [p]laced on probation as to 17 counts, with imposition of sentence suspended,'' for misbranding wool products).

In the future, the Commission will consider several factors when deciding whether to refer an alleged violation of a regulation to DOJ for criminal prosecution, including:

(a) the harm or risk of harm, pecuniary or otherwise, caused by the alleged offense;

(b) the potential gain to the putative defendant that could result from the alleged offense;

(c) whether the putative defendant held specialized knowledge, expertise, or was licensed in an industry related to the rule or regulation at issue; and

(d) evidence, if any is available, of the putative defendant's general awareness of the unlawfulness of his conduct as well as his knowledge or lack thereof of the regulation at issue.

See 90 FR at 20364–65.

This general policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Office of Management and Budget has not designated this action a significant regulatory action under section 3(f) of Executive Order 12866. 58 FR 51735 (Sept. 30, 1993).

Because this action is not significant under Executive Order 12866, it is not a regulatory action under Executive Order 14192. 90 FR 9065 (Jan. 31, 2025).

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as not a ''major rule,'' as defined by 5 U.S.C. 804(2).

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2025–14314 Filed 7–28–25; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #:0970–0085]

Proposed Information Collection Activity; 45 CFR 303.7—Provision of Services in Intergovernmental IV–D; Federally Approved Forms

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Enforcement (OCSE) is requesting a 3-year extension of the Provision of Services in Intergovernmental IV–D; Federally Approved Forms (Office of Management and Budget (OMB) #0970–0085, expiration February 28, 2026). There are no changes requested to these forms.

DATES: *Comments due* September 29, 2025.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Administration for Children and Families (ACF) is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Public Law 113–183, the Preventing Sex Trafficking and Strengthening Families Act amends section 466(f) of the Social Security Act, requiring all states to enact any amendments to the Uniform Interstate Family Support Act ''officially adopted as of September 30, 2008, by the National Conference of Commissioners on Uniform State Laws'' (referred to as UIFSA 2008). Section 311(b) of UIFSA requires the states to use forms mandated by federal law. 45 CFR 303.7(a)(4) also requires child support programs to use federally approved forms in intergovernmental IV–D cases unless a country has provided alternative forms.

Respondents: State agencies administering a child support program under title IV–D of the Social Security Act.

Annual Burden Estimates

Annual burden estimates have been updated to reflect a decrease in the nationwide child support case load since the most recent full OMB review and approval process in 2023. Therefore, the annual number of responses per respondent has decreased, resulting in an overall decrease in estimated annual burden. The number of respondents and estimated time per response has not changed.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Transmittal #1—Initial Request	54	14,216	0.17	130,503
Transmittal #1—Initial Request Acknowledgement	54	14,216	0.05	38,383
Transmittal #2—Subsequent Action	54	10,662	0.08	46,060
Transmittal #3—Request for Assistance/Discovery	54	2,132	0.08	9,210
Uniform Support Petition	54	5,686	0.05	15,352
General Testimony	54	5,686	0.33	101,325
Declaration in Support of Establishing Parentage	54	2,132	0.15	17,269
Child Support Locate Request	54	142	0.05	383
Notice of Determination of Controlling Order	54	1	0.25	14
Letter of Transmittal Requesting Registration	54	8,529	0.08	36,845
Personal Information Form for UIFSA § 311	54	5,686	0.05	15,352
Child Support Agency Confidential Information Form	54	17,059	0.05	46,059
Request for Change of Support Payment Location Pursuant to UIFSA 319(b)	54	71	0.05	192
Estimated Total Annual Burden Hours				456,947

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 45 CFR 303.7.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–14341 Filed 7–28–25; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2024–N–2844; FDA–2024–N–4687; FDA–2024–N–5581; FDA–2024–N–2931; FDA–2024–N–4470; FDA–2024–N–2865]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at *https://www.reginfo.gov/public/do/PRAMain.* 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Reclassification Petitions for Medical Devices	0910–0138	7/31/2028
Medicated Feed Mill License Application	0910–0337	6/30/2028
Additives in Animal Food	0910–0546	6/30/2028
Microbiological Testing and Corrective Measures for Bottled Water	0910–0658	6/30/2028
Antimicrobial Animal Drug Sales and Distribution	0910–0659	6/30/2028
Generic Clearance for Quantitative Testing for the Development of FDA Communications	0910–0865	6/30/2028

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14224 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0418]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Tropical Disease Priority Review Vouchers

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0822. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Tropical Disease Priority Review Vouchers

OMB Control Number 0910–0822—Extension

This information collection supports implementation of statutory requirements as discussed in Agency guidance. Section 524 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360n) is designed to encourage development of new drug or biological products for prevention and treatment of certain tropical diseases affecting millions of people throughout the world and makes provisions for awarding priority review vouchers for future applications to sponsors of tropical disease products. Section 524 of the FD&C Act serves to stimulate new drug development for drugs to treat a ''tropical disease'' (as defined in section 524(a)(3)) by offering additional incentives for obtaining FDA approval for pharmaceutical treatments for these diseases. As defined in section 524(a)(4) of the FD&C Act, a sponsor of a ''tropical disease product application'' may be eligible for a voucher that can be used to obtain a priority review for any other application submitted under section 505(b)(1) of the FD&C Act (21 U.S.C. 355(b)(1)) or section 351 of the Public Health Service Act (PHS Act) (42 U.S.C. 262).

Accordingly, we developed the procedural guidance document entitled, ''Tropical Disease Priority Review Vouchers'' (October 2016), (available at *https://www.fda.gov/media/72569/download*). The guidance document explains how FDA implements provisions of section 524 of the FD&C Act and how sponsors may qualify for a priority review voucher based on eligibility criteria set forth in the statute, how to use priority review vouchers, and how priority review vouchers may be transferred to other sponsors. The guidance also communicates that section 524 of the FD&C Act requires attestation by the sponsor of eligibility for a priority review voucher upon submission of the marketing application.

Description of Respondents: Sponsors submitting applications under section 505(b)(1) of the FD&C Act or section 351 of the PHS Act.

In the **Federal Register** of May 1, 2025 (90 FR 18680) we published a 60-day notice soliciting comment on the proposed collection of information. Comments received supported that the collection of information provided utility to FDA and encouraged its continued use. The comments also suggested FDA consider a broader scope of information collection and greater use of technological submission mechanisms. We appreciate all comments and are committed to making enhancements to our collection systems as our limited resources allow. At the same time, the comments suggested no adjustment in FDA's estimate of burden for the information collection.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Reporting under section 524 of the FD&C Act	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Priority Review Voucher Request	1	1	1	8	8
Notifications of Intent To Use a Voucher	2	1	2	8	16
Letters Indicating the Transfer of a Voucher Letter	1	1	1	8	8
Acknowledging the Receipt of a Transferred Voucher	1	1	1	8	8
Attestation of Eligibility	1	1	1	2	2
Total					42

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on our evaluation of the information collection since the last OMB review and approval, the burden estimate decreased based on receipt of fewer vouchers and other information collection activities. Our estimated burden for the information collection reflects an overall decrease of 46 hours and a decrease of 8 responses.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14223 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–1892]

Revocation of Emergency Use of a Drug Product During the COVID–19 Pandemic; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the Emergency Use Authorizations (EUAs) (the Authorizations) issued to Regeneron Pharmaceuticals, Inc. (Regeneron) for REGEN–COV (casirivimab and imdevimab administered together), to GlaxoSmithKline LLC (GSK) for sotrovimab, to Eli Lilly and Company (Lilly) for bebtelovimab, and to AstraZeneca Pharmaceuticals LP (AstraZeneca) for EVUSHELD (tixagevimab co-packaged with cilgavimab). FDA revoked these Authorizations on December 13, 2024, under the Federal Food, Drug, and Cosmetic Act (FD&C Act). The revocations, including an explanation of the reasons for the revocations, are reprinted in this document.

DATES: The Authorizations are revoked as of December 13, 2024.

ADDRESSES: Submit written requests for a single copy of the revocations to the Office of Executive Programs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, 6th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the revocations may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocations.

FOR FURTHER INFORMATION CONTACT: Andrea Gormley, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., 2nd Floor, Silver Spring, MD 20993–0002, 301–796–2210 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations.

On November 21, 2020, FDA issued an Authorization to Regeneron for REGEN–COV (EUA 091), subject to the terms of the Authorization. Notice of the issuance of the Authorization was published in the **Federal Register** on February 19, 2021 (86 FR 10290), as required by section 564(h)(1) of the FD&C Act.

On May 26, 2021, FDA issued an Authorization to GSK for sotrovimab (EUA 100), subject to the terms of the Authorization. Notice of the issuance of the Authorization was published in the **Federal Register** on August 5, 2021 (86 FR 42850), as required by section 564(h)(1) of the FD&C Act.

On December 8, 2021, FDA issued an Authorization to AstraZeneca for EVUSHELD (EUA 104), subject to the terms of the Authorization. Notice of the issuance of the Authorization was published in the **Federal Register** on February 4, 2022 (87 FR 6578), as required by section 564(h)(1) of the FD&C Act.

On February 11, 2022, FDA issued an Authorization to Lilly for bebtelovimab (EUA 111), subject to the terms of the Authorization. Notice of the issuance of the Authorization was published in the **Federal Register** on March 22, 2022 (87 FR 16201), as required by section 564(h)(1) of the FD&C Act.

The authorization of a drug for emergency use under section 564 of the FD&C Act may, pursuant to section 564(g)(2) of the FD&C Act, be revoked when the criteria under section 564(c) of the FD&C Act for issuance of such authorization are no longer met (section 564(g)(2)(B) of the FD&C Act), or other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the FD&C Act).

II. EUA Revocation Requests

In a request received by FDA on November 25, 2024, Regeneron requested revocation of, and on December 13, 2024, FDA revoked, the Authorization for REGEN–COV. Because Regeneron has informed FDA that all lots of REGEN–COV manufactured, labeled, and distributed for use under EUA 091 have expired, and that Regeneron does not intend to offer this product in the United States anymore, Regeneron requested FDA revoke the EUA for REGEN–COV. FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on November 22, 2024, GSK requested revocation of, and on December 13, 2024, FDA revoked, the Authorization for sotrovimab. Because GSK has informed FDA that all lots of sotrovimab manufactured, labeled, and distributed for use under EUA 100 have expired, and that GSK does not intend to offer this product in the United States anymore, GSK requested FDA revoke the EUA for sotrovimab. FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on November 21, 2024, AstraZeneca requested revocation of, and on December 13, 2024, FDA revoked, the Authorization for EVUSHELD. Because AstraZeneca has informed FDA that all lots of EVUSHELD manufactured, labeled, and distributed for use under EUA 104 have expired, and that AstraZeneca does not intend to offer this product in the United States anymore, AstraZeneca requested FDA revoke the EUA for EVUSHELD. FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on December 5, 2024, Lilly requested revocation of, and on December 13, 2024, FDA revoked, the Authorization for bebtelovimab. Because Lilly has informed FDA that all lots of bebtelovimab manufactured, labeled, and distributed for use under EUA 111 have expired, and that Lilly does not intend to offer this product in the United States anymore, Lilly requested FDA revoke the EUA for bebtelovimab. FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

III. The Revocations

Having concluded that the criteria for revocation of the Authorizations under section 564(g)(2)(C) of the FD&C Act are

met, FDA has revoked the EUAs for REGEN–COV, sotrovimab, bebtelovimab, and EVUSHELD. These revocations in their entirety follow and provide explanations of the reasons for revocation, as required by section 564(h)(1) of the FD&C Act.

IV. Electronic Access

An electronic version of this document and the full text of the Authorizations are available on the internet at: *https://www.regulations.gov/*.

BILLING CODE 4164–01–P

U.S. FOOD & DRUG ADMINISTRATION

December 13, 2024

Regeneron Pharmaceuticals, Inc.
Attention: Danise Subramanian, PhD
Senior Director, Regulatory Affairs
777 Old Saw Mill River Road
Tarrytown, NY 15091-6707

Re: Revocation of EUA 091

Dear Dr. Subramanian:

This letter is in response to the request from Regeneron Pharmaceuticals, Inc. (Regeneron), received on November 25, 2024[1], that the U.S. Food and Drug Administration (FDA) revoke the EUA for REGEN-COV (casirivimab and imdevimab administered together). The EUA for REGEN-COV was issued initially on November 21, 2020. Regeneron has informed the FDA that all lots of REGEN-COV manufactured, labeled and distributed for use under EUA 091 have expired and that Regeneron does not intend to offer this product in the United States anymore. FDA understands that Regeneron will issue a communication to notify healthcare providers that have received REGEN-COV under the EUA of this revocation with instructions for product destruction for any product that remains in distribution.

The authorization of a drug for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). While there is no new safety concern with REGEN-COV, because FDA understands that Regeneron no longer intends to offer REGEN-COV in the United States under the EUA; because all product manufactured, labeled and distributed pursuant to the EUA has expired; and because Regeneron has requested that FDA revoke the EUA for REGEN-COV, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization.

Accordingly, FDA hereby revokes EUA 091 for REGEN-COV pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, REGEN-COV is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

[1] At the time of Regeneron's request, REGEN-COV was not authorized for use in any region of the United States due to the high frequency of circulating SARS-CoV-2 variants that are non-susceptible to REGEN-COV.

U.S. FOOD & DRUG ADMINISTRATION

December 13, 2024

GlaxoSmithKline LLC
Attention: Danielle Lumbatis, MBA, RAC
Associate Director, Global Regulatory Affairs
Specialty Therapeutic Group
1250 S. Collegeville Rd.
Collegeville, PA 19426

Re: Revocation of EUA 100

Dear Ms. Lumbatis:

This letter is in response to the request from GlaxoSmithKline LLC (GSK), received on November 22, 2024[1], that the U.S. Food and Drug Administration (FDA) revoke the EUA for sotrovimab. The EUA for sotrovimab was issued initially on May 26, 2021. GSK has informed the FDA that all lots of sotrovimab manufactured, labeled and distributed for use under EUA 100 have expired and that GSK does not intend to offer this product in the United States anymore. FDA understands that GSK will issue a communication to notify healthcare providers that have received sotrovimab under the EUA of this revocation with instructions for product destruction or return for any product that remains in distribution.

The authorization of a drug for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). While there is no new safety concern with sotrovimab, because FDA understands that GSK no longer intends to offer sotrovimab in the United States under the EUA; because all product manufactured, labeled and distributed pursuant to the EUA has expired; and because GSK has requested that FDA revoke the EUA for sotrovimab, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization.

Accordingly, FDA hereby revokes EUA 100 for sotrovimab pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, sotrovimab is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

[1] At the time of GSK's request, sotrovimab was not authorized for use in any region of the United States due to the high frequency of circulating SARS-CoV-2 variants that are non-susceptible to sotrovimab.

U.S. FOOD & DRUG ADMINISTRATION

December 13, 2024

Eli Lilly and Company
Attention: Jennifer Riddle Camp
Senior Director, GRA-NA
Lilly Corporate Center
Drop Code 2543
Indianapolis, IN 46285

Re: Revocation of EUA 111

Dear Ms. Riddle Camp:

This letter is in response to the request from Eli Lilly and Company (Lilly), received on December 5, 2024[1], that the U.S. Food and Drug Administration (FDA) revoke the EUA for bebtelovimab. The EUA for bebtelovimab was issued initially on February 11, 2022. Lilly has informed the FDA that all lots of bebtelovimab manufactured, labeled and distributed for use under EUA 111 have expired and that Lilly does not intend to offer this product in the United States anymore. FDA understands that Lilly will issue a communication to notify healthcare providers that have received bebtelovimab under the EUA of this revocation with instructions for product destruction or return for any product that remains in distribution.

The authorization of a drug for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). While there is no new safety concern with bebtelovimab, because FDA understands that Lilly no longer intends to offer bebtelovimab in the United States under the EUA; because all product manufactured, labeled and distributed pursuant to the EUA has expired; and because Lilly has requested that FDA revoke the EUA for bebtelovimab, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization.

Accordingly, FDA hereby revokes EUA 111 for bebtelovimab pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, bebtelovimab is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

[1] At the time of Lilly's request, bebtelovimab was not authorized for use in any region of the United States due to the high frequency of circulating SARS-CoV-2 variants that are non-susceptible to bebtelovimab.

U.S. FOOD & DRUG ADMINISTRATION

December 13, 2024

AstraZeneca Pharmaceuticals LP
Attention: Lei Hua, PhD, PMP, RAC
Associate Regulatory Affairs Director
One MedImmune Way
Gaithersburg, MD 20878

Re: Revocation of EUA 104

Dear Dr. Hua:

This letter is in response to the request from AstraZeneca Pharmaceuticals LP (AstraZeneca), received on November 21, 2024[1], that the U.S. Food and Drug Administration (FDA) revoke the EUA for EVUSHELD (tixagevimab co-packaged with cilgavimab). The EUA for EVUSHELD was issued initially on December 8, 2021. AstraZeneca has informed the FDA that all lots of EVUSHELD manufactured, labeled and distributed for use under EUA 104 have expired and that AstraZeneca does not intend to offer this product in the United States anymore. FDA understands that AstraZeneca will issue a communication to notify customers and providers that have received EVUSHELD under the EUA of this revocation with instructions for product destruction or return for any product that remains in distribution.

The authorization of a drug for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). While there is no new safety concern with EVUSHELD, because FDA understands that AstraZeneca no longer intends to offer EVUSHELD in the United States under the EUA; because all product manufactured, labeled, and distributed pursuant to the EUA has expired; and because AstraZeneca has requested that FDA revoke the EUA for EVUSHELD, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization.

Accordingly, FDA hereby revokes EUA 104 for EVUSHELD pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, EVUSHELD is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

[1] At the time of AstraZeneca's request, EVUSHELD was not authorized for emergency use in the United States due to the high frequency of circulating SARS-CoV-2 variants that are non-susceptible to EVUSHELD.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14233 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0383]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Public Health Service Guideline on Infectious Disease Issues in Xenotransplantation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0456. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

PHS Guideline on Infectious Disease Issues in Xenotransplantation

OMB Control Number 0910–0456—Extension

This information collection helps to support Agency regulations and guidance. The statutory authority to collect this information is provided under sections 351 and 361 of the Public Health Service Act (PHS Act) (42 U.S.C. 262 and 264) and the provisions of the Federal Food, Drug, and Cosmetic Act (FD&C Act) that apply to drugs (21 U.S.C. 321 *et seq.*). In the **Federal Register** of January 29, 2001 (66 FR 8120), FDA announced the availability of the ''PHS Guideline on Infectious Disease Issues in Xenotransplantation.'' The guideline, available from our website at *https://www.fda.gov/media/73803/download* was developed by the U.S. Public Health Service (PHS) to identify general principles for the prevention and control of infectious diseases associated with xenotransplantation that may pose a risk to public health. The PHS guideline recommends procedures to diminish the risk of transmission of infectious agents to the xenotransplantation product recipient and to the general public. The PHS guideline is intended to address public health issues raised by xenotransplantation, through identification of general principles of prevention and control of infectious diseases associated with xenotransplantation that may pose a hazard to the public health. The collection of information described in this guideline is intended to provide general guidance on the following topics: (1) the development of xenotransplantation clinical protocols; (2) the preparation of submissions to FDA; and (3) the conduct of xenotransplantation clinical trials. Also, the collection of information will help ensure that the sponsor maintains important information in a cross-referenced system that links the relevant records of the xenotransplantation product recipient, xenotransplantation product, source animal(s), animal procurement center, and significant nosocomial exposures. The PHS guideline describes an occupational health service program for the protection of health care workers involved in xenotransplantation procedures, caring for xenotransplantation product recipients, and performing associated laboratory testing. The PHS guideline is intended to protect the public health and to help ensure the safety of using xenotransplantation products in humans by preventing the introduction, transmission, and spread of infectious diseases associated with xenotransplantation.

The PHS guideline also recommends that certain specimens and records be maintained for 50 years beyond the date of the xenotransplantation. These include: (1) records linking each xenotransplantation product recipient with relevant health records of the source animal, herd or colony, and the specific organ, tissue, or cell type included in or used in the manufacture of the product (3.2.7.1); (2) aliquots of serum samples from randomly selected animal and specific disease investigations (3.4.3.1); (3) source animal biological specimens designated for PHS use (3.7.1); animal health records (3.7.2), including necropsy results (3.6.4); and (4) recipients' biological specimens (4.1.2). The retention period is intended to assist health care practitioners and officials in surveillance and in tracking the source of an infection, disease, or illness that might emerge in the recipient, the source animal, or the animal herd or colony after a xenotransplantation.

The recommendation for maintaining records for 50 years is based on clinical experience with several human viruses that have presented problems in human to human transplantation and are therefore thought to share certain characteristics with viruses that may pose potential risks in xenotransplantation. These characteristics include long latency periods and the ability to establish persistent infections. Several also share the possibility of transmission among individuals through intimate contact with human body fluids. Human immunodeficiency virus (HIV) and Human T-lymphotropic virus are human retroviruses. Retroviruses contain ribonucleic acid that is reverse-transcribed into deoxyribonucleic acid (DNA) using an enzyme provided by the virus and the human cell machinery. That viral DNA can then be integrated into the human cellular DNA. Both viruses establish persistent infections and have long latency periods before the onset of disease, 10 years and 40 to 60 years, respectively. The human hepatitis viruses are not retroviruses, but several share with HIV the characteristic that they can be transmitted through body fluids, can establish persistent infections, and have long latency periods, *e.g.,* approximately 30 years for Hepatitis C.

In addition, the PHS guideline recommends that a record system be developed that allows easy, accurate, and rapid linkage of information among the specimen archive, the recipient's medical records, and the records of the source animal for 50 years. The development of such a record system is a one-time burden. Such a system is intended to cross-reference and locate relevant records of recipients, products, source animals, animal procurement centers, and significant nosocomial exposures.

Respondents to this collection of information are the sponsors of clinical studies of investigational xenotransplantation products under investigational new drug applications (INDs) and xenotransplantation product procurement centers, referred to as source animal facilities. There are an estimated five respondents who are sponsors of seven INDs that include protocols for xenotransplantation in humans and five clinical centers doing xenotransplantation procedures. Other respondents for this collection of information are an estimated two source animal facilities which provide source xenotransplantation product material to sponsors for use in human xenotransplantation procedures. These two source animal facilities keep medical records of the herds/colonies as well as the medical records of the individual source animal(s). There are an estimated three herds of approximately six animals per herd. The burden estimates are based on FDA's records of xenotransplantation-related INDs and estimates of time required to complete the various reporting, recordkeeping, and third-party disclosure tasks described in the PHS guideline.

We are therefore requesting an extension of OMB approval for the following reporting, recordkeeping, and third-party disclosure recommendations in the PHS guideline:

TABLE 1—REPORTING RECOMMENDATIONS

PHS guideline section	Description
3.2.7.2	Notify sponsor or FDA of new archive site when the source animal facility or sponsor ceases operations.

TABLE 2—RECORDKEEPING RECOMMENDATIONS

PHS guideline section	Description
3.2.7	Establish records linking each xenotransplantation product recipient with relevant records.
4.3	Sponsor to maintain cross-referenced system that links all relevant records (recipient, product, source animal, animal procurement center, and nosocomial exposures).
3.4.2	Document results of monitoring program used to detect introduction of infectious agents which may not be apparent clinically.
3.4.3.2	Document full necropsy investigations including evaluation for infectious etiologies.
3.5.1	Justify shortening a source animal's quarantine period of 3 weeks prior to xenotransplantation product procurement.
3.5.2	Document absence of infectious agent in xenotransplantation product if its presence elsewhere in source animal does not preclude using it.
3.5.4	Add summary of individual source animal record to permanent medical record of the xenotransplantation product recipient.
3.6.4	Document complete necropsy results on source animals (50-year record retention).
3.7	Link xenotransplantation product recipients to individual source animal records and archived biologic specimens.
4.2.3.2	Record baseline sera of xenotransplantation health care workers and specific nosocomial exposure.
4.2.3.3 and 4.3.2	Keep a log of health care workers' significant nosocomial exposure(s).
4.3.1	Document each xenotransplant procedure.
5.2	Document location and nature of archived specimens in health care records of xenotransplantation product recipient and source animal.

TABLE 3—DISCLOSURE RECOMMENDATIONS

PHS guideline section	Description
3.2.7.2	Notify sponsor or FDA of new archive site when the source animal facility or sponsor ceases operations.
3.4	Standard operating procedures (SOPs) of source animal facility should be available to review bodies.
3.5.1	Include increased infectious risk in informed consent if source animal quarantine period of 3 weeks is shortened.
3.5.4	Sponsor to make linked records described in section 3.2.7 available for review.
3.5.5	Source animal facility to notify clinical center when infectious agent is identified in source animal or herd after xenotransplantation product procurement.

In the **Federal Register** of May 1, 2025 (90 FR 18669), we published a 60-day notice soliciting public comment on the proposed collection of information. One comment was submitted to the docket suggesting FDA prohibit xenotransplantation, but proffered no alternative estimates regarding our assessment of burden associated with the information collection recommendations set forth in the PHS guideline. We have therefore made no adjustment to our estimate of burden for the information collection in response to the public comment, which is as follows:

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN[1]

PHS guideline section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
3.2.7.2[2]	1	1	1	0.50 (30 minutes)	0.50

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] FDA is using 1 animal facility or sponsor for estimation purposes.

TABLE 5—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

PHS guideline section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
3.2.7[2]	1	1	1	16	16
4.3[3]	5	1	5	0.75 (45 minutes)	3.75
3.4.2[4]	5	8.80	44	0.25 (15 minutes)	11
3.4.3.2[5]	5	2.40	12	0.25 (15 minutes)	3

TABLE 5—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]—Continued

PHS guideline section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
3.5.1[6]	5	0.33	1	0.50 (30 minutes)	0.50
3.5.2[6]	5	0.33	1	0.25 (15 minutes)	0.25
3.5.4	5	1	5	0.17 (10 minutes)	0.85
3.6.4[7]	5	1.60	8	0.25 (15 minutes)	2
3.7[7]	4	2	8	0.08 (5 minutes)	0.64
4.2.3.2[8]	4	25	100	0.17 (10 minutes)	17.0
4.2.3.2[6]	4	0.20	1	0.17 (10 minutes)	0.17
4.2.3.3 and 4.3.2[6]	4	0.25	1	0.17 (10 minutes)	0.17
4.3.1	5	1.40	7	0.25 (15 minutes)	1.25
5.2[9]	5	2.40	12	0.08 (5 minutes)	0.96
Total					57.54

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] A one-time burden for new respondents to set up a recordkeeping system linking all relevant records. FDA is using 1 new sponsor for estimation purposes.
[3] FDA estimates there is minimal recordkeeping burden associated with maintaining the record system.
[4] Monitoring for sentinel animals (subset representative of herd) plus all source animals. There are approximately 6 sentinel animals per herd × 3 herds per facility × 2 facilities = 36 sentinel animals. There are approximately 8 source animals per year (see footnote 7 of this table); 36 + 8 = 44 monitoring records to document.
[5] Necropsy for animal deaths of unknown cause estimated to be approximately 2 per herd per year × 3 herds per facility × 2 facilities = 12.
[6] Has not occurred in the past 3 years and is expected to continue to be a rare occurrence.
[7] On average 2 source animals are used for preparing xenotransplantation product material for one recipient. The average number of source animals is 2 source animals per recipient × 4 recipients annually = 8 source animals per year. (See footnote 5 of table 6 of this document.)
[8] FDA estimates there are 5 clinical centers doing xenotransplantation procedures × approximately 25 health care workers involved per center = 125 health care workers.
[9] Eight source animal records + 4 recipient records = 12 total records.

TABLE 6—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN[1]

PHS guideline section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
3.2.7.2[2]	1	1	2	0.50 (30 minutes)	1.00
3.4[3]	2	0.50	1	0.08 (5 minutes)	0.08
3.5.1[4]	2	0.50	1	0.25 (15 minutes)	0.25
3.5.4[5]	2	2	4	0.50 (30 minutes)	2.00
3.5.5[4]	2	0.50	1	0.25 (15 minutes)	0.25
Total					3.58

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] FDA is using 1 animal facility or sponsor for estimation purposes.
[3] FDA's records indicate that an average of 2 INDs are expected to be submitted per year.
[4] To our knowledge, has not occurred in the past 3 years and is expected to continue to be a rare occurrence.
[5] Based on an estimate of 12 patients treated over a 3 year period, the average number of xenotransplantation product recipients per year is estimated to be 4.

Because of the potential risk for cross-species transmission of pathogenic persistent virus, the guideline recommends that health records be retained for 50 years. Since these records are medical records, the retention of such records for up to 50 years is not information subject to the PRA (5 CFR 1320.3(h)(5)). Also, because of the limited number of clinical studies with small patient populations, the number of records is expected to be insignificant at this time.

Information collections in this guideline not included in tables 1 through 6 can be found under existing regulations and approved under the OMB control numbers as follows: (1) ''Current Good Manufacturing Practice for Finished Pharmaceuticals,'' 21 CFR 211.1 through 211.208, approved under OMB control number 0910–0139; (2) ''Investigational New Drug Application,'' 21 CFR 312.1 through 312.160, approved under OMB control number 0910–0014; and (3) information included in a biologics license application, 21 CFR 601.2, approved under OMB control number 0910–0338. (Although it is possible that a xenotransplantation product may not be regulated as a biological product (*e.g.,* it may be regulated as a medical device), FDA believes, based on its knowledge and experience with xenotransplantation, that any xenotransplantation product subject to FDA regulation within the next 3 years will most likely be regulated as a biological product.). However, FDA recognized that some of the information collections go beyond approved collections; assessments for these burdens are included in tables 1 through 6.

In table 7 of this document, FDA identifies those collection of information activities that are already encompassed by existing regulations or are consistent with voluntary standards which reflect industry's usual and customary business practice.

TABLE 7—COLLECTION OF INFORMATION REQUIRED BY CURRENT REGULATIONS AND STANDARDS

PHS guideline section	Description of collection of information activity	21 CFR section (unless otherwise stated)
2.2.1	Document off-site collaborations	312.52.
2.5	Sponsor ensures counseling patient + family + contacts	312.62(c).
3.1.1 and 3.1.6	Document well-characterized health history and lineage of source animals	312.23(a)(7)(a) and 211.84.
3.1.8	Registration with and import permit from the Centers for Disease Control and Prevention.	42 CFR 71.53.
3.2.2	Document collaboration with accredited microbiology labs	312.52.
3.2.3	Procedures to ensure the humane care of animals	9 CFR parts 1, 2, and 3 and PHS Policy.[1]
3.2.4	Procedures consistent for accreditation by the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC International) and consistent with the National Research Council's (NRC) Guide.	AAALAC International Rules of Accreditation[2] and NRC Guide.[3]
3.2.5, 3.4, and 3.4.1	Herd health maintenance and surveillance to be documented, available, and in accordance with documented procedures; record standard veterinary care.	211.100 and 211.122.
3.2.6	Animal facility SOPs	PHS Policy.[1]
3.3.3	Validate assay methods	211.160(a).
3.6.1	Procurement and processing of xenografts using documented aseptic conditions.	211.100 and 211.122.
3.6.2	Develop, implement, and enforce SOP's for procurement and screening processes.	211.84(d) and 211.122(c).
3.6.4	Communicate to FDA animal necropsy findings pertinent to health of recipient.	312.32(c).
3.7.1	PHS specimens to be linked to health records; provide to FDA justification for types of tissues, cells, and plasma, and quantities of plasma and leukocytes collected.	312.23(a)(6).
4.1.1	Surveillance of xenotransplant recipient; sponsor ensures documentation of surveillance program life-long (justify >2 yrs.); investigator case histories (2 yrs. after investigation is discontinued).	312.23(a)(6)(iii)(f) and (g), and 312.62(b) and (c).
4.1.2	Sponsor to justify amount and type of reserve samples	211.122.
4.1.2.2	System for prompt retrieval of PHS specimens and linkage to medical records (recipient and source animal).	312.57(a).
4.1.2.3	Notify FDA of a clinical episode potentially representing a xenogeneic infection.	312.32.
4.2.2.1	Document collaborations (transfer of obligation)	312.52.
4.2.3.1	Develop educational materials (sponsor provides investigators with information needed to conduct investigation properly).	312.50.
4.3	Sponsor to keep records of receipt, shipment, and disposition of investigative drug; investigator to keep records of case histories.	312.57 and 312.62(b).

[1] The ''Public Health Service Policy on Humane Care and Use of Laboratory Animals'' (*https://olaw.nih.gov/policies-laws/phs-policy.htm*).
[2] AALAC International Rules of Accreditation (*https://www.aaalac.org/accreditation-program/rules-of-accreditation/*).
[3] The NRC's ''Guide for the Care and Use of Laboratory Animals.''

Based on a review of the information collection since our last request for OMB approval, we have adjusted our burden estimate which has resulted in a burden increase of 3.09 hours (new total of 62.12 hours) from our previous estimate of 59.03 hours. Change in the increase in burden was the result of the change of the number of recordkeepers due to the change in the number submission of IND's sponsors and a change in the number of animal source facilities.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14227 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0082]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Compounding Animal Drugs From Bulk Drug Substances

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0904. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD

20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Compounding Animal Drugs From Bulk Substances

OMB Control Number 0910–0904—Extension

This information collection helps support recommendations discussed in FDA guidance. Animal drugs compounded from bulk drug substances by pharmacists and veterinarians do not meet certain important requirements of the Federal Food, Drug, and Cosmetic Act (FD&C Act). To be legally marketed in accordance with animal drug approval requirements of the FD&C Act, an approval, conditional approval, or listing on the Index of Legally Marketed Unapproved New Animal Drugs for Minor Species [1] is required, and compounded drugs do not go through any of these pre-market review processes. (Information collection associated with new animal drug applications is approved under OMB control no. 0910–0032; information collection pertaining to index of legally marketed unapproved new animal drugs for minor species is approved under OMB control no. 0910–0605.) Further, all animal drugs are required to, among other things, be made in accordance with current good manufacturing practice (CGMP) requirements and have adequate directions for use, requirements not met by compounded drugs.[2] Thus, drugs compounded from bulk drug substances violate the FD&C Act because they are not approved or indexed, are not made according to CGMP, and cannot satisfy the FD&C Act's adequate directions for use provision (which requires, among other things, that a prescription drug have FDA-approved labeling). However, FDA has generally refrained from taking enforcement action against animal drugs compounded from bulk drug substances under certain circumstances when no other medically appropriate treatment options exist.

To assist respondents in understanding FDA's current thinking about animal drug compounding from bulk substances, our Center for Veterinary Medicine developed GFI #256 entitled ''*Compounding Animal Drugs from Bulk Drug Substances*'' (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-256-compounding-animal-drugs-bulk-drug-substances*). The guidance describes circumstances under which FDA generally does not intend to take enforcement action against pharmacists and veterinarians who compound animal drugs from bulk drug substances.

In the **Federal Register** of May 1, 2025 (90 FR 18665), we published a 60-day notice soliciting comment on the proposed collection of information. Three comments were submitted to the docket by various trade associations, however the first two were not responsive to the information collection topics solicited under 5 CFR 1320.8(d). Rather, the comments appeared to be proffered in accordance with our Good Guidance Practice regulations in 21 CFR 10.115 and we therefore refer the commenters to 21 CFR 10.115(f) regarding how the public may participate in the development of FDA guidance documents. The third comment suggested improvements to increase the utility of Form FDA 1932a, *Veterinary Adverse Drug Reaction, Lack of Effectiveness, Or Product Defect Report,* approved for use in OMB control no. 0910–0291, currently pending OMB review. We appreciate this comment and continue to make technological enhancements to our collection instruments as our limited resources allow. At the same, none of the comments offered an alternative estimate, and we therefore retain the estimate of burden for the information collection as communicated in our 60-day notice, which is as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Documenting rationales by licensed veterinarian/pharmacist compounders in state-licensed pharmacies or Federal facilities.	7,500	1,134	8,505,000	0.017 (1 minute)	144,585

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate on our experience with the regulation of compounded animal drugs. Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14226 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–5234]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Notification Procedures for Statements of Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information

[1] Sections 512, 571, and 572 of the FD&C Act (21 U.S.C. 360b, 360ccc, 360ccc–1).

[2] Section 501(a)(2)(B) of the FD&C Act (21 U.S.C. 351(a)(2)(B)), 21 CFR parts 210 and 211, and section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)).

collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0331. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Labeling: Notification Procedures for Statements on Dietary Supplements—21 CFR 101.93

OMB Control Number 0910–0331—Extension

Section 403(r)(6) of the FD&C Act (21 U.S.C. 343(r)(6)) and § 101.93 (21 CFR 101.93) require that, no later than 30 days after the first marketing, we be notified by the manufacturer, packer, or distributor of a dietary supplement that it is marketing a dietary supplement product that bears on its label or in its labeling a statement provided for in section 403(r)(6) of the FD&C Act. In accordance with these requirements, submissions must include: (1) the name and address of the manufacturer, packer, or distributor of the dietary supplement product; (2) the text of the statement that is being made; (3) the name of the dietary ingredient or supplement that is the subject of the statement; (4) the name of the dietary supplement (including the brand name); and (5) the signature of a responsible individual or the person who can certify the accuracy of the information presented, and who must certify that the information contained in the notice is complete and accurate, and that the notifying firm has substantiation that the statement is truthful and not misleading.

Our electronic form (Form FDA 3955) allows respondents to the information collection to electronically submit notifications to FDA via the Food Applications Regulatory Management (FARM) system. Firms that prefer to submit a paper notification in an alternative format may opt to do so; however, Form FDA 3955 prompts respondents to include certain data elements in their structure/function claim notification (SFCN), as described in § 101.93, in a standard electronic format and helps respondents organize their SFCN to include only the information needed for our review of the claim. Note that the SFCN, whether electronic or paper, is used for all claims made pursuant to section 403(r)(6) of the FD&C Act, including nutrient deficiency claims and general well-being claims in addition to structure/function claims. The electronic form, and any optional elements prepared as attachments to the form (*e.g.,* label), can be submitted in electronic format via FARM. Submissions of SFCNs will continue to be allowed in paper format. We use this information to evaluate whether statements made for dietary ingredients or dietary supplements are permissible under section 403(r)(6) of the FD&C Act. We also provide information on our website at *https://www.fda.gov/food/information-industry-dietary-supplements/notifications-structurefunction-and-related-claims-dietary-supplement-labeling,* which may serve as a helpful resource to respondents.

Description of Respondents: Respondents to this collection of information include manufacturers, packers, or distributors of dietary supplements that bear section 403(r)(6) of the FD&C Act statements on their labels or labeling.

In the **Federal Register** of December 19, 2024 (89 FR 103835), we published a 60-day notice soliciting comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity; Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
101.93; Statements for Dietary Supplements; Form FDA 3955	3,690	1	3,690	0.75 (45 minutes)	2,768

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate. This estimate is based on our experience with this information collection and the number of notifications received in the past 3 years, which has remained constant.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14222 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0349]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Foreign Supplier Verification Programs for Importers of Food for Humans and Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0752. Also include

the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Foreign Supplier Verification Programs (FSVP) for Importers of Food for Humans and Animals—21 CFR Part 1; Subpart L

OMB Control Number 0910–0752—Extension

This information collection helps support implementation of section 805 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 384a), which requires persons who import food into the United States to perform risk-based foreign supplier verification activities as set forth in part 1, subpart L (21 CFR part 1, subpart L) (Foreign Supplier Verification Programs for Food Importers). The regulatory requirements are intended to verify that food imported into the United States is as safe as food produced and sold within the United States. Specifically, regulations in § 1.501 set forth the applicability of requirements for FSVP, while regulations in §§ 1.502 through 1.508, prescribe specific activities for developing, maintaining, and following an FSVP; as well as for evaluating compliance and for identifying and correcting hazards. Finally, regulations in § 1.509 identify required data elements applicable to food products offered for importation into the United States, while regulations in § 1.510 govern required records, providing that records be made available to FDA upon request and that records be maintained electronically.

The information collection covers activities attendant to statutory and regulatory requirements applicable to establishing and maintaining FSVP records, including recordkeeping pertaining to the hazard controls set forth in the regulations. We have also established and maintain a web page regarding the FSVP program at *https://www.fda.gov/food/conversations-experts-food-topics/what-do-importers-need-know-about-fsvp,* including relevant resources.

The regulations also include requirements pertaining to reporting to Customs and Border Protection (CBP) for subsequent transfer to FDA. The reporting requirements to CBP specify that the information must be provided electronically. The FSVP Importer Portal for FSVP Records Submission allows for importers to upload and submit records electronically, after receiving a written request from FDA. The portal may be found *https://www.access.fda.gov/,* and a user guide is available at *https://www.fda.gov/media/148312/download.* FDA has issued guidance for industry relating to the Unique Facility Identifier (UFI) requirement for FSVP importers found in § 1.509(a). ''Recognition of Acceptable Unique Facility Identifier (UFI) for the Foreign Supplier Verification Program Regulation Guidance for Industry'' (March 2017) (see *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-recognition-acceptable-unique-facility-identifier-ufi-foreign-supplier*) indicates that the Dun & Bradstreet (D&B) Data Universal Number System (DUNS) would be an acceptable UFI for FSVP importers to submit in compliance with § 1.509(a).

Respondents to the information collection are persons who import food into the United States.

In the **Federal Register** of May 1, 2025 (90 FR 18682), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1] [2]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Exemption for Food for research; § 1.501(c)	36,360	40	1,454,400	0.083 (5 minutes)	120,715
DUNS number for filing with CBP; §§ 1.509(c), 1.511(c), 1.512(b)(2)	56,800	157	8,917,600	0.02 (1.2 minutes)	178,352
Total					299,067

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Totals may not sum due to rounding.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Controls for Low Acid Canned Food; § 1.502(b)	2,443	4	9,772	1	9,772
FSVP Recordkeeping including hazard determination, written procedures, reevaluation; audits; and corrective actions					
Determine and document hazards; § 1.504(a)	11,701	1	11,701	3.5	40,954
Review hazard analysis; § 1.504(d)	11,701	7	81,907	0.33 (20 minutes)	27,029
Evaluation of food and foreign supplier; §§ 1.505(a)(2), 1.511(c)(1)	11,701	1	11,701	4	46,804
Approval of suppliers; §§ 1.505(b), 1.512(c)(1)(iii)	8,191	1	8,191	12	98,292
Reevaluation of food and foreign supplier; §§ 1.505(c), 1.512(c)(1)(ii)(A)	11,701	365	4,270,865	0.25 (15 minutes)	1,067,716
Confirm or change requirements of foreign supplier verification activity; §§ 1.505(c), 1.512(c)(1)(ii)(A).	2,340	1	2,340	2	4,680
Review of other entities assessments; §§ 1.505(d), 1.512(c)(1)(iii)	3,510	1	3,510	1.2	4,212
Written procedures for use of approved foreign suppliers; §§ 1.506(a)(1), 1.511(c)(2), 1.512(c)(3)(i).	11,701	1	11,701	8	93,608
Review of written procedures; §§ 1.506(a)(2), 1.511(c)(2)(ii), 1.512(c)(3)(ii)	11,701	1	11,701	1	11,701
Written procedures for conducting verification activities; §§ 1.506(b), 1.511(c)(3).	11,701	1	11,701	2	23,402
Determination and documentation of appropriate supplier verification activities; §§ 1.506(d)(1)–(2) 1.511(c)(5)(i).	11,701	4	46,804	3.25	152,113

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

Activity; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Review of appropriate supplier verification activities determined by another entity; §§ 1.506(d)(3) 1.511(c)(5)(iii).	11,701	2	23,402	0.33 (20 minutes)	7,723
Conduct/review audits; § 1.506(e)(1)(i), 1.511(c)(6)(i)(A)	11,701	2	23,402	3	70,206
Conduct periodic sampling/testing; §§ 1.506(e)(1)(ii), 1.511(c)(6)(i)(B)	11,701	2	23,402	1	23,402
Review records; §§ 1.506(e)(1)(iii), 1.511(c)(6)(i)(C)	11,701	2	23,402	1.6	37,443
Document your review of supplier verification activity records; §§ 1.506(e)(3), 1.511(c)(6)(iii).	11,701	6	70,206	0.25 (15 minutes)	17,552
§ 1.507(a)(1)	11,701	3.17	37,092	1.25	46,365
Written assurances; §§ 1.507(a)(2), 1.507(a)(3), and 1.507(a)(4)	11,701	8.72	102,033	0.5 (30 minutes)	51,017
Disclosures that accompany assurances; §§ 1.507(a)(2), 1.507(a)(3), and 1.507(a)(4).	102,038	1	102,038	0.5 (30 minutes)	51,019
Document assurances from customers; § 1.507(c)	36,522	2.8	102,262	0.25 (15 minutes)	25,566
Document corrective actions; §§ 1.508(a) and 1.512(b)(4)	2,340	1	2,340	2	4,680
Investigate and determine FSVP adequacy; §§ 1.508(b), 1.511(c)(1)	2,340	1	2,340	5	11,700
Subtotal for FSVP Recordkeeping Itemized Above					1,917,184
Written assurances for food produced under dietary supplement CGMPs; § 1.511(b).	11,701	2.88	33,699	2.25	75,823
Document very small importer/certain small foreign supplier status; § 1.512(b)(1).	50,450	1	50,450	1	50,450
Written assurances associated with very small importer/certain small foreign supplier; § 1.512(b)(3).	50,450	2.8	141,260	2.25	317,835
Overall Total					2,371,064

[1] Totals may not sum due to rounding.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to the currently approved burden estimate. However, a miscalculation in the burden estimate was identified during a review of the prior renewal and has been corrected.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14228 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0338]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Export Notification and Recordkeeping Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0482. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Export Notification and Recordkeeping Requirements—21 CFR 1.101

OMB Control Number 0910–0482—Extension

This information collection supports FDA regulations. Sections 801 and 802 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 381 and 21 U.S.C. 382) charge the Secretary of Health and Human Services, through FDA, with the responsibility of helping to ensure that exports of unapproved new drugs, biologics, devices, animal drugs, food, cosmetics, and tobacco products that are not to be sold in the United States meet the requirements of the country to which the product is to be exported. The respondents to this information collection are exporters who have notified FDA of their intent to export unapproved products that may not be sold or offered for sale in domestic commerce in the United States as allowed under section 801(e) of the FD&C Act. In general, the notification identifies the product being exported (*e.g.,* name, description, and in some cases, country of destination) and specifies where the notifications were sent. These notifications are sent only for an initial export. Subsequent exports of the same product to the same destination or to certain countries identified in section 802(b) of the FD&C Act would not result in a notification to FDA.

Respondents to the information collection are exporters of products that may not be sold in the United States and are regulated by FDA's Center for Drug Evaluation and Research (CDER); Center for Biologics Evaluation and Research (CBER); Center for Devices and Radiological Health (CDRH); Center for Veterinary Medicine (CVM); and Center for Tobacco Products (CTP). Respondents to this collection of information maintain records

demonstrating their compliance with the requirements in 21 CFR 1.101.

In the **Federal Register** of May 1, 2025 (90 FR 18691), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Notification requirements for exports; 1.101(d)					
CBER	5	92	460	15	6,900
CDER	5	2.4	12	15	180
CDRH	16	3.375	54	15	810
Total					7,890

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Recordkeeping requirements for exports; 101(b), (c), and (e)					
CBER	17	3	51	22	1,122
CDER	121	7.9	956	22	21,032
CDRH	16	3	48	22	1,056
CVM	26	3	78	22	1,716
Recordkeeping requirements for exports; 1.101(b)					
Office of Global Policy and Strategy	1	65	65	22	1,430
CTP	322	3	966	22	21,252
Total					47,608

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In table 1, we estimate the number of respondents increased for biologics from 4 to 5. The number of respondents increased for drugs from 3 to 5. However, this increase is offset by respondents for devices as the estimated number of exporters decreased from 22 to 16. The number of responses per respondent increased for biologics from 35 to 92 resulting in an increase in burden for biologics reporting from 2,100 to 6,900. Despite decreases in the number of responses per respondent for drugs and devices, the increase in biologics reporting resulted in an overall total reporting burden increase from 5,985 to 7,890.

In table 2, we separated each center's recordkeeping to ensure consistency with table 1 and to accurately capture each center's burden estimates. The average No. of Records Per Recordkeeper increased from 4.12 to 14.15 which represents a total recordkeeping burden increase from 39,094 to 47,608.

Based on a review of Agency data, our estimated burden for the information collection reflects an overall increase of 10,419 hours and a corresponding increase of 514 responses. In the previous extension request FDA included burden for the Center for Food Safety and Applied Nutrition (now known as Human Foods Program (HFP)). However, upon reevaluation of these burden estimates, we have determined that the burden associated with HFP is already accounted for under OMB Control Number 0910–0793.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14229 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0419]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Device Reporting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2025.

ADDRESSES: To ensure that comments on the information collection are received,

OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0437. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Device Reporting—21 CFR Part 803

OMB Control Number 0910–0437—Revision

This information collection supports FDA regulations, programs, forms, and guidance. Section 519 of the Federal Food Drug and Cosmetic Act (the FD&C Act) (21 U.S.C. 360i) (Records and Reports on Devices) requires user facilities, manufacturers, and importers of medical devices to report adverse events involving medical devices to FDA and requires that medical device manufacturers and importers submit medical device reports (MDRs) electronically. These provisions are codified at part 803 (21 CFR part 803)—Medical Device Reporting. The regulations also provide for recordkeeping requirements and certain exemptions and alternative reporting. Additionally, the regulations permit user facilities to submit paper-based annual reports, for which we have provided form FDA 3419 entitled, ''Medical Device Reporting Annual User Facility Report.''

Respondents are required to report adverse events involving medical devices to the FDA. The information that is obtained from these reports will be used to evaluate risks associated with medical devices and enable FDA to take appropriate regulatory measures to protect the public health. Complete, accurate, and timely adverse event information is necessary for the identification of emerging device problems so the agency can protect the public health under section 519 of the FD&C Act. FDA makes the releasable information available to the public for downloading on its website (*https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfmaude/search.cfm*).

In an effort at reducing burden, we have developed the Voluntary Malfunction Summary Reporting (VMSR) Program for certain devices, which allows for respondent reporting of multiple malfunction events in a single report on a quarterly basis. The VMSR Program was established under section 519(a)(1)(B)(ii) of the FD&C Act. The associated FDA notification and order granting alternative entitled, ''Medical Devices and Device-led Combination Products; Voluntary Malfunction Summary Reporting Program for Manufacturers'' (83 FR 40973; 8/17/2018; *https://www.federalregister.gov/documents/2018/08/17/2018-17770/medical-devices-and-device-led-combination-products-voluntary-malfunction-summary-reporting-program*) grants an alternative under § 803.19 to permit manufacturer reporting of certain device malfunctions in summary form on a quarterly basis. The associated FDA guidance entitled ''Voluntary Malfunction Summary Reporting (VMSR) Program for Manufacturers'' (August 2024; *https://www.fda.gov/media/163692/download*) is intended to help manufacturers better understand and use the VMSR Program.

The final order ''Microbiology Devices; Reclassification of Human Immunodeficiency Virus Serological Diagnostic and Supplemental Tests and Human Immunodeficiency Virus Nucleic Acid Diagnostic and Supplemental Tests'' (May 16, 2022; 87 FR 29661) established special controls for certain Human Immunodeficiency Virus (HIV) serological diagnostic and supplemental tests (21 CFR 866.3956) and for HIV nucleic acid tests (NATs) diagnostic and supplemental tests (21 CFR 866.3957) to support their classification into class II, including submission of a log of all complaints annually for a period of 5 years following FDA clearance of a traditional premarket notification (510(k)) submission for these devices. (Information collections associated with premarket notification (510(k)) are approved under OMB control number 0910–0120.)

Earlier notification through the submission of the complaint log enables us to more promptly determine whether public health issues have been adequately addressed. The agency would not otherwise evaluate the kind of complaint information that would be included in the log until an FDA inspection, which typically occurs less frequently than annually. Implementing these specific reporting measures as part of the special controls for these devices is necessary to provide a reasonable assurance of safety and effectiveness for HIV diagnostic and supplemental tests subject to the reclassification order.

Provisions of part 4 subpart B (21 CFR part 4, subpart B), provide that when information regarding an event that involves a death or serious injury, or an adverse event, associated with the use of a combination product is received by the product sponsor, the information must be provided to the other constituent part applicant(s) no later than 5 calendar days after receipt. Part 4 also explains how and where to submit reports and provides for associated recordkeeping. These requirements are described in part 803.

Respondents are manufacturers and importers of medical devices and device user facilities. Device user facility means a hospital, ambulatory surgical facility, nursing home, outpatient diagnostic facility, or outpatient treatment facility as defined in § 803.3, which is not a physician's office (also defined in § 803.3). Respondents are also sponsors (manufacturers) of device-led combination products (see part 4, subpart B). Respondents also include manufacturers of HIV diagnostic and supplemental test devices.

Manufacturer and importer respondents submit reports electronically using FDA Form 3500A (approved under OMB control number 0910–0291) via either ''eSubmitter'' for low-volume reporters or Health Level Seven (HL7) Individual Case Study Report (ICSR) (HL7 ICSR) for high-volume reporters. User facilities reporting under §§ 803.30 and 803.32 have the option of electronic or paper-based reporting. User facility annual reporting under § 803.33 is paper-based, using form FDA 3419. Instructions for submitting the information are available in §§ 803.11, 803.12, and 803.20, and on FDA's public website at *https://www.fda.gov/medical-devices/postmarket-requirements-devices/mandatory-reporting-requirements-manufacturers-importers-and-device-user-facilities* (links to forms FDA 3500A and FDA 3419 are provided on the web page).

In the **Federal Register** of May 8, 2025 (90 FR 19490), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity/CFR section	FDA Form No.[2]	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours[1]	Total operating and maintenance costs
21 CFR Part 803 "Medical Device Reporting," 21 CFR Part 4, subpart B "Postmarketing Safety Reporting for Combination Products," and FDA notification; order granting alternative entitled, "Medical Devices and Device-led Combination Products; Voluntary Malfunction Summary Reporting Program for Manufacturers"							
Exemptions—803.19		28	1	28	1	28	
User Facility Reporting—803.30 and 803.32.	FDA 3500A	296	18.99	5,621	0.35	1,967	
User Facility Annual Reporting—803.33.	FDA 3419	82	1	82	1	82	
Importer Reporting, Death and Serious Injury—803.40 and 803.42.	FDA 3500A	144	1,034.604	148,983	1	148,983	
Manufacturer Reporting—803.50 through 803.53.	FDA 3500A	1,871	1,240.1887	2,320,393	0.10	232,039	$18,710
Voluntary Malfunction Summary Reporting Program.	FDA 3500A	44	56.88	2,503	0.10	250	
Supplemental Reports—803.56	FDA 3500A	1,501	684.604	1,027,591	0.10	102,759	
21 CFR 866.3956 "Human immunodeficiency virus (HIV) serological diagnostic and/or supplemental test" and 866.3957 "Human immunodeficiency virus (HIV) nucleic acid (NAT) diagnostic and/or supplemental test"							
Special controls: submission of complaint log; 866.3956(b)(1)(iii) and 866.3957(b)(1)(iii).		10	1	10	3	30	
Total				3,505,211		486,138	18,710

[1] Numbers are rounded.
[2] Form FDA 3500A is approved under OMB Control No. 0910–0291. This ICR includes burden only for MDR submissions.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours[2]
MDR Procedures—803.17	1,871	1	1,871	3.3	6,174
MDR Files—803.18	1,871	1	1,871	1.5	2,807
Total			3,742		8,981

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers are rounded.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN[1]

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours[2]
Importer Reporting, Death and Serious Injury—803.40 and 803.42	144	1,034.60	148,983	0.35	52,144

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers are rounded.

Upon review of this information collection, we updated the burden estimates based on internal data regarding MDRs received by FDA for fiscal year (FY) 2024. Device-led combination product reporting and disclosure under part 4, subpart B, are included in the burden estimates. Based on FY2024 data for ''Manufacturer Reporting 803.50 through 803.53,'' we estimate 1,871 respondents and 2,320,393 total annual responses.

The FDA notification and order granting alternative entitled, ''Medical Devices and Device-led Combination Products; Voluntary Malfunction Summary Reporting Program for Manufacturers'' grants an alternative under § 803.19 to permit manufacturer reporting of certain device malfunctions in summary form on a quarterly basis. The associated FDA guidance entitled ''Voluntary Malfunction Summary Reporting (VMSR) Program for Manufacturers'' (August 2024) is intended to help manufacturers better understand and use the VMSR Program. The Voluntary Malfunction Summary Reporting (VMSR) Program does not apply to reportable death or serious injury events, which are required to be reported to FDA within the mandatory 30-calendar day timeframe, under §§ 803.50 and 803.52, or within the 5-work day timeframe under § 803.53. Thus, if a manufacturer participating in the program becomes aware of information reasonably suggesting that a device it markets may have caused or contributed to a death or serious injury, then the manufacturer must submit an individual MDR for that event because it involves a reportable death or serious injury. We expect that a summary report will take approximately the same amount of time to prepare as an individual report.

Unlike manufacturers, device user facilities are not required to submit malfunction reports under part 803. User facilities, such as hospitals or nursing homes, are required to submit MDRs to FDA and/or the manufacturer only for reportable death or serious injury events. (See section 519(b) of the FD&C Act; 21 CFR 803.30(a).) We believe that by permitting alternative reporting for certain devices, the VMSR Program may reduce burden on respondents who elect to participate and are otherwise subject to mandatory requirements.

Special controls established in the final order ''Microbiology Devices; Reclassification of Human Immunodeficiency Virus Serological Diagnostic and Supplemental Tests and Human Immunodeficiency Virus Nucleic Acid Diagnostic and Supplemental Tests'' to support the class II classification of certain HIV serological diagnostic and supplemental tests (21 CFR 866.3956) and for HIV NATs diagnostic and supplemental tests (21 CFR 866.3957) require the submission of a log of all complaints annually for a period of 5 years following FDA clearance of a traditional premarket notification (510(k)) submission for these devices. (Information collections associated with premarket notification (510(k)) are approved under OMB control number 0910–0120.) Although manufacturers of HIV serological diagnostic and supplemental tests and HIV NAT diagnostic and supplemental tests are already required to maintain complaint files and to review and evaluate complaints for these devices under 21 CFR 820.198, special controls are necessary to provide a reasonable assurance of safety and effectiveness of these devices. (Information collections associated with Quality System requirements under 21 CFR part 820 are approved under OMB control number 0910–0073.) We estimate it will take a manufacturer approximately 3 hours annually to review their existing records, prepare the complaint log, and submit to FDA.

We assume a cost of $10 associated with the payment of an annual fee to maintain e-certification will apply to each respondent. We estimate a total operating and maintenance cost of $18,710 ($10 × 1,871 respondents).

Since the last OMB approval, we have adjusted the respondent and response estimates based on FY 2024 data. We also adjusted the Average Burden per Response for ''Exemptions—803.19'' and ''Importer Reporting, Death and Serious Injury—803.40 and 803.42'' from 0.1 hour to 1 hour to correct an error introduced in a previous request for extension of this information collection. These adjustments have resulted in an overall increase of 1,527,443 total responses, and a corresponding increase of 323,806 total burden hours.

We are revising this information collection to add the FDA guidance entitled ''Voluntary Malfunction Summary Reporting (VMSR) Program for Manufacturers'' (August 2024; *https://www.fda.gov/media/163692/download*), which is intended to help manufacturers better understand and use the VMSR Program. The guidance does not affect the burden estimates.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14230 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–2193]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Tobacco Products, User Fees, Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 28, 2025.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0749. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Tobacco Products, User Fees, Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

OMB Control Number 0910–0749—Extension

This information collection supports Food and Drug Administration regulations. Tobacco products are generally governed by chapter IX of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (sections 900 through 920) (21 U.S.C. 387–387t). Specifically, section 919 of the FD&C Act (21 U.S.C. 387s) governs tobacco user fees.

Section 919(a) requires FDA to ''assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products'' subject to the tobacco product provisions of the FD&C Act. Accordingly, section 919(b)(2)(B)(i) of the FD&C Act (21 U.S.C. 387s (b)(2)(B)(i)) identifies those tobacco products as: cigarettes, cigars, snuff, chewing tobacco, pipe tobacco, and roll-your-own tobacco.

FDA utilizes Form FDA 3852, entitled ''Report of Tobacco Product Removals Subject to Tax for Tobacco Product User Fee Assessment'', to facilitate the collection of data necessary for calculating tobacco product user fee assessments. This form is used by domestic manufacturers and importers of tobacco products to report the quantity of products removed from manufacturing facilities or imported into the United States for sale.

To implement the tobacco user fee program as prescribed in the FD&C Act (as summarized above), FDA must collect the information needed to accurately calculate tobacco user fee assessments. On May 10, 2016, FDA published a final rule that requires domestic manufacturers and importers of the applicable tobacco products (listed above) to submit this information to the FDA (81 FR 28707).

In the **Federal Register** of May 1, 2025 (90 FR 18687), FDA published a 60-day

notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total number of annual responses	Average burden per response in hours	Total hours
1150.5(a), (b)(1) and (2), and Form FDA 3852; Identification and removal information (monthly)	820	12	9,840	3	29,520
1150.5(b)(3); Certified copies (monthly)	820	12	9,840	1	9,840
Voluntary premium cigar data submission (monthly)	50	12	600	1.5	900
1150.13; Payment of user fee assessment (quarterly)	319	4	1,276	1	1,276
1150.15(a); Submission of user fee dispute (at discretion of respondent)	2	1	2	10	20
1150.15(d); Submission of request for further review of dispute of user fee (at discretion of respondent)	1	1	1	5	5
Total			21,559		41,561

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We have revised our burden estimates to this information collection request. 21 CFR 1150.5 is reflecting an increase in 120 respondents from 700 to 820. FDA requires the use of Form FDA 3852 to capture the monthly identification and removal information specified under § 1150.5(b)(1) and (b)(2). The form also directs manufacturers and importers to attach supporting documentation required by § 1150.5(b)(3). FDA considered the number of active Alcohol and Tobacco Tax and Trade Bureau (TTB) permits (based on TTB data) in FY23 for domestic manufacturers and importers of tobacco products subject to tobacco user fees.

Voluntary premium cigar data submission (monthly) is reflecting a reduction in 50 respondents from 100 to 50 and a reduction in average burden per response from 2.5 to 1.5 hours. FDA updated this data based on reasonable estimates of the burden of voluntary submissions in FY24. There may be some fluctuations in this number.

Section 1150.13 (21 CFR 1150.13) is reflecting a reduction in 57 respondents from 376 to 319. FDA considered the number of user fee assessments issued to domestic manufacturers and importers of tobacco products subject to tobacco user fees on average each quarter for FY23. Note, entities may have more than one TTB permit, however, tobacco user fee assessments are aggregated based on Employer Identification Number and not TTB permit number. Therefore, we expect the number of respondents to be lower for § 1150.13.

21 CFR 1150.15(a) is reflecting a reduction in 3 respondents from 5 to 2, and 21 CFR 1150.15(d) is reflecting a reduction in 2 respondents from 3 to 1 and a reduction in average burden per response from 10 to 5 hours. FDA considered the historical submission of tobacco user fee disputes and requests for additional Agency review.

The cumulative changes to the estimated burden for this information collection reflects an overall increase of 3,377 burden hours and a corresponding increase of 2,047 responses.

Dated: July 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–14221 Filed 7–28–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Deafness and Other Communication Disorders Advisory Council, September 04, 2025, 01:00 p.m. to September 05, 2025, 01:05 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on July 21, 2025, 90 FR 34281.

The meeting time has been changed from 9:00 a.m. to 9:40 a.m. to 9:30 a.m. to 10:00 a.m. The meeting is partially Closed to the public.

Dated: July 24, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–14239 Filed 7–28–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIA.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the National Institute On Aging, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA.

Date: May 19–21, 2026.

Time: May 19, 2026, 8:00 a.m. to 4:30 p.m.

Agenda: Executive Session; Board Business; Review of Labs and PI's; Adjournment.

Address: National Institute of Aging, 251 Bayview Blvd., Baltimore, MD 21224 (Virtual Meeting).

Time: May 20, 2026, 8:00 a.m. to 4:30 p.m.

Agenda: Executive Session; Board Business; Adjournment.

Address: National Institute of Aging, 251 Bayview Blvd., Baltimore, MD 21224 (Virtual Meeting).

Time: May 21, 2026, 8:00 a.m. to 4:30 p.m.

Agenda: Executive Session; Board Business; Adjournment.

Address: National Institute of Aging, 251 Bayview Blvd., Baltimore, MD 21224 (Virtual Meeting).

Contact Person: Luigi Ferrucci, M.D., Ph.D., Scientific Director, National Institute of Aging, National Institutes of Health, 251 Bayview Boulevard, Suite 100, Room 4C225, Baltimore, MD 21224, 410–558–8110, *LF27Z@NIH.GOV*.

In the interest of security, NIH has procedures at *https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: July 24, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–14238 Filed 7–28–25; 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; Fellowships: Infectious Disease and Immunology A–W (21).

Date: August 20, 2025.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Milene L. Brownlow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (984) 287–3209, *milene.brownlow@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–23–033 Vaccine Development Program (U19 Clinical Trial Not Allowed).

Date: August 21, 2025.

Time: 9:30 a.m. to 1:00 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: Alicia Mariel Jais, PHMD, Scientific Review Officer, SRB, Scientific Review branch, National Institute on Aging, National Institutes of Health, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 594–2614, *mariel.jais@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 22–180: Maximizing Investigators Research Award (MIRA).

Date: August 28, 2025.

Time: 1:00 p.m. to 2:00 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: Beverly Ann Doran, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–0597, *beverly.baptiste@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR Panel: High End, Shared, and Basic Instrumentation Microscopy (S10).

Date: September 25–26, 2025.

Time: 9:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Aiwu Cheng, Ph.D., Scientific Review Officer, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Blvd., Bethesda, MD 20982, (301) 594–4859, *chengai@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 24, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–14242 Filed 7–28–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be held as a virtual meeting and is partially open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance to view the meeting, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below or use the Federal Relay, 1–800–877–8339, in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting website (*http://videocast.nih.gov/*). Registration is not required to access the videocast.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: September 10, 2025.

Open: 12:00 p.m. to 2:30 p.m.

Agenda: Report of the Director, NIDCR and concept clearances.

Address: National Institute of Dental and Craniofacial Research, 31 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Closed: 2:45 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Dental and Craniofacial Research, 31 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sanoj Suneja, Ph.D., Acting Director, Division of Extramural Activities, National Institute of Dental and Craniofacial Research, National Institutes of Health, 31 Center Drive, Bethesda, MD

20892, 301–402–7710, *Sanoj.Suneja@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nidcr.nih.gov/about-us/advisory-committees/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: July 24, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–14240 Filed 7–28–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request Hazardous Waste Worker Training—42 CFR Part 65 National Institute of Environmental Health Sciences (NIEHS)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institute of Environmental Health Sciences (NIEHS) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Sharon D. Beard, Director, Worker Training Program (WTP), Division of Extramural Research and Training (DERT), NIEHS, P.O. Box 12233 MD: K3–14, Research Triangle Park, NC 27709 or call non-toll-free number 984–287–3237 or Email your request, including your address to: *beard1@niehs.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimizes 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.

Proposed Collection Title: Hazardous Waste Worker Training Cooperative Agreement Recipient Data Collection—42 CFR part 65, 0925–0348, Expiration Date 07/31/2025 REVISION, National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

Need and Use of Information Collection: The National Institute of Environmental Health Sciences (NIEHS) was given major responsibility for initiating a worker safety and health training program under Section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders. A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricula to target populations of hazardous waste workers and emergency responders has been developed. The NIEHS Worker Training Program (WTP) contains the Hazardous Waste Worker Training Program (HWWTP) and the NIEHS/DOE Nuclear Worker Training Program (DOE) to fund nonprofit organizations to develop and administer model health and safety training programs for hazardous materials or waste workers. The Hazardous Materials Worker Health and Safety Training Program provides occupational safety and health training for workers who may be engaged in activities related to hazardous waste removal, containment, or chemical emergency response. This program is the core component of WTP. The other optional programs include the Environmental Career Worker Training Program (ECWTP) that focuses on delivering comprehensive training to increase the number of un- or underemployed workers in areas such as environmental restoration, construction, hazardous materials/waste handling, and emergency response and the HAZMAT Disaster Preparedness Training Program (HDPTP) that supports the development and delivery of training for hazardous material and debris cleanup commonly needed after natural and man-made disasters. The purpose of the NIEHS/DOE Nuclear Worker Training Program is to support the development of model programs for the training and education of workers engaged in activities related to hazardous materials and waste generation, removal, containment, transportation, and emergency response within the DOE nuclear weapons complex. In thirty-seven years (FY 1987–2024) the WTP has successfully supported 25 primary awardees that have trained more than 5 million workers across the country and presented over 316,561 classroom, hands-on, and online training courses, which have accounted for over 60 million contact hours of actual training. Generally, the grant will initially be for one year, and subsequent continuation awards are also for one year at a time. Awardees must submit a separate application to have the support continued for each subsequent year. Awardees are to provide information in accordance with S65.4(a), (b), (c) and 65.6(a) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications and competency of the project director and staff, the adequacy of training plans and resources, including budget and curriculum, and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). As a cooperative agreement, there are additional requirements for the progress report section of the application. Awardees are to provide their information into the WTP Awardee Data Management System. The information collected is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards and whether appropriate training is being conducted to support continuation of the grant into subsequent years.

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 800.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
Awardee: Project Management Specialists	25	2	16	800
Total	25	50	.....	800

Dated: July 25, 2025.

Jennifer Baker,

Project Clearance Liaison, National Institute of Environmental Health Sciences, National Institutes of Health.

[FR Doc. 2025–14286 Filed 7–28–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Child Health and Human Development Council, September 09, 2025, 09:30 a.m. to September 10, 2025, 05:00 p.m., National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on June 26, 2025, 90 FR 27328.

The FRN amended needed adjustment to reflect additional session for council. The meeting is partially closed to the public.

Dated: July 24, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–14241 Filed 7–28–25; 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; In Vitro Assessments of Antimicrobial Activity (IVAAA) N01—Task Area D: New Techniques to Culture Difficult-to-Grow Pathogens.

Date: September 2, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dylan P. Flather, Ph.D., Scientific Review Officer, National Institutes of Health, Hamilton, MT 59840, (406) 802–6209, *dylan.flather@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; In Vitro Assessments of Antimicrobial Activity (IVAAA) N01—Task Area C: Parasites and Vectors.

Date: September 4, 2025.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dylan P. Flather, Ph.D., Scientific Review Officer, National Institutes of Health, Hamilton, MT 59840, (406) 802–6209, *dylan.flather@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Institutional Research Training in Neurosciences (T32).

Date: September 25–26, 2025.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Meysam Yazdankhah, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute on Drug Abuse, Scientific Review Branch, 11601 Landsdown Street, 3WF, Rockville, MD 20852, (301) 402–6965, *meysam.yazdankhah@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: July 25, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–14332 Filed 7–28–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0034]

Agency Information Collection Activities; Extension; CBP Regulations Pertaining to Customs Brokers

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than September 29, 2025) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s)

contained in this notice must include the OMB Control Number 1651–0034 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. *Submit comments to: CBP_PRA@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: CBP Regulations Pertaining to Customs Brokers.

OMB Number: 1651–0034.

Form Number: 3124 + 3124E.

Current Actions: Extension.

Type of Review: Extension.

Affected Public: Individuals.

Abstract: The information contained in Part 111 of the CBP regulations (19 CFR) governs the licensing and conduct of customs brokers. An individual who wishes to take the broker exam must complete the electronic application CBP Form 3124E, ''Application for Customs Broker License Exam'' via the eCBP portal, or to apply for a broker license, CBP Form 3124, ''Application for Customs Broker License.'' The procedures to request a local or national broker permit can be found in 19 CFR 111.19, and a triennial report is required under 19 CFR 111.30 which may be submitted electronically via the eCBP portal or through the licensing port. This information collected from customs brokers is provided for by 19 U.S.C. 1641. CBP Forms 3124 and 3124E may be found at *http://www.cbp.gov/xp/cgov/toolbox/forms/.* Further information about the customs broker exam and how to apply for it may be found at *https://www.cbp.gov/trade/programs-administration/customs-brokers* and *https://www.cbp.gov/trade/ecbp.*

Type of Information Collection: Application for Broker License Exam (Form 3124E).

Estimated Number of Respondents: 2,600.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 2,600.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 2,600.

Type of Information Collection: Application for Broker License (Form 3124).

Estimated Number of Respondents: 750.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 750.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 750.

Type of Information Collection: Triennial Report.

Estimated Number of Respondents: 4,830.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 4,830.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 2,415.

Type of Information Collection: National Broker's Permit Application.

Estimated Number of Respondents: 120.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 120.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 120.

Dated: July 25, 2025.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025–14308 Filed 7–28–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0055]

Agency Information Collection Activities; Extension; Harbor Maintenance Fee

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than September 29, 2025) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0055 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177,

Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Harbor Maintenance Fee.

OMB Number: 1651–0055.

Form Number: CBP Form 349 and 350.

Current Actions: Extension without change.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: The Harbor Maintenance Fee (HMF) and Trust Fund is used for the operation and maintenance of certain U.S. channels and harbors by the Army Corps of Engineers. U.S. Customs and Border Protection (CBP) is required to collect the HMF from importers, domestic shippers, and passenger vessel operators using federal navigation projects. *See* 19 CFR 24.24. Commercial cargo loaded on or unloaded from a commercial vessel is subject to a port use fee of 0.125 percent of its value if the loading or unloading occurs at a port that has been designated by the Army Corps of Engineers. 19 CFR 24.24(a). The HMF also applies to the total ticket value of embarking and disembarking passengers and on cargo admissions into a Foreign Trade Zone (FTZ). *See* 19 CFR 24.24(e)(2)(iii).

CBP Form 349, *Harbor Maintenance Fee Quarterly Summary Report,* and CBP Form 350, *Harbor Maintenance Fee Amended Quarterly Summary Report* are completed by domestic shippers, foreign trade zone applicants, and passenger vessel operators and submitted with payment to CBP. 19 CFR 24.24(e).

CBP uses the information collected on CBP Forms 349 and 350 to verify that the fee collected is timely and accurately submitted. These forms are authorized by the Water Resources Development Act of 1986 (26 U.S.C. 4461, *et seq.*) and provided for by 19 CFR 24.24, which also includes the list of designated ports. CBP Forms 349 and 350 are accessible at *http://www.cbp.gov/newsroom/publications/forms* or they may be completed and filed electronically at *www.pay.gov.*

Type of Information Collection: CBP Form 349.

Estimated Number of Respondents: 846.

Estimated Number of Annual Responses per Respondent: 4.

Estimated Number of Total Annual Responses: 3,384.

Estimated Time per Response: 0.5 hours.

Estimated Total Annual Burden Hours: 1,692.

Type of Information Collection: CBP Form 350.

Estimated Number of Respondents: 23.

Estimated Number of Annual Responses per Respondent: 4.

Estimated Number of Total Annual Responses: 92.

Estimated Time per Response: 0.5 hours.

Estimated Total Annual Burden Hours: 46.

Type of Information Collection: Recordkeeping.

Estimated Number of Respondents: 869.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 869.

Estimated Time per Response: 0.166 hours.

Estimated Total Annual Burden Hours: 144.

Dated: July 25, 2025.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025–14309 Filed 7–28–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0142]

Agency Information Collection Activities; Revision; Section 321 E-Commerce Data

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than September 29, 2025) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0142 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Section 321 E-Commerce Data.
OMB Number: 1651–0142.
Form Number: N/A.
Current Actions: Revision.
Type of Review: Revision.
Affected Public: Businesses.
Abstract: CBP is extending the pilot to continue testing this data. CBP is seeking participants including carriers, brokers, freight forwarders, and online marketplaces to provide companies who have not had the opportunity to participate in the pilot, the time to develop processes for gathering data from various sources in the supply chain to transmit a single and complete filing. It will also allow those companies the opportunity to test their ability to be the company that will gather and file the data.

CBP will continue to explore different and new technology that becomes available and can be incorporated into future regulation updates. The extension will continue to assist CBP in identifying future trade facilitation benefits. The goal of this pilot extension is to focus on improving the process and explore new technologies that will further streamline the process. The design of the pilot is not intended to estimate costs to participants or improvements to outcomes.

Type of Information Collection: E-Commerce Pilot.
Estimated Number of Respondents: 20.
Estimated Number of Annual Responses per Respondent: 6,738,888.6.
Estimated Number of Total Annual Responses: 134,777,772.
Estimated Time per Response: 1 minute.
Estimated Total Annual Burden Hours: 2,246,296.

Dated: July 25, 2025.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025–14306 Filed 7–28–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0NEW]

Agency Information Collection Activities; New Collection of Information; Operation Stonegarden Daily Activity Report

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than September 29, 2025) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0NEW in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. *Submit comments to: CBP_PRA@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Operation Stonegarden Daily Activity Report.
OMB Number: 1651–0NEW.
Form Number: N/A.
Current Actions: New collection of information.
Type of Review: New collection of information.
Affected Public: Individuals.
Abstract: Operation Stonegarden provides funding to enhance cooperation and coordination among state, local, tribal, territorial, and federal law enforcement agencies to jointly

enhance security along the United States land and water borders. Participation in Operation Stonegarden (OPSG) requires accurate, consistent, and timely reporting on monitoring program performance; determining the level of integration and information sharing; and developing best practices for future operations.

As a requirement, outlined in FEMA's Manual (FM) 207–22–0001 and the Fiscal Year 2023 Homeland Security Grant Program (HSGP), Daily Activity Reports (DAR) are used to submit the ongoing results and outputs from OPSG operations conducted. The information and statistics submitted to CBP included in the DAR will be delineated by OPSG subrecipients.

Subrecipients are approved county law enforcement agencies who receive the OPSG funding from their state governor's office to conduct OPSG duties. The DAR must be submitted to the U.S. Border Patrol (USBP) sector or the participating agency's OPSG coordinator within 48 hours of the conclusion of each OPSG shift. Subrecipients and Sectors are responsible to ensure that DARs are submitted in the proper format and in a timely manner. DARs are submitted using the CBP Stonegarden Data Management System. Other local, tribal, and territorial law enforcement agencies receiving funding through a subrecipient will submit DARs within 48 hours. Border Patrol Sectors and OPSG subrecipients will implement internal protocols to ensure operational data from subrecipients and DARs are properly collected following the established guidelines.

The information provided in the DAR includes but not limited to officers' names, government vehicle identification including license plates, and all information gathered while doing any vehicle stops. This information would include the name, vehicle description and license plate number of the person that was pulled over. Other information in the DARs includes any narcotic seizures that happened during their patrol while working Operation Stonegarden.

New Changes:

1. Transfer to CBP:

Historically, this collection of information was approved under FEMA's PRA control number 1660–0125, however, this collection has now been transferred to CBP ownership and in that process, CBP has reviewed the form and has made modifications to reduce the time burden. Having respondents submit their information directly to CBP through our electronic system, instead of the previous paper submissions, will reduce burden on the public and agency because it's easier to pre-fill the information. A new control number will be assigned after OMB approval.

Type of Information Collection: HSIN DAR Dashboard.

Estimated Number of Respondents: 1,095.

Estimated Number of Annual Responses per Respondent: 155.

Estimated Number of Total Annual Responses: 169,725.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 28,288.

Dated: July 25, 2025.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025–14311 Filed 7–28–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0023]

Agency Information Collection Activities; Extension; Request for Information (CBP Form 28)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than September 29, 2025) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0023 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. *Submit comments to: CBP_PRA@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Request for Information.

OMB Number: 1651–0023.

Form Number: CBP Form 28.

Current Actions: Extension without change.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: U.S. Customs and Border Protection (CBP) is authorized to collect the information requested on this form pursuant to 19 CFR 151.11.

Under 19 U.S.C. 1500 and 1401a, Customs and Border Protection (CBP) is responsible for appraising imported merchandise by ascertaining its value; classifying the merchandise under the tariff schedule; and assessing a rate and amount of duty to be paid. On occasions when the invoice or other documentation does not provide sufficient information for appraisement or classification, including for import compliance with trade agreements, preference treatment, or special provisions, CBP may request additional information using CBP Form 28, *Request for Information.* This form is sent by CBP personnel to importers, exporters, producers, or their agents, as applicable, requesting additional information. CBP Form 28 is provided for by 19 CFR 151.11.

Type of Information Collection: CBP Form 28.

Estimated Number of Respondents: 13,415.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 13,415.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 26,830.

Dated: July 25, 2025.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025–14310 Filed 7–28–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0013]

Agency Information Collection Activities; Extension; Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than September 29, 2025) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0013 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release.

OMB Number: 1651–0013.

Form Number: 7523.

Current Actions: Extension.

Type of Review: Extension.

Affected Public: Businesses.

Abstract: CBP Form 7523, Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release, is used by carriers and importers as a manifest for the entry of merchandise free of duty under certain conditions, such as when a shipment is valued at $2,500 or less. CBP Form 7523 is also used by carriers to show that articles being imported are to be released to the importer or consignee, and as an inward foreign manifest for vehicles or vessels, weighing less than five tons, arriving from Canada or Mexico, otherwise than by sea, with merchandise conditionally free of duty. CBP uses this form to authorize the entry of such merchandise. CBP Form 7523 is authorized by 19 U.S.C. 1433, 1484 and 1498. It is provided by 19 CFR 123.4 and 19 CFR 143.23. This form is accessible at *http://www.cbp.gov/newsroom/publications/forms?title=7523&=Apply.*

Type of Information Collection: 7523.

Estimated Number of Respondents: 4,950.

Estimated Number of Annual Responses per Respondent: 20.

Estimated Number of Total Annual Responses: 99,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 8,247.

Dated: July 25, 2025.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2025–14307 Filed 7–28–25; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2023–0038]

Agency Information Collection Activities: Office for Bombing Prevention—Technical Analytics

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments; Information Collection Request, 1670–0028.

SUMMARY: The OFFICE FOR BOMBING PREVENTION (OBP) within Cybersecurity and Infrastructure Security Agency (CISA) will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. CISA previously published this information collection request (ICR) in the **Federal Register** on January 10th, 2025, for a 60-day public comment period. ZERO comments were received by CISA. The purpose of this notice is to allow additional 30-days for public comments.

DATES: Comments are encouraged and will be accepted until August 28, 2025. This process is conducted in accordance with 5 CFR 1320.10. This is a reinstatement of an existing collection (1670–0028) with changes to the information collection.

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.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

FOR FURTHER INFORMATION CONTACT: Dennis Molloy, 202–604–3512, *dennis.molloy@mail.cisa.dhs.gov*.

SUPPLEMENTARY INFORMATION:

Technical Resource for Incident Prevention (TRIPwire)

TRIPwire (Technical Resource for Incident Prevention) is the Department of Homeland Security's online, collaborative information-sharing network for bomb technicians, first responders, military personnel, government officials, intelligence analysts, and select private sector security professionals to increase awareness of evolving improvised explosive device (IED) tactics, techniques, and procedures, as well as incident lessons learned and counter-IED preparedness information. Developed and maintained by OBP, the TRIPwire system combines expert analysis and reports with relevant documents, images, and videos gathered from publicly available sources to help users anticipate, identify, and prevent IED incidents.

Users from federal, state, local, and tribal government entities, as well as business and/or other for-profit industries, can register for TRIPwire access. The TRIPwire portal contains sensitive information related to the criminal use of explosives by threat actors, including violent, malicious organizations, which requires a limited, controlled means of dissemination—such as designations of ''For Official Use Only,'' ''Law Enforcement Sensitive,'' or ''Controlled Unclassified Information.'' Therefore, CISA must collect user information in order to verify an individual's eligibility to access the TRIPwire system.

In addition to new user registrations, CISA will also seek feedback from TRIPwire users via a questionnaire and will request that TRIPwire users revalidate their access status on an annual basis. All information collected/provided pursuant to this ICR will be done so on a strictly voluntary basis.

This collection of information is consistent with CISA's statutory authorities to provide assistance to federal and non-federal entities to enhance the security and resiliency of critical infrastructure, including the authority provided by 6 U.S.C. 652(c)(5), (11) and 6 U.S.C. 652(e)(1)(C). The previous **Federal Register** notice incorrectly stated the Total Burden Cost stated as $13,736 when it should have been $16,333. The Total annualized Government Cost stated as $7,447 was also incorrect as it should have been $8,209. The correct costs are also reflected in the Analysis section below.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title: Office For Bombing Prevention Technical Analytics.

OMB Number: 1670–0028.

Frequency: Quarterly to Annually.

Affected Public: Federal, state, local, and tribal government entities, and business or other for-profit.

Number of Respondents: 4,333.

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 422 Hours.

Total Annual Burden Cost: $16,333

Total Annual Government Burden Cost: $8,209.

Robert J. Costello,

Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2025–14231 Filed 7–28–25; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[OMB Control Number 1090–0009; 256D0102DM; DS6CS00000; DLSN00000.000000; DX6CS25]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Donor Certification Form

AGENCY: Office of the Secretary, Office of Financial Management, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Financial Management (we) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 28, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Joshua Kamp, Office of Financial Management, 1849 C St. NW, MS 2557 MIB, Washington, DC 20240; or by email to *Joshua_Kamp@ios.doi.gov.* Please reference OMB Control Number 1090–0009 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Joshua Kamp, Office of Financial

Management, 1849 C St. NW, MS 2557 MIB, Washington, DC 20240; or by email to *Joshua_Kamp@ios.doi.gov* or by telephone at 202–208–4610. You may also view the information collection request (ICR) at *http://www.reginfo.gov/public/do/PRAMain.*

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

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 7, 2025 (90 FR 19306). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This notice identifies an information collection activity that the Office of Financial Management has submitted to OMB for approval for the Department and its bureaus to continue to collect information from proposed donors relative to their relationship(s) with the Department. The Department and its individual bureaus have gift acceptance authorities. In support of the variety of donation authorities in the Department and increasing numbers of donations, the Department's policy is to ask those proposing to donate gifts valued at $25,000 or more to provide information regarding their relationship with the Department. The purpose of this policy is to ensure that the acceptance of a gift does not create legal or ethical issues for the Department, its bureaus, or potential donors.

The information will be gathered through the use of a form that collects information relevant to the acceptability of the proposed donation in conformance with the Department's donations policy. The form is completed and certified by the prospective donor then submitted to the Department or its bureau for review. Having donors certify their interactions with the Department gives the staff vetting the proposed donation basic information to be verified, resulting in a more efficient and timely donation review process.

Title of Collection: Donor Certification Form.

OMB Control Number: 1090–0009.

Form Number: DI–3680.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households, businesses, not-for-profit institutions, Tribal governments.

Total Estimated Number of Annual Respondents: 250.

Total Estimated Number of Annual Responses: 250.

Estimated Completion Time per Response: 20 minutes.

Total Estimated Number of Annual Burden Hours: 83 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per prospective donor per fiscal year.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jeffrey Parrillo,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–14320 Filed 7–28–25; 8:45 am]

BILLING CODE 4334–CC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PO #4820000251; G-Invoicing Number: O2412–014–004–047181.0]

Application for a Recordable Disclaimer of Interest for Lands Owned by University of Alaska, Silver Fox Mine; Serial No. AKAK106592264

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of application.

SUMMARY: The University of Alaska (UA) has filed an application for a recordable disclaimer of interest (RDI) application with the Bureau of Land Management (BLM) for the lands described in Mineral Survey No. 2407. The lands are also known as Silver Fox Mine. The lands were patented to UA on December 27, 1984, with a reversionary interest to the United States. UA seeks to remove the reversionary interest and a perceived cloud on title.

DATES: All comments to this section should be received on or before October 27, 2025.

ADDRESSES: You may provide comments on the RDI application or the BLM's ''Silver Fox Mine Summary Report'', both located at *https://www.blm.gov/programs/lands-and-realty/regional-information/alaska/RDI/tanana* by mail, email, or in-person. Mail comments to: Bureau of Land Management ATTN: Bettie Shelby, Branch Chief and Deputy Authorized Officer (AK–941), Division of Lands and Cadastral, 222 West 7th Avenue #13, Anchorage, Alaska 99513; email comments to *bshelby@blm.gov*; or hand-deliver comments during normal business hours (8:00 a.m. to 4:00 p.m.) to the BLM Public Information Center, 222 West 7th Avenue, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: Bettie Shelby, Acting Branch Chief and Deputy Authorized Officer (AK–941), at

222 W 7th Avenue, #13, Anchorage, Alaska 99513; 907–271–5596; *bshelby@blm.gov*; or visit the BLM's Recordable Disclaimer of Interest website at *https://www.blm.gov/programs/lands-and-realty/regional-information/alaska/RDI.*

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

SUPPLEMENTARY INFORMATION: UA, an instrumentality of the State of Alaska, filed an RDI application with the BLM on April 26, 2021, pursuant to 43 CFR part 1860, subpart 1864. The application pertains to the lands described in Mineral Survey No. 2407, officially filed on May 6, 1983, and patented to UA (patent number 50–85–0070) on December 27, 1984, with a reversionary interest to the United States. The legal land description is as follows:

That portion of Mineral Survey No. 2407, Alaska, situated in Sections 8 and 9, Township 2 North, Range 1 East, Fairbanks Meridian, Alaska.

The area contains 59.59 acres.

UA contends there is a cloud on title due to discrepancies between stipulations in the Educational Mining Act of 1982, patent number 50–85–0070, and subsequent statutes. The discrepancies resulted in restrictions to UA's use of the described lands. The BLM agrees the discrepancies noted disregard the express direction of Congress to convey all right, title, and interest of the lands described to UA and limits UA's use of the land. If granted, the RDI application will remove the reversionary interest of the United States and the perceived cloud on the title.

An RDI is a legal document through which the BLM disclaims the United States' interest in or ownership of specified lands, but the disclaimer does not grant, convey, transfer, or renounce any title or interest in the lands, nor does it release any tax, judgment, or lien. This notice of application is to inform the public of the pending application and the UA's supporting evidence, as well as to provide the opportunity to comment or provide additional information to the BLM.

The BLM will not make a final decision on the merits of UA's application before October 27, 2025. During this 90-day period interested parties may comment on the university's application, AKFF–097727, and supporting evidence. In the same period interested parties may also comment on the BLM's ''Silver Fox Mine Summary Report'' available on the RDI website (see the **FOR FURTHER INFORMATION CONTACT** section).

Copies of the university's application, supporting evidence, the BLM Summary Report, and comments (including names and street addresses of commenters) will be available for public review at the Alaska State Office, Public Room, 222 West 7th Avenue, #13, Anchorage, AK 99513, during regular business hours, 8:00 a.m. to 4:00 p.m., Monday through Friday, excepting holidays.

Before including your address, phone number, email address, or other personally identifying information in your comment, you should be aware that your entire comment—including your personally identifying information—may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1864.0–3 and 43 U.S.C. 1745.

Chelsea Kreiner,

Acting Deputy State Director, Division of Lands, Realty, and Cadastral.

[FR Doc. 2025–14289 Filed 7–28–25; 8:45 am]

BILLING CODE 4331–10–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6345; NPS–WASO–NAGPRA–NPS0040600; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN, and Middle Tennessee State University, Department of Anthropology, Murfreesboro, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) and Middle Tennessee State University, Department of Anthropology (MTSU) have completed an inventory of human remains and associated funerary objects from site 40RD299, Rutherford County, Tennessee 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov* and Dr. Shannon Hodge, Middle Tennessee State University (MTSU), Department of Sociology and Anthropology Chair, Todd 344 MTSU Campus Box 10, Murfreesboro, TN 37132, email *Shannon.Hodge@mtsu.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 TDEC–DOA and MTSU, 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, seven individuals have been identified. The associated funerary objects are two lots of unsorted pre-Contact artifacts.

409RD299, Rutherford County, TN

Human remains of at least four individuals were recovered by the Rutherford County Sheriff during forensic investigations in 2004 or 2007 and donated to TDEC–DOA in 2010. The remains of at least one individual were collected by TEC–DOA staff from the backdirt of a looter pit during a site inspection in 2011. Remains of at least two individuals were recovered during site mitigation and testing by Middle Tennessee State University in 2014. Associated funerary objects recovered in 2014 include two lots of unsorted artifacts known to include lithics, charcoal, ochre, and faunal material including a partial dog burial. There is no known exposure to hazardous substances or treatments.

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 TDEC–DOA and MTSU have determined that:

- The human remains described in this notice represent the physical remains of seven individuals of Native American ancestry.
- The two lots of pre-contact artifacts 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 Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

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 August 28, 2025. If competing requests for repatriation are received, the TDEC–DOA and MTSU 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 TDEC–DOA and MTSU 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14267 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6370; NPS–WASO–NAGPRA–NPS0040640; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Air Force, Vandenberg Space Force Base, Santa Barbara County, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Department of the Air Force, Vandenberg Space Force Base intends to carry out the disposition of human remains and cultural items removed from Federal land to the Santa Ynez Band of Chumash Indians (SYBCI) who has priority for disposition in this notice.

DATES: Disposition of the human remains and cultural items in this notice may occur on or after August 28, 2025. If no claim for disposition is received by July 29, 2026, the human remains and cultural items in this notice will become unclaimed human remains and cultural items.

ADDRESSES: Send written claims for disposition of the human remains and cultural items in this notice to Josh Smallwood, Vandenberg Space Force Base Cultural Resources, Installation Tribal Liaison Officer/Cultural Resources Manager, SLD 30 CES/CEIEA, 1028 Iceland Avenue, Building 11146, Vandenberg Space Force Base, CA 93437–6010, email *stacy.smallwood@spaceforce.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 Department of the Air Force, and additional information on the human remains and cultural items 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

In support of mitigation activities carried out near Launch Facility-04 for the Sentinel Test Program, the Department of the Air Force, Vandenberg Space Force Base conducted data recovery excavations at archaeological site CA–SBA–512, the ethnohistoric Chumash village of *Lospe* between October 2021 and June 2023. At Locus 2, which has been identified as an ancient shell mound, four test excavation units and 18 shovel test pits were excavated. Two of the test units encountered human remains. The human remains were left in place in the test units in accordance with the project's NAGPRA Plan of Action.

After consultation with the Tribe, consideration of tribal traditional knowledge regarding shell mound funerary practices, and further analysis of the collection, it has been determined that the artifacts from the other two test units and all 18 shovel test pits excavated in the shell mound should be considered unassociated funerary items under NAGPRA. These excavations contained fragments of bone hair pins, fishhooks, shell beads, steatite beads, obsidian and chert projectile points, and burned or broken milling implements which could be associated with burials at that location that have since disintegrated, were removed historically, or were not intersected by the recent excavations. Native American shell mounds found along the California coast such as this one are known for containing human burials, and while no human remains were found, artifacts suggestive of human interments are present in the shell mound. Based on the information available from two spatially separate test excavation units, human remains representing at least two individuals have been reasonably identified at the shell mound. A total of 1,063 associated funerary objects were identified in the two excavation units which had human remains, including flaked and ground stone tools, debitage, shell beads, pendants and fishhooks, ground and polished stone, and faunal remains. A total of 2,595 unassociated funerary objects were identified in the other two units and 18 shovel test pits, again including flaked and ground stone tools, debitage, shell beads, pendants and fishhooks, ground and polished stone, and faunal remains. No objects of cultural patrimony or sacred objects were identified.

Determinations

The Department of the Air Force, Vandenberg Space Force Base has determined that:

• The human remains described in this notice represent the physical remains of at least two individuals of Native American ancestry encountered in the shell mound.

• The 1,063 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 2,595 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 Native American traditional knowledge. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families with cultural affiliation to the Chumash.

• The Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California has priority for disposition of the human remains and cultural items described in this notice.

Claims for Disposition

Written claims for disposition of the human remains and cultural items in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by July 29, 2026, the human remains and cultural items in this notice will become unclaimed human remains and cultural items. 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 cultural items in this notice may occur on or after August 28, 2025. If competing claims for disposition are received, the Department of the Air Force, Vandenberg Space Force Base must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and cultural items are considered a single request and not competing requests. The Department of the Air Force, Vandenberg Space Force Base 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: July 16, 2025.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2025–14263 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6361; NPS–WASO–NAGPRA–NPS0040608; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects from Franklin, Giles, Lawrence, and Williamson Counties, Tennessee 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, telephone (615) 626–2025, email *Phil.Hodge@tn.gov.*

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 TDEC–DOA, 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, 15 individuals have been identified. The 12 associated funerary objects are one partial ceramic vessel, four faunal remains, six lithic bifaces, and one lot of faunal material.

Unknown Site, Franklin County, TN

Human remains representing, at least, one individual. These ancestral remains were donated to TDEC–DOA in 2022 by faculty of Sewanee, The University of the South. No provenience data is known other than a notation that they are from the ''Yeatman collection.'' No additional information is available regarding the circumstances of collection or location of origin. There is no known exposure to hazardous substances or treatments.

Site 40GL68, Giles County, TN

Human remains representing, at least, four individuals. The four associated funerary objects are four faunal remains. These ancestral remains were donated to TDEC–DOA by faculty of East Carolina State University. No information is available regarding the collection or donation of these materials. There is no known exposure to hazardous substances or treatments.

Unknown Site, Lawrence County, TN

Human remains representing, at least, two individuals. The seven associated funerary objects consist of six lithic bifaces and one lot of faunal material. These materials were seized in a raid by the City of Loretto police department and donated to TDEC–DOA in 2006. No other information is available regarding their original location or the circumstances of collection. There is no known exposure to hazardous substances or treatments.

Site 40WM255, Williamson County, TN

Human remains representing, at least, one individual. The one associated funerary object consists of a partial Mississippian period ceramic jar. These materials were excavated by a private consultant in 1998 or 1999, and seized by TDEC–DOA from a storage locker in December 2009. There is no known exposure to hazardous substances or treatments.

Site 40WM342, Williamson County, TN

Human remains representing, at least, one individual. No information is available regarding the acquisition of these remans. There is no known exposure to hazardous substances or treatments.

Unknown Sites, Williamson County, TN

Human remains of at least one individual from the collection of the Tennessee State Museum were excavated by a private individual from a stone box grave in Brentwood, Tennessee and transferred to the TDEC–DOA in 1995.

Human remains of at least one individual were found in an estate collection and donated to TDEC–DOA. According to the donor, they were collected along the Harpeth River in Williamson County.

Human remains of at least two individuals were excavated by a private individual in the 1930s and donated to TDEC–DOA by the next of kin.

Human remains of at least two individuals were donated to TDEC–DOA with information on the box indicating that they were removed along the Harpeth River, in Williamson County, Tennessee. No record exists as to the timing, donor, or circumstances of acquisition. There is no known exposure to hazardous substances or treatments.

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 TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of 15 individuals of Native American ancestry.
- The 12 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 Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Poarch Band of Creek Indians; Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

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 August 28, 2025. If competing requests for repatriation are received, the TDEC–DOA 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 TDEC–DOA 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14275 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6342; NPS–WASO–NAGPRA–NPS0040597; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Berkeley, Berkeley, CA, and Naval Base Ventura County San Nicolas Island, Ventura County, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Berkeley and Naval Base Ventura County (NBVC) intend 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 August 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Alexandra Lucas, Government and Community Relations, Office of the Chancellor. University of California, Berkeley, 200 California Hall, Berkeley, CA 94720, email *nagpra-ucb@berkeley.edu* and John O'Connor, Ph.D., RPA, Cultural Resources Manager, Naval Base Ventura County, 311 Main Road, Building 632, Point Mugu, CA 93042, email *john.t.oconnor88.civ@us.navy.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 University of California, Berkeley and NBVC, 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 24 cultural items have been requested for repatriation. From 1909 to 1980, 24 unassociated funerary objects were removed from San Nicolas Island, California by several individuals and donated to the Lowie Museum of Anthropology (now known by Phoebe A Hearst Museum) at the University of California, Berkeley. The unassociated funerary objects are arrow straighteners and arrowheads, bone tools, drills, faunal remains, fishhooks, hairpins, harpoons, painting supplies, point fragments, stone cups, stone disks, stone pendants, stone pots, weights (two missing), whistles, worked shell, and worked stone.

Collections and collection spaces at the Phoebe A Hearst Museum of Anthropology were treated with substances for preservation and pest control, some potentially hazardous. No records have been found to date at the Museum to indicate whether or not chemicals or natural substances were used prior to 1960.

Determinations

The University of California, Berkeley and NBVC have determined that:

- The 24 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 La Jolla Band of Luiseno Indians, California; Pala Band of Mission Indians; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Indians (*previously* listed as Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California); Rincon Band of Luiseno Mission Indians of Rincon Reservation, California; Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; and the Soboba Band of Luiseno Indians, 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 August 28, 2025. If competing requests for repatriation are received, the University of California, Berkeley and NBVC 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 University of California, Berkeley and NBVC 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14261 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040604; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects from Maury County, Tennessee 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology, 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov*.

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 TDEC–DOA, 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, seven individuals have been identified. The two associated funerary objects are two lots of unsorted artifacts.

Site 40MU245, Maury County, TN

Human remains representing, at least, one individual. No information is available regarding the collection or donation of these materials. There is no known exposure to hazardous substances or treatments.

Site 40MU260, Maury County, TN

Human remains representing, at least, three individuals. These ancestral remains were excavated by a private consultant in 1999 under a cemetery termination order from the Maury County Chancery Court, and transferred to TDEC–DOA that same year. There is no known exposure to hazardous substances or treatments.

Site 40MU528, Maury County, TN

Human remains representing, at least, three individuals. The two associated funerary objects consist of two lots of unsorted artifacts including lithics and gastropod shell. These materials were donated to Division of Archaeology by the University of Tennessee-Knoxville Archaeological Research Laboratory in 2003. The original circumstances surrounding the collection of these materials is unknown.

There is no known exposure to hazardous substances or treatments.

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 TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of seven individuals of Native American ancestry.
- The two lots of artifacts 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 Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Chickasaw Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

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 August 28, 2025. If competing requests for repatriation are received, the TDEC–DOA 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 TDEC–DOA 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14271 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6390; NPS–WASO–NAGPRA–NPS0040643; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Air Force, Vandenberg Space Force Base, Santa Barbara County, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Department of the Air Force, Vandenberg Space Force Base intends to carry out the disposition of human remains and associated funerary objects removed from Federal land to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

DATES: Disposition of the human remains and associated funerary objects in this notice may occur on or after August 28, 2025. If no claim for disposition is received by July 29, 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 Josh Smallwood, Vandenberg Space Force Base Cultural Resources, Installation Tribal Liaison Officer/Cultural Resources Manager, SLD 30 CES/CEIEA, 1028 Iceland Avenue, Building 11146, Vandenberg Space Force Base, CA 93437–6010 email *stacy.smallwood.1@spaceforce.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 Department of the Air Force, 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

In October 2024, the Repository for Archaeological and Ethnographic Collections at University of California Santa Barbara (UCSB) found a teaching collection that included NAGPRA items which had been kept in a locked storage at UCSB. The Repository transferred the items to Vandenberg Space Force Base on 31 January 2025. The collection contained human remains, a bone cast, and associated funerary objects from two different archaeological sites, CA–SBA–208 and CA–SBA–225. The collection also contained associated funerary objects from cemetery areas of three different archaeological sites, CA–SBA–210, CA–SBA–552, and CA–SBA–734. Based on the information available, human remains representing at least two individuals have been reasonably identified. The 16 associated funerary objects including projectile points, shell beads and ornaments, stone tools, and animal bones were also found.

Determinations

The Department of the Air Force, Vandenberg Space Force Base has determined that:

- The human remains described in this notice represent the physical remains of at least two individuals of Native American ancestry.
- The 16 associated funerary 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 Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California has priority for disposition of the human remains and cultural items 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 July 29, 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 August 28, 2025. If competing claims for disposition are received, the Department of the Air Force, Vandenberg Space Force Base 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 Department of the Air Force, Vandenberg Space Force Base 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: July 16, 2025.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2025–14265 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6350; NPS–WASO–NAGPRA–NPS0040605; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) intends to repatriate a certain cultural item from Lincoln County, Tennessee that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after August 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology, 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov.*

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 TDEC–DOA, 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 one cultural item has been requested for repatriation.

Site 40LN163, Lincoln County, TN

Unassociated funerary objects consisting of one ceramic vessel. No information is available regarding the circumstances surrounding the acquisition of this artifact. There is no known exposure to hazardous substances or treatments.

Determinations

The TDEC–DOA has determined that:

- The one unassociated funerary object described in this notice is 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.
- There is a reasonable connection between the cultural item described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Poarch Band of Creek Indians; Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item 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 item in this notice to a requestor may occur on or after August 28, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The TDEC–DOA 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14272 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6354; NPS–WASO–NAGPRA–NPS0040610; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after August 28, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Dr. Mark R. Wheeler, California State University, 6000 J Street Sacramento, CA 95819, email *mark.wheeler@csus.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 California State University, Sacramento, 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

Associated funerary objects have been identified that originate from CA–PLA–2777 in western Placer County, CA. The one lot of associated funerary objects are one lot of items that may include lithics, beads, shell, glass, metal, and uncatalogued material removed from a village and historic cemetery site. The associated funerary objects were collected by California State University, Sacramento students during a survey project and have been stored at the University under accession number 81–116. The University is unaware of any treatment of the associated funerary object with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The California State University, Sacramento has determined that:

- The one lot of objects described in this notice is 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 associated funerary objects described in

this notice and the Ione Band of Miwok Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the 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 associated funerary objects described in this notice to a requestor may occur on or after August 28, 2025. If competing requests for repatriation are received, the California State University, Sacramento must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The California State University, Sacramento 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14259 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6340; NPS–WASO–NAGPRA–NPS0040595; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan has completed an inventory of human remains (hereinafter referred to as ''Ancestral remains'' or ''Ancestors'') and associated funerary objects and has determined that there is a cultural affiliation between the Ancestral remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the Ancestral remains and associated funerary objects in this notice may occur on or after August 28, 2025.

ADDRESSES: Send written requests for repatriation of the Ancestral remains and associated funerary objects in this notice to Dr. Ben Secunda, NAGPRA Office Managing Director, University of Michigan, Office of Research, Suite G269, Lane Hall, Ann Arbor, MI 48109–1274, email *bsecunda@umich.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 Michigan, 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

Ancestral remains representing, at least, two individuals have been identified. The 10 associated funerary objects are four lots of earthenware sherds, two lots of charred corn kernels, one lot of charred acorn fragments, two lots of animal bone fragments, and one lithic fragment. The Fisher site (11WI5) is located in Will County, IL, and excavated by multiple individuals on several different occasions. The Ancestors are of one cremated individual and one non-cremated individual. Dating for the site is unknown.

The University of Michigan has no record of, nor do its officials have any knowledge of, any treatment of items with pesticides, preservatives, or other substances that represent a potential hazard to the collection(s) or to persons handling the collection(s).

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 Ancestral remains and associated funerary objects described in this notice.

Determinations

The University of Michigan has determined that:

- The Ancestral remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 10 objects described in this notice are reasonably believed to have been placed intentionally with or near individual Ancestral remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the Ancestral remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Fond du Lac Band and Mille Lacs Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Shawnee Tribe; and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Written requests for repatriation of the Ancestral 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 Ancestral remains and associated funerary objects described in this notice to a requestor may occur on or after August 28, 2025.

If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the Ancestral remains and associated funerary objects are considered a single request and not competing requests. The University of Michigan 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14283 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6358; NPS–WASO–NAGPRA–NPS0040615; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH), has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after August 28, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Zachary Garrett, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, email *zacgarrett@ou.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 SNOMNH, 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

Three associated funerary objects were removed from the Eufaula Mound site (34Mi45), also known as the Groseclose site, in McIntosh County, OK. The three associated funerary objects are one lot of ceramic sherds, one lot of red ochre, and one lot of stone pipes. The site lies at the confluence of the North Canadian and Canadian Rivers, approximately 80 kilometers west of Spiro Mounds. Following extensive damage to the site from agricultural activities and looting, excavations were carried out by the Works Progress Administration in May–August 1940. The site was later flooded following the construction of the Eufaula Dam in 1964. Collections removed during the excavations were split between the Creek Memorial Museum (now known as the Creek Nation Council House) and SNOMNH. This site has both pre-contact and historic components. This notice includes only objects from the pre-contact component. These associated funerary objects were most likely interred during the local Harlan through early Norman phases (1100–1300 CE) of the Mississippian Period. Cultural affiliation was established through Tribal Consultation, and is supported by archaeological information, ethnographic information, ethnohistorical information, and tribal oral histories. To our knowledge, no potentially hazardous materials were used to treat the associated funerary objects.

This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on January 27, 2020 (85 FR 4700).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

SNOMNH has determined that:

- The three 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 associated funerary objects described in this notice and the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the 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 associated funerary objects described in this notice to a requestor may occur on or after August 28, 2025. If competing requests for repatriation are received, SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. SNOMNH 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14278 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6344; NPS–WASO–NAGPRA–NPS0040599; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Air Force, Vandenberg Space Force Base, Santa Barbara County, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Department of the Air Force,

Vandenberg Space Force Base 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Josh Smallwood, Vandenberg Space Force Base Cultural Resources, Installation Tribal Liaison Officer/Cultural Resources Manager, SLD 30 CES/CEIEA, 1028 Iceland Avenue, Building 11146, Vandenberg Space Force Base, CA 93437–6010 email *stacy.smallwood.1@spaceforce.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 Department of the Air Force, 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 have been reasonably identified. One associated funerary object, a charmstone, was also found. A total of 739 pieces of fragmentary human bone and one charmstone fragment were discovered in Vandenberg Space Force Base's Space Transportation System/West Coast Space Shuttle Legacy during sorting of the Inactive Storage portion of Accession numbers 200, 241, 242, and 243, curated at the University of California Santa Barbara Repository for Archaeological and Ethnographic Collections. NAGPRA items were detected only in Accession 200. Sorting and collection rehabilitation were completed May 21, 2024. No potentially hazardous substances were used to treat the human remains or funerary objects. The human remains and funerary object are reasonably identified as Chumash in origin.

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 Department of the Air Force has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- The one funerary object described in this notice is 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 Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

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 August 28, 2025. If competing requests for repatriation are received, the Department of the Air Force 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 Department of the Air Force 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14262 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6348; NPS–WASO–NAGPRA–NPS0040603; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains from Hickman County, Tennessee 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov.*

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 TDEC–DOA, 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

Unknown Site, Hickman County, TN

Human remains representing, at least, two individuals. These remains were donated by TDOT to the TDEC–DOA in 1989. No record exists as to the original circumstances of collection. There is no known exposure to hazardous substances or treatments.

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 TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Chickasaw Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

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 August 28, 2025 If competing requests for repatriation are received, the TDEC–DOA 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 TDEC–DOA 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14270 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6360; NPS–WASO–NAGPRA–NPS0040617; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Minnesota Indian Affairs Council, Saint Paul, MN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Minnesota Indian Affairs Council 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Lilly Geraghty, Minnesota Indian Affairs Council, 161 Rondo Avenue, Saint Paul, MN 55103, email *lilly.geraghty@state.mn.us.*

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 Minnesota Indian Affairs Council 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 have been identified. No associated funerary objects are present. At an unknown date prior to 1934, human remains representing, at minimum, one individual, was removed from a cave in Duluth, Saint Louis County, Minnesota. On July 30th, 1934, E.C. Lee donated the remains to the Otter Tail Historical Society (OCHS 743). In March of 1987, the Otter Tail County Historical Society transferred the remains to the Minnesota Indian Affairs Council (H132).

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 Minnesota Indian Affairs Council 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 Minnesota Chippewa Tribe, Minnesota (Bois Forte Band (Nett Lake); Fond du Lac Band) and the Upper Sioux Community, Minnesota.

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 August 28, 2025. If competing requests for repatriation are received, the Minnesota Indian Affairs Council 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 Minnesota Indian Affairs Council 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14280 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6389; NPS–WASO–NAGPRA–NPS0040641; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Air Force, Vandenberg Space Force Base, Santa Barbara County, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Department of the Air Force, Vandenberg Space Force Base intends to carry out the disposition of human remains and associated funerary objects removed from Federal land to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

DATES: Disposition of the human remain and associated funerary objects in this notice may occur on or after August 28, 2025. If no claim for disposition is received by July 29, 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 Josh Smallwood, Vandenberg Space Force Base Cultural Resources, Installation Tribal Liaison Officer/Cultural Resources Manager, SLD 30 CES/CEIEA, 1028 Iceland Avenue, Building 11146, Vandenberg Space Force Base, CA 93437–6010 email *stacy.smallwood.1@spaceforce.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 Department of the Air Force, 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

As part of a National Historic Preservation Act Section 110 data recovery effort, two, closely spaced 1-meter by .5-meter test units (Test Units 1 and 2) were excavated from an eroding cliff deposit at CA–SBA–697 in September 2022. The site is located on the North Base portion of Vandenberg Space Force Base in Santa Barbara County, California. Based on the information available, a single human bone representing one individual has been reasonably identified. Four associated funerary objects including three olivella shell beads and a shell fishhook were also recovered. Non-NAGPRA artifacts including stone flakes, hammerstones, undifferentiated marine shell and faunal bone, fire-cracked rock and charcoal were also recovered from Test Units 1 and 2.

Determinations

The Department of the Air Force, Vandenberg Space Force Base has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The four associated funerary objects described in this notice is 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 Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California has priority for disposition of the human remain 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 July 29, 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 August 28, 2025. If competing claims for disposition are received, the Department of the Air Force, Vandenberg Space Force Base 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 Department of the Air Force, Vandenberg Space Force Base 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: July 16, 2025.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2025–14264 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6341; NPS–WASO–NAGPRA–NPS0040596; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Bruce Museum Greenwich, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Bruce Museum intends to repatriate certain cultural items that meet the definition of sacred 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 August 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kirsten J. Reinhardt, the Bruce Museum, One Museum Drive Greenwich, CT 06830, email *kreinhardt@brucemuseum.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 Bruce 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 two cultural items have been requested for repatriation. The two sacred objects are a Makau (77.14.14

Fishhook) and a Pōhaku Ku'i 'Ai (19117 Poi Pounder).

Makau Fishhook

A compound fishhook made from mammal bones. In 1977, a collection of 19 objects, from a wide variety of tribal Nations, was donated by Frederic E. Ossorio (1919–2005). Some objects in the collection were reported as formerly part of the Harry Geoffrey Beasley (1881–1939) collection; Beasley was a British collector. It is unknown how Ossoriao came into possession of the objects. No potentially hazardous substances have been used to treat the objects.

Pōhaku Ku'i 'Ai Poi Pounder

A pestle made of stone (pōhaku) used to pound steamed taro (kalo) into poi, steamed ulu (breadfruit) into poi and to prepare other foods ('ai) through light pounding (ku'i). Mr. James B. Hatcher, b.1906, became editor of the Honolulu Star Bulletin in 1929 and later of the Hilo Tribune-Herald. He also wrote a tour book, ''Highlights of Hawaii.'' The pestle is described as having been collected at Kalapana, Hawaii in 1932. No potentially hazardous substances have been used to treat the pounder.

Determinations

The Bruce Museum has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamo'o.

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 August 28, 2025. If competing requests for repatriation are received, the Bruce 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 Bruce Museums 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14260 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6359; NPS–WASO–NAGPRA–NPS0040616; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH), has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after August 28, 2025.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Zachary Garrett, NAGPRA Program Coordinator, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, email *zacgarrett@ou.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 SNOMNH, 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

One associated funerary object was removed from the Heerwald/Jordan site (34CU27), in Custer County, OK. The one associated funerary object is one lot of ceramic vessels. This list of objects is an addition to a group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on November 1, 2017 (82 FR 50667).

This site is on private land on a ridge south of Turkey Creek, a tributary of the Washita River. This object was removed by James Schaeffer of the Highway Salvage Archaeology program in 1957, when I–40 was constructed south of old US 66, and was subsequently donated to the Museum. This site is from the Plains Village Period, Washita River phase (approximately 1250–1400 CE). This phase demonstrates continuity in material culture with known groups of the Wichita and Affiliated Tribes. Oral history as well as post-contact records support the presence of the Wichita in this area. To our knowledge, no potentially hazardous chemicals were used to treat the associated funerary objects.

One associated funerary object was removed from the Brewer site (34ML3), in McClain County, OK. The one associated funerary object is one lot of ceramic vessels. This list of objects is an addition to a group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on November 1, 2017 (82 FR 50667).

This site on the south bank of the Canadian River was originally surveyed and recorded in 1950, by the University of Oklahoma. William Villines of Rosedale, OK, brought a collection from the site to the Department of Anthropology at the University in 1951. In 1986, additional collections were removed by Richard Drass, Robert Brooks, and Alan Wormser of the Oklahoma Archeological Survey, after more material was exposed by oil well workers. The collections were accessioned by the Museum in 1953 and 1988. This is a Paoli phase (900–1250 CE) settlement. The Paoli phase demonstrates continuity in the material culture with the subsequent Washita River phase and later known groups of the Wichita and Affiliated Tribes. Oral history as well as post-contact records support the presence of the Wichita in this area. To our knowledge, no potentially hazardous chemicals were used to treat the 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 associated funerary objects described in this notice.

Determinations

SNOMNH has determined that:

- The two 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 associated funerary objects described in this notice and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the 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 associated funerary objects described in this notice to a requestor may occur on or after August 28, 2025. If competing requests for repatriation are received, SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. SNOMNH 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14279 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6356; NPS–WASO–NAGPRA–NPS0040613; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Santa Barbara Museum of Natural History, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Luke Swetland, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, email *lswetland@sbnature2.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 Santa Barbara Museum of Natural History, 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 have been identified. No associated funerary objects are present. The human remains include a cranium and mandible. They were removed from an unprovenienced prehistoric cemetery on one of the Channel Islands, Santa Barbara County, CA, in the 1930s and subsequently donated or sold to the U.S.C. Dental School. The head of the U.S.C. Dental School later gave them to Dr. J.D. Lowry, a family friend of John Nusser. Dr. Lowry gave Mr. Nusser the cranium and mandible sometime around 1995, when Mr. Nusser was in medical school. Mr. Nusser donated them to the Museum in 2001.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains include an acromion process of a right scapula. The human remains were anonymously mailed to the Museum in an envelope with a postmark of April 17, 2010, sent from Palm Beach Gardens, Florida. Inside the envelope was a handwritten note that read, ''This bone fragment along with some beads (that are lost) (??? white) were taken from the Channel Islands Hillsides more than 30 years ago by a relative. I would like to return them to where they belong. I am sure they are Chumash origin. Thank you.'' No other information was provided.

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 described in this notice.

Determinations

The Santa Barbara Museum of Natural History has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains in this notice and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California and the Tejon Indian Tribe.

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 August 28, 2025. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History 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 Santa Barbara Museum of Natural History 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14276 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6351; NPS–WASO–NAGPRA–NPS0040606; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) intends to repatriate a certain cultural item from Marion County, Tennessee that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after August 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology, 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov*.

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 TDEC–DOA, 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

Site 40MI10, Marion County, TN

Unassociated funerary objects consisting of one ceramic strap handle bowl. This artifact was excavated by a private individual in 1942 and donated to TDEC–DOA in 1982. There is no known exposure to hazardous substances or treatments.

Determinations

The TDEC–DOA has determined that:

- The one unassociated funerary object described in this notice is 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.
- There is a reasonable connection between the cultural item described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Poarch Band of Creek Indians; Shawnee Tribe; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item 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 item in this notice to a requestor may occur on or after August 28, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The TDEC–DOA 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14273 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6347; NPS–WASO–NAGPRA–NPS0040602; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects from Cannon and Rutherford, Counties, Tennessee 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology, 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov*.

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 TDEC–DOA, 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, eight individuals have been identified and one lot of faunal material.

Unknown Site, Cannon County, TN

Human remains representing, at least, five individuals and one lot of faunal material. These remains were excavated in 1931 and donated to the Tennessee State Museum. They were transferred to TDEC–DOA in 2017. No further information is available regarding the circumstances of collection. There is no known exposure to hazardous substances or treatments.

Unknown Sites, Rutherford County, TN

Human remains of at least one individual were donated to the Murfreesboro, TN Police Department and transferred to TDEC–DOA in 2017.

Human remains of at least two individuals were donated to TDEC–DOA by the Rutherford County Sheriff for in 2010. No further information is available regarding the origins of these materials.

There is no known exposure to hazardous substances or treatments.

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 TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- The one lot 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 connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

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 August 28, 2025. If competing requests for repatriation are received, the TDEC–DOA 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 TDEC–DOA 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14269 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6353; NPS–WASO–NAGPRA–NPS0040609; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento 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 August 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Mark R. Wheeler, California State University, 6000 J Street Sacramento, CA 95819, email *mark.wheeler@csus.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 California State University, Sacramento 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 nine lots of cultural items have been requested for repatriation. The nine lots of objects of cultural patrimony are one lot of modified stones, one lot of unmodified stones, one lot of faunal remains, one lot of plant remains, one lot of glass, one lot of metal material, one lot of shell, one lot of anthropogenic soil, and one lot of uncatalogued items. These include items from several sites in western Placer County, including CA–PLA–31 (accession 81–116), CA–PLA–57 (accession 81–116), CA–PLA–UNK (81–116), CA–PLA–2883 (accession 81–474), CA–PLA–2982 (accession 81–477) and an unidentified site (Teaching Collection) that were collected during various survey projects by California State University, Sacramento students and faculty. This may also include cultural items from unidentified locations in western Placer County that may be associated with the survey projects or have no documented acquisition history. The University is unaware of any treatment of the objects of cultural patrimony with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.

Determinations

The California State University, Sacramento has determined that:

- The nine 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 the United Auburn Indian Community of the Auburn Rancheria of 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 August 28, 2025. If competing requests for repatriation are received, the California State University, Sacramento 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 California State University, Sacramento 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14258 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6352; NPS–WASO–NAGPRA–NPS0040607; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) intends to repatriate certain cultural items from Williamson County, Tennessee 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 August 28, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov.*

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 TDEC–DOA, 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 12 cultural items have been requested for repatriation.

Site 40WM87, Williamson County, TN

The 10 unassociated funerary objects consisting of five Mississippian period ceramic vessels, three lithic adzes, and two ceramic ear ornaments. These materials were excavated by a private consultant under a Davidson County Chancery Court order in 1987, following disturbance to a stone box cemetery during grading for a residential subdivision. The associated skeletal remains were reburied by the consultant. There is no record describing the reburial location or date.

Site 40WM32, Williamson County, TN

The two unassociated funerary objects consisting of one fragmentary Mississippian period jar and one lithic biface. No information is available regarding the acquisition of these materials. No information is available regarding the acquisition of these materials.

There is no known exposure to hazardous substances or treatments.

Determinations

The TDEC–DOA has determined that:

- The 12 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.
- There is a reasonable connection between the cultural items described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Poarch Band of Creek Indians; Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

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 August 28, 2025. If competing requests for repatriation are received, the TDEC–DOA 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 TDEC–DOA 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14274 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6343; NPS–WASO–NAGPRA–NPS0040598; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), History Colorado 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Chance Ward, NAGPRA Collections Specialist, History Colorado, 1200 N Broadway, Denver, CO 80203, email *chance.ward@state.co.us.*

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 History Colorado, 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 one associated funerary object is a string of beads.

OAHP case 349: From Jefferson County. One ancestor. No funerary objects. A private citizen said their grandparent collected Native American art and this ancestor was in a private collection that was purchased years ago. No other information is known.

OAHP case 356: From Logan County. One ancestor and one associated funerary object. The associated funerary object is a string of beads. A private citizen said their parent collected the remains decades ago from a site in Logan County. No other information is known.

OAHP case 359: From Pueblo County. Two ancestors. No funerary objects. Reported as a burial exposed on a hillside due to erosion. No other information is known.

OAHP case 367: From Boulder County. One ancestor. No funerary objects. A rancher was prepping his agricultural field and exposed ancestral human remains. No other information is known.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and/or acquisition history of the human remains and associated funerary objects in this notice.

Determinations

The History Colorado has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The one object 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 Pawnee Nation of Oklahoma.

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 August 28, 2025. If competing requests for repatriation are received, History Colorado 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. History Colorado 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14266 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6346; NPS–WASO–NAGPRA–NPS0040601; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Department of Environment and Conservation Division of Archaeology, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA) has completed an inventory of human remains and associated funerary objects from Bedford, Coffee, Grundy, and Moore Counties, Tennessee 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC–DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email *Phil.Hodge@tn.gov.*

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 TDEC–DOA, 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, four individuals have been identified. The associated funerary objects are three unsorted lots of marine shell, lithics, and ceramics.

Site 40BD48, Bedford County, TN

Human remains representing, at least, one adult individual. No information is available regarding the collection or donation of these materials. There is no

known exposure to hazardous substances or treatments.

Site 40CF277, Coffee County, TN

Human remains representing, at least, one individual. No information is available regarding the collection or donation of these materials. There is no known exposure to hazardous substances or treatments.

Unknown Site, Grundy County, TN

Human remains representing, at least, one individual. No information is available regarding the collection or donation of these materials. There is no known exposure to hazardous substances or treatments.

Site 40ME10, Moore County, TN

Human remains representing, at least, one individual, and three associated funerary objects consisting of three unsorted lots of marine shell, lithics, and ceramics. These remains were donated to the TDEC–DOA in 2022 by archaeology faculty from Sewanee, The University of the South. No further information is available regarding the origin of these remains or circumstances of their collection. There is no known exposure to hazardous substances or treatments.

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 TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- The three 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 Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

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 August 28, 2025. If competing requests for repatriation are received, the TDEC–DOA 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 TDEC–DOA 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14268 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6355; NPS–WASO–NAGPRA–NPS0040611; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Merced, Merced, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Merced (UC Merced) 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 August 28, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Robin Maria DeLugan, University of California, 5200 Lake Road, Merced, CA 95343, email *rdelugan@ucmerced.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 UC Merced 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 two individuals have been identified. No associated funerary objects are present. The crania of an adult and a youth, likely Native American per observation by two UC Merced biological anthropologists, were found in a house off Hwy. 49, Oakhurst, CA, when the deceased owner's home was cleared out. The human remains were brought to a UC Merced professor of archaeology sometime after 2010. Only after the professor's retirement did campus become aware of these human remains. They are in the wooden crate and in the same condition as found in the house. The person who brought the crania to campus told us that the homeowner had found the crania on his property. There are no funerary or other associated objects. They continue to be held in a safe and secure location on campus.

Based on geographical location and information provided during consultation, the human remains are affiliated to Miwok, Mono, and Yokut Tribes. The following federally recognized Miwok, Mono, and Yokut Tribes have an interest in Madera County, CA: Big Sandy Rancheria of Western Mono Indians, California Valley Miwok Tribe, Chicken Ranch Rancheria of Me-Wuk Indians, North Fork Rancheria of Mono Indians, Picayune Rancheria of Chukchansi Indians, Tule River Indian Tribe, and Tuolumne Band of Me-Wuk Indians.

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 described in this notice.

Determinations

The UC Merced has determined that:

• The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

• There is a connection between the human remains described in this notice and the Big Sandy Rancheria of Western Mono Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Northfork Rancheria of Mono Indians of California; Picayune Rancheria of Chukchansi Indians of California; Tule River Indian Tribe of the Tule River Reservation, California; and the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

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 August 28, 2025. If competing requests for repatriation are received, the UC Merced 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 UC Merced 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14257 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6357; NPS–WASO–NAGPRA–NPS0040614; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History, (SNOMNH) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after August 28, 2025.

ADDRESSES: Send written requests for repatriation of associated funerary objects in this notice to Zachary Garrett, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, email *zacgarrett@ou.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 SNOMNH, 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

Based on the information available, two associated funerary objects were removed from the Clement 1 site (34MC8) in McCurtain County, OK. This site was excavated by the Works Progress Administration (WPA) in 1941, and the associated finds were transferred to SNOMNH that same year. The two associated funerary objects are one lot of decorated ceramic vessels and one lot of undecorated ceramic vessels. These associated funerary objects were likely interred around 1200–1500 CE. Cultural affiliation was established through Tribal Consultation, and is supported by archaeological, oral traditional, and post-contact historical information. This list of objects is an addition to the group of associated funerary objects previously identified in a Notice of Inventory Completion published in the **Federal Register** on September 13, 2021 (86 FR 50901). To our knowledge, no potentially hazardous substances were used to treat any of the 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 associated funerary objects described in this notice.

Determinations

SNOMNH has determined that:

• The two 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 associated funerary objects described in this notice and the Caddo Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the 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 associated funerary objects described in this notice to a requestor may occur on or after August 28, 2025. If competing requests for repatriation are received, SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. SNOMNH 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: July 9, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–14277 Filed 7–28–25; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1394]

Certain Liquid Coolers for Electronic Components in Computers, Components Thereof, Devices for Controlling Same, and Products Containing Same; Notice of a Commission Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and a Cease and Desist Order; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to affirm, with supplementary findings, the final initial determination (''ID'') of the presiding administrative law judge (''ALJ'') finding a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337. The Commission has determined to issue a limited exclusion order prohibiting further importation of infringing products by the respondents and a cease and desist order as to one respondent.

FOR FURTHER INFORMATION CONTACT: Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3316. 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 March 21, 2024, based on a complaint filed on behalf of Cooler Master Co., Ltd. of Taiwan; CMI USA, Inc. of Claremont, California; and CMC Great USA, Inc. of San Jose, California (collectively, ''Complainants''). 89 FR 20247–48 (Mar. 21, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain liquid coolers for electronic components in computers, components thereof, devices for controlling same, and products containing same by reason of infringement of claims 1–3 and 14 of U.S. Patent No. 10,509,446 (''the '446 patent''); claims 1–4 of U.S. Patent No. 11,061,450 (''the '450 patent''); and the claim of U.S. Patent No. D856,941 (''the '941 design patent''). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents SilverStone Technology Co., Ltd. of Taiwan; SilverStone Technology, Inc. of Chino, California; Enermax Technology Corp. of Taiwan; Enermax USA of Chino, California; Shenzhen Apaltek Co., Ltd. of China; and Guangdong Apaltek Liquid Cooling Technology Co., Ltd. of China (collectively, ''Respondents''). *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

The '941 design patent was terminated from the investigation by withdrawal of the complaint. Order No. 7 (Sept. 6, 2024), *unreviewed by* Comm'n Notice (Sept. 30, 2024).

A claim construction hearing was held on July 19, 2024, and a claim construction order issued on November 20, 2024. Order No. 10 (Nov. 20, 2024). An evidentiary hearing was held on December 2–5, 2024.

On March 21, 2025, the ALJ issued a final initial determination (''ID'') finding a violation of section 337 based on infringement of claims 1–3 and 14 of the '446 patent and claims 1–4 of the '450 patent. The ID included a recommended determination (''RD'') on remedy and bonding that recommended issuance of a limited exclusion order directed to the Respondents and a cease and desist order directed to one respondent. *See* ID at 142–43.

On May 22, 2025, the Commission determined to review the ID in part. 90 FR 22755–56. The Commission solicited briefing from the parties regarding certain issues under review. *Id.* The parties filed initial submissions on June 4 and June 5, 2025, and the parties filed reply submissions on June 12, 2025.[1] [2]

Having reviewed the record of the investigation, including the ALJ's findings and the parties' submissions, the Commission has determined to affirm the ID's finding of a violation of section 337 and to supplement the ID with additional findings regarding the ''defining a heat exchange chamber'' claim limitation and the economic prong of the domestic industry requirement.

The Commission has determined that the appropriate remedy is to issue a limited exclusion order prohibiting further importation of infringing products by the Respondents and a cease and desist order against Respondent SilverStone Technology, Inc.[3] The Commission has determined that the public interest factors do not counsel against issuing remedial orders. The Commission has determined that bond should be set in the amount of zero percent (0%) of entered value (*i.e.,* no bond).

The Commission vote for this determination took place on July 24, 2025.

This action is taken under the authority of 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: July 24, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–14249 Filed 7–28–25; 8:45 am]

BILLING CODE 7020–02–P

[1] On April 28, 2025, Respondents filed a motion for leave to correct a misstatement in Complainants' response to the petition for review, and on May 6, 2025, Complainants filed a response in opposition to the motion. In view of the additional briefing submitted by the parties on review, this motion is denied as moot.

[2] On June 19, 2025, Respondents moved for leave to file a corrected submission, and this motion was denied. *See* Respondents' Motion to Chair for Leave to File Corrected Submission at 1–2 (June 19, 2025), *denied by* Letter from Office of the Secretary, EDIS Doc. ID 854638 (June 25, 2025).

[3] The covered products in the remedial orders are liquid coolers for electronic components in computers, components thereof, and products containing same that infringe one or more of claims 1–3 and 14 of the '446 patent or claims 1–4 of the '450 patent.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–775 and 731–TA–1759–1760 (Preliminary)]

Freight Rail Couplers and Parts Thereof From Czech Republic and India; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–775 and 731–TA–1759–1760 (Preliminary) pursuant to the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of freight rail couplers and parts thereof from Czech Republic and India, provided for in subheading 8607.30.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of India. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by September 8, 2025. The Commission's views must be transmitted to Commerce within five business days thereafter, or by September 15, 2025.

DATES: July 23, 2025.

FOR FURTHER INFORMATION CONTACT: Camille Bryan, (202–205–2811) and Jordan Harriman (202–205–2610), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on July 23, 2025, by the Coalition of Freight Coupler Producers, comprised of McConway & Torley LLC, Pittsburgh, Pennsylvania, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on August 13, 2025. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before noon on August 11, 2025. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (*Calendar (USITC) | United States International Trade Commission*). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on August 18, 2025, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on August 12, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In

making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: July 24, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–14232 Filed 7–28–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Child Car Seats, DN 3840*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Wonderland Switzerland AG, Iron Mountains, LLC, Nuna International B.V., Nuna Baby Essentials, Inc., Joie International Co., Ltd., Joie Children's Products, Inc., and Graco Children's Products Inc. on July 24, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain child car seats. The complaint names as respondents: Dorel Juvenile Group, Inc. of Foxboro, MA; Dorel Industries Inc. of Canada; Guangdong Roadmate Group Co., Ltd. of China; Roadmate Trading (Hong Kong) Limited of Hong Kong; Zhongshan Roadmate Juvenile Products Co. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3840'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). 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. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov*.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 24, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–14248 Filed 7–28–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Agency Information Collection Activities

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives; Department of Justice.

ACTION: Notice that agency has replaced 30-Day notices for OMB Control Numbers 1140–0032, 1140–0073, 1140–0081, and 1140–0092.

SUMMARY: On July 10, 2025, the Department of Justice erroneously published 30-day notices for four information collection requests. These notices were incorrect, were published prematurely, and the reginfo.gov system did not open them for public comment. The Department published correct notices for these same four ICRs, on July 23, 2025, each with an open 30-day public notice and comment period. Reviewers should disregard the notices published on July 10 and instead review and comment on the notices published on July 23, 2025.

DATES: Persons interested in commenting on these information collections must submit comments on or before August 22, 2025.

ADDRESSES: You should submit written comments and recommendations for the correct information collections discussed in this notice at *www.reginfo.gov/public/do/PRAMain.* Find the particular information collection you want by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB control number listed below. In addition to viewing these information collections at the **Federal Register** site, you may also view them at *www.reginfo.gov.* Follow the instructions to view Department of Justice information collections currently under review by OMB.

FOR FURTHER INFORMATION CONTACT: Darwin Arceo, Department Clearance Officer; Policy and Planning Staff, Justice Management Division; United States Department of Justice; Two Constitution Square; 145 N Street NE, 4W–218; Washington, DC 20530.

SUPPLEMENTARY INFORMATION: On July 10, 2025 (90 FR 30701–30705), the Department of Justice erroneously published 30-day notices for four information collection requests: 1140–0032 Records of Acquisition and Disposition: Dealers/Pawnbrokers of Type 01/02 Firearms, and Collectors of Type 03 Firearms; 1140–0073 Furnishing of Explosives Samples; 1140–0081 Appeals of Background Checks; and 1140–0092 Voluntary Magazine Questionnaire for Agencies/Entities That Store Explosive Materials. These notices were incorrect, were published prematurely, and the reginfo.gov system did not open them for public comment. Thereafter, the Department published correct notices for these same four ICRs as planned, on July 23, 2025 (90 FR 34674–34677), each with an open 30-day public notice and comment period that ends on August 22, 2025. As a result, the Department is issuing this notice to inform the public that the first set of notices issued on July 10, 2025, are invalid and canceled. Reviewers and commenters should instead review and comment on the notices published on July 23, 2025.

Kimberly Keravuori,

Federal Register Liaison Officer.

[FR Doc. 2025–14336 Filed 7–28–25; 8:45 am]

BILLING CODE 4410–FY–P

NATIONAL CREDIT UNION ADMINISTRATION

Renewal of Agency Information Collections for Comments Request: Proposed Collections

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comments.

SUMMARY: The National Credit Union Administration (NCUA) will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Written comments should be received on or before September 29, 2025 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dacia Rogers, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314, Suite 6043; Fax No. (703) 519–8161; or email at *PRAComments@NCUA.gov*.

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dacia Rogers at (703) 518–6547.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0125.

Title: Appraisals, 12 CFR part 722.

Type of Review: Extension of a previously approved collection.

Abstract: Title XI of the Financial Institutions, Reform, Recovery and Enforcement Act of 1989 (FIRREA) was enacted to protect federal financial and public policy interests in real estate related transactions. To achieve this purpose, the statute directed the NCUA to adopt standards for the performance of real estate appraisals in connection with federally related transactions. FIRREA requires that appraisals be maintained in writing and meet certain minimum standards. NCUA's regulation Part 722 carries out the statutory requirements. The information collection activity requires a credit union to obtain a written appraisal on federally related transactions or

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

maintain written support of the estimated market value for transactions not required to have an appraisal. The use of their information by credit unions and NCUA helps ensure that federally insured credit unions are not exposed to risk of loss from inadequate appraisals.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 215,621.

OMB Number: 3133–0129.

Title: Corporate Credit Unions, 12 CFR part 704.

Type of Review: Extension of a previously approved collection.

Abstract: Part 704 of NCUA's regulations established the regulatory framework for corporate credit unions. This includes various reporting and recordkeeping requirements as well as safety and soundness standards. NCUA has established and regulates corporate credit unions pursuant to its authority under sections 120, 201, and 209 of the Federal Credit Union Act, 12 U.S.C. 1766(a), 1781, and 1789. The collection of information is necessary to ensure that corporate credit unions operate in a safe and sound manner by limiting risk to their natural person credit union members and the National Credit Union Share Insurance Fund.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 230.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Ji Kwon,

Acting Secretary of the Board.

[FR Doc. 2025–14297 Filed 7–28–25; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of July 28, August 4, 11, 18, 25, and September 1, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of July 28, 2025

There are no meetings scheduled for the week of July 28, 2025.

Week of August 4, 2025—Tentative

There are no meetings scheduled for the week of August 4, 2025.

Week of August 11, 2025—Tentative

There are no meetings scheduled for the week of August 11, 2025.

Week of August 18, 2025—Tentative

There are no meetings scheduled for the week of August 18, 2025.

Week of August 25, 2025—Tentative

There are no meetings scheduled for the week of August 25, 2025.

Week of September 1, 2025—Tentative

There are no meetings scheduled for the week of September 1, 2025.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: July 25, 2025.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2025–14292 Filed 7–25–25; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255; NRC–2025–0346]

Palisades Energy, LLC; Palisades Nuclear Plant; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a September 28, 2023, request from Holtec Decommissioning International, LLC (HDI), on behalf of Holtec Palisades, LLC. The exemption supports the reauthorization of power operations at the Palisades Nuclear Plant (PNP), and allows for a one-time rescission of the docketed decommissioning certifications to remove the restriction that prohibits operation of the PNP reactor and emplacement and retention of fuel into the PNP reactor vessel. The NRC is also rescinding six exemptions that were previously granted based on PNP's decommissioning status.

DATES: The exemption was issued on July 24, 2025.

ADDRESSES: Please refer to Docket ID NRC–2025–0346 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0346. 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 individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact

the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The exemption request to remove the prohibition against operations and emplacement of fuel in the reactor vessel is available in ADAMS under Accession No. ML23271A140.

• *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: Justin C. Poole, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2048; email: *Justin.Poole@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: July 25, 2025.

For the Nuclear Regulatory Commission.

Justin Poole,

Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255; NRC–2025–0346]

Palisades Energy, LLC; Palisades Nuclear Plant; Exemption

I. Background

PNP consists of a single pressurized-water reactor located in Covert Township, Michigan, along the shoreline of Lake Michigan. Originally licensed for operation on March 24, 1971, the NRC issued a renewed operating license for PNP on January 17, 2007, with the renewed operating license term expiring on March 24, 2031. By letter dated January 4, 2017 (ML17004A062), pursuant to title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.82(a)(1)(i), ''Termination of License,'' Entergy Nuclear Operations, Inc. (Entergy), the previous licensee for PNP, certified to the NRC that it decided to permanently cease power operations at the PNP by October 1, 2018. By letters dated September 28, 2017 (ML17271A233), and October 19, 2017 (ML17292A032), Entergy certified to the NRC that it planned to permanently cease power operations at PNP no later than May 31, 2022. By application dated December 23, 2020 (ML20358A075), as supplemented, Entergy on behalf of itself, Entergy Nuclear Palisades, LLC; Holtec International; and HDI submitted a license transfer application to transfer the PNP license from Entergy to Holtec. By letter dated December 13, 2021 (ML21292A145), the NRC issued an order consenting to the license transfer.

On May 20, 2022, PNP permanently ceased power operations. Pursuant to 10 CFR 50.82(a)(1)(ii), by letter dated June 13, 2022 (ML22164A067), Entergy certified to the NRC that all fuel had been permanently removed from the PNP reactor vessel and placed in the spent fuel pool (SFP) on June 10, 2022. These certifications were docketed by the NRC. Upon docketing the 10 CFR 50.82(a)(1) certifications, 10 CFR 50.82(a)(2) no longer authorizes operation of the PNP reactor, or emplacement or retention of fuel into the PNP reactor vessel. Shortly after PNP transitioned to a permanently shut down and defueled facility in accordance with 10 CFR 50.82(a)(2), Holtec Palisades, LLC assumed ownership of PNP, and HDI became the licensed operator for decommissioning PNP (ML22173A173) and began the decommissioning process.

In early 2023, HDI engaged with the NRC staff regarding the potential restart of reactor operation at PNP. By letter dated March 13, 2023 (ML23072A404), HDI submitted its proposed regulatory path to resume power operations at PNP through a series of licensing and regulatory actions to restore the plant's licensing basis to the one in effect just prior to permanent shut down. Specifically, from September 2023 to May 2024, the NRC received the following licensing and regulatory requests related to the potential restart of Palisades:

• A September 28, 2023, request for an exemption ''from the 10 CFR 50.82(a)(2) restriction that prohibits reactor power operations and retention of fuel in the reactor vessel . . . by allowing for a one-time rescission of the docketed 10 CFR 50.82(a)(1) certifications.'' (ML23271A140).

• A December 6, 2023, license transfer application, seeking NRC consent to, and a conforming amendment for, a transfer of operating authority from HDI to Palisades Energy, LLC under Renewed Facility Operating License No. DPR–20 for Palisades and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) (ML23340A161) (License Transfer Application).

• A December 14, 2023, license amendment request in support of resuming power operations that largely seeks to undo the changes made by the previously issued permanently defueled technical specifications amendment with some proposed differences from the previous operating reactor technical specifications (ML23348A148) (Power Operations TS Amendment).

• A February 9, 2024, license amendment request in support of resuming power operations that largely seeks to undo the changes made by the previously issued defueled administrative controls amendment with some proposed differences from the previous operating reactor technical specifications (ML24040A089) (Administrative Controls Amendment).

• A May 1, 2024, license amendment request to revise the Palisades site emergency plan to support resuming power operations (ML24122C666) (Emergency Plan Amendment).

• A May 24, 2024, license amendment request to revise the Palisades main steam line break analysis to ''support the Palisades restart project.'' (ML24145A145) (MSLB Amendment).

While this exemption is a necessary part of Holtec's regulatory approach to support restoration of the PNP power operations licensing basis, the NRC's approval of this exemption is not sufficient to authorize operation of the reactor, or emplacement or retention of fuel into the reactor vessel. NRC approval of all the licensing and regulatory requests listed above is necessary to restore the PNP power operations licensing basis and reauthorize power operations at PNP.

Accordingly, separate from this exemption, the NRC staff has reviewed and approved the License Transfer Application (ML25167A245), the Power Operations TS Amendment (ML25157A127), the Administrative Controls TS Amendment (ML25157A107), the Emergency Plan Amendment (ML25150A281), and the MSLB Amendment (ML25156A045). The staff is issuing its approval of these actions concurrently with its approval of this exemption to reauthorize power operations at PNP.

II. Request/Action

By letter dated September 28, 2023 (ML23271A140), Holtec Decommissioning International LLC, on behalf of Holtec Palisades LLC [1] (collectively, Holtec), requested exemption from portions of 10 CFR 50.82(a)(2) to allow for a one-time rescission of the docketed 10 CFR 50.82(a)(1) certifications to remove the restriction that prohibits operation of the PNP reactor and emplacement and retention of fuel into the PNP reactor vessel. The regulation in 10 CFR 50.82(a)(2) states, *Upon docketing of the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, or when a final legally effective order to permanently cease operations has come into effect, the 10 CFR part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel.* Therefore, Holtec states that a one-time exemption to this requirement is needed for PNP to transition from a facility in decommissioning back to a power operations plant. Holtec also states that the exemption would allow resumption of power operations at PNP after NRC approval of the License Transfer Application and license amendment requests necessary to reinstate the PNP power operations licensing basis. By letter dated July 1, 2025 (ML25182A066), Holtec submitted a notification reporting the licensing and regulatory activities needed to support the resumption of power operations at PNP and its readiness to transition to the power operations licensing basis on August 25, 2025. Holtec stated in the exemption request that four exemptions granted to PNP based on a facility in a decommissioning status are to be rescinded coincident with implementation of this exemption. Those

[1] On July 24, 2025, the NRC issued an order approving and conforming amendment reflecting the transfer of operating authority from HDI to Palisades Energy, LLC (Package ML25167A245). Holtec Palisades, LLC, remains the licensed owner of PNP.

exemptions are related to Certified Fuel Handlers Severe Weather Authority (ML17216A802), Record Keeping (ML21195A368, package), Use of Decommissioning Funds for Spent Fuel Management (ML21286A581, package), and the Permanently Defueled Emergency Plan (ML23263A977). In addition, by letter dated October 9, 2024 (ML24283A094), Holtec requested rescission of two additional exemptions related to Offsite Primary and Secondary Liability Insurance (ML23192A077) and Onsite Property Damage Insurance (ML23191A522) coincident with implementation of this exemption.

III. Discussion

Pursuant to 10 CFR 50.12, ''Specific exemptions,'' the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50: (1) when the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) when any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among others:

(ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule;

A. The Exemption Is Authorized by Law

The requested exemption from 10 CFR 50.82(a)(2) would allow for a one-time rescission of the docketed 10 CFR 50.82(a)(1) certifications to remove the restriction that prohibits operation of the PNP reactor and emplacement and retention of fuel into the PNP reactor vessel. As stated above, 10 CFR 50.12, allows the NRC to grant exemptions from the requirements of 10 CFR part 50 when the exemptions are authorized by law. The NRC staff has determined that granting the proposed one-time exemption will not result in a violation of the Atomic Energy Act of 1954, as amended; other laws; or the Commission's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The requested exemption, by itself, does not authorize plant operation or change the conditions of the plant in any manner. The one-time exemption from 10 CFR 50.82(a)(2) would allow Holtec the ability to rescind the 10 CFR 50.82(a)(1) certifications, such that the current restrictions that prohibit operation of the PNP reactor and emplacement and retention of fuel into the PNP reactor vessel would no longer be in place. These regulatory restrictions in 10 CFR 50.82(a)(2) in would no longer be in place once the certifications are rescinded; however, as discussed in Section I, the NRC has concurrently reviewed and approved the transfer of operating authority and the license amendment requests associated with restoring the power operations licensing basis (*i.e.,* restored operating license conditions, technical specifications, etc.) to allow for and ensure the safe loading of fuel into the reactor and operation of the plant. Each of these actions were subject to individual review and approval by the NRC to ensure that there is reasonable assurance of public health and safety to support the resumption of power operations at PNP. Therefore, this exemption will not present an undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemption would allow for a one-time rescission of the decommissioning certifications in 10 CFR 50.82(a)(1), and would not, by itself, alter the design, function, or operation of any structures or plant equipment that is necessary to maintain the safe and secure status of the plant, and will not adversely affect Holtec's ability to physically secure the site or protect special nuclear material. As discussed in Section I, the NRC has reviewed and approved the transfer of operating authority and the license amendment requests associated with restoring the power operations licensing basis to allow for and ensure the safe loading of fuel into the reactor and operation of the plant. As part of this review, the NRC determined that PNP's safeguards and security programs, as found in the Physical Security Plan, will meet the regulatory requirements necessary to support the resumption of power operations at PNP (ML25157A127). Therefore, the proposed exemption is consistent with the common defense and security.

D. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever, ''[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.'' The regulation at 10 CFR 50.82(a)(2) prohibits operation of the reactor and emplacement and retention of fuel in the reactor vessel upon docketing the decommissioning certifications described in 10 CFR 50.82(a)(1). The underlying purpose of this regulation is to provide the licensee with a key means of communicating to the NRC and the public the licensee's plans for decommissioning the reactor, as discussed in NRC–2015–0070, *Regulatory Improvements for Power Reactors Transitioning to Decommissioning, Regulatory Basis Document,* dated November 20, 2017 (ML17215A010).

Additionally, the certifications identify the point in time when a reactor formally enters the decommissioning process. Specifically, the docketing of the 10 CFR 50.82(a)(1) certifications serves as a discrete date to transition the inspection program for the plant from an operating to a decommissioning status, to restructure the NRC fees associated with operating a facility, and to allow the licensee to begin the process of implementing reductions to various site programs (*i.e.,* emergency preparedness and physical security) based on the reduced risk profile of a reactor in decommissioning.

As stated above, the underlying purpose of the rule is for communication regarding a licensee's formal entrance into the decommissioning process and to provide a discrete point in time to mark the transition from operations to decommissioning. Application of the rule as written would not permit a licensee in decommissioning for which the § 50.82(a) certifications have been docketed, in this particular circumstance, Holtec, to seek to restart the reactor and exit the decommissioning process. Moreover, it would prohibit Holtec from exiting the decommissioning process regardless of the outcome of the NRC's review of Holtec's licensing requests seeking the restoration of the PNP's power operations licensing basis. As noted in Section I, the NRC staff has concurrently reviewed and approved the transfer of operating authority and the license amendment requests associated with restoring the power operations licensing basis to support the reauthorization of power operations at PNP. There is nothing in the rulemaking basis for 10 CFR 50.82(a)(2) to indicate that the prohibitions prescribed by the regulation were intended to be irreversible. Additionally, in denying a petition for rulemaking, the Commission stated that ''the NRC may consider requests from licensees to resume operations under the existing regulatory framework'' Criteria To Return Retired Nuclear Power Reactors to Operations, (86 FR 24362; May 6, 2021). Finally, even if PNP resumes power operations, the facility would still need to be decommissioned, following submission and docketing of the 10 CFR 50.82(a)(1) certifications after any subsequent period of operation. Therefore, the NRC staff concludes that application of the regulation, in the particular circumstances of Holtec seeking to resume power operations at PNP, does not serve the underlying purpose of the rule. Accordingly, the special circumstances in 10 CFR 50.12(a)(2)(ii) exist and support approval of the requested exemption.

E. Environmental Considerations

In accordance with 10 CFR 51.30, 51.31, and 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as discussed in the NRC staff's Environmental Assessment and Finding of No Significant Impact issued on May 30, 2025 (90 FR 23071).

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Holtec a one-time exemption from 10 CFR 50.82(a)(2) to allow for a one-time rescission of the PNP docketed 10 CFR 50.82(a)(1) certifications to remove the restriction that prohibits operation of the PNP reactor and emplacement and retention of fuel into the PNP reactor vessel.

The Commission also considered Holtec's request that the NRC rescind the six exemptions discussed in Section II coincident with the implementation of this exemption. The Commission concludes that these six exemptions should be rescinded upon the effectiveness of this exemption

because the six exemptions were granted based on PNP's status as a facility in decommissioning, and therefore the supporting bases for these exemptions are no longer met. Accordingly, the Commission hereby grants Holtec's request to rescind the six exemptions discussed in Section II.

By letter dated July 1, 2025 (ML25182A066), Holtec submitted a notification reporting its readiness to implement the power operations licensing basis. In this letter Holtec stated that they planned to transition to the power operations licensing basis on August 25, 2025. Therefore, this exemption is effective on August 25, 2025.

Dated: July 24, 2025.

For the Nuclear Regulatory Commission.

/RA/

Jamie Pelton,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–14334 Filed 7–28–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing requests with the Postal Regulatory Commission to add certain Priority Mail Express International, Priority Mail International & First-Class Package International Service contracts to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: July 29, 2025.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

Date filed with postal regulatory commission	Negotiated service agreement product category and No.	MC docket No.	K docket No.
7/18/2025	PMEI, PMI&FCPIS 79	MC2025–1577	K2025–1570.
7/21/2025	PMEI, PMI & FCPIS 80	MC2025–1581	K2025–1574.

Documents are available at *www.prc.gov.*

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–14316 Filed 7–28–25; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103542; File No. SR–NSCC–2025–011]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Concerning Enhancements to the Automated Customer Account Transfer Service

July 24, 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 July 16, 2025, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the NSCC Rules & Procedures (''Rules'') to enhance the Automated Customer Account Transfer Service (''ACATS'') account transfer process.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend the NSCC Rules to accommodate proposed enhancements to ACATS to improve the efficiency of the account transfer process. Specifically, the proposed rule change would modify NSCC Rule 50 (Automated Customer Account Transfer Service) to reflect the removal of (i) the settlement preparation stage of the ACATS process (''Settle Prep'' or the ''Settle Prep Day'') and (ii) the second day of the Fund/SERV® [4] pending acknowledgement process from the ACATS transfer process. The proposed rule change is discussed in detail below.

Background

ACATS Overview

ACATS is a non-guaranteed service provided by NSCC that enables Members to effect transfers of customer accounts among themselves. ACATS complements Financial Industry Regulatory Authority (''FINRA'') Rule 11870 regarding customer account transfers, which requires FINRA members to use automated clearing agency customer account transfer services and to effect customer account transfers within specified time frames.[5] ACATS automates and standardizes procedures for the transfer of assets in a customer account, allowing Members to efficiently and automatically enter, review, and generate instructions to settle customer account transfers. The

[3] Capitalized terms not defined herein shall have the meaning assigned to such terms in the NSCC Rules, *available at www.dtcc.com/legal/rules-and-procedures.*

[4] Fund/SERV is an NSCC service that serves as the U.S. industry standard for processing and settling mutual fund, bank collective fund and other pooled investment product transactions between fund companies and distributors.

[5] *See* FINRA Rule 11870, *available at www.finra.org/rules-guidance/rulebooks/finra-rules/11870.* NSCC also permits Qualified Securities Depositories (*i.e.,* The Depository Trust Company (''DTC'')) to utilize ACATS on behalf of their participants (*e.g.,* DTC member banks) on a voluntary basis. *See* Section 1 of Rule 50, supra *note 3.*

timing and procedures with respect to ACATS customer account transfers are intended to be consistent with the timing and processes set forth in FINRA Rule 11870.

ACATS is primarily described in Rule 50 and Procedure XVIII (ACATS Settlement Accounting Operation) of the NSCC Rules. Pursuant to NSCC Rule 50, an NSCC Member to whom a customer's account will be transferred (the ''Receiving Member'') initiates the transfer by submitting a transfer initiation request to NSCC, which contains the customer detail information that the NSCC Member who currently has the account (the ''Delivering Member'') requires to transfer the account.[6] The Delivering Member must either reject the customer account transfer request or submit detailed customer account asset data to NSCC.[7] NSCC then provides a report detailing the customer account asset data to the Receiving Member,[8] who has one business day after receipt of the report to review the account and: (i) accept all assets; (ii) reject one or more assets, to the extent such a rejection is permitted by the Receiving Member's Designated Examining Authority (*i.e.,* FINRA), and allow the transfer of the remaining assets; (iii) request the Delivering Member to make adjustments to the customer account asset list; or (iv) reject the account, to extent such a rejection is permitted by NSCC or FINRA.[9] Once a customer account has been accepted by the Receiving Member, ACATS facilitates the settlements associated with the account transfer at the appropriate asset settling location (*e.g.,* through NSCC's Continuous Net Settlement system (''CNS'') for CNS-eligible securities, DTC for securities otherwise eligible for DTC settlement services, Fund/SERV for eligible mutual fund products, the Insurance Processing Service [10] for annuities, or The Options Clearing Corporation [11] for listed options).

NSCC is currently working with the industry to streamline the ACATS process and shorten the time it takes to complete a customer account transfer in ACATS. Specifically, ACATS is being enhanced by removing the Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process from the ACATS transfer process, as further described below. As a result, NSCC is proposing changes to the NSCC Rules to conform to and accommodate these enhancements.

ACATS Timeline and Settle Prep Day

There are currently four stages of an ACATS transfer, which can take up to five days to complete. The first stage is the ''Request Period'' (Day 1), during which the Receiving Member initiates the transfer. The second stage is the ''Review Period'' (Days 2–3), during which the Delivering Member confirms the assets currently in the account so the Receiving Member can review and determine if it will accept or reject the account.[12] The third stage is the settlement preparation period (or ''Settle Prep'') (Day 4) between the review stage and actual settlement,[13] which provides a full day for the Delivering Member to perform any possession and control activities to prepare the delivery of the cash and securities (*e.g.,* submitting instructions for CNS exemptions and memo segregation).[14] Finally, the last stage is the settlement close period (''Settle Close'') (Day 5), which is the day of settlement on which the securities and/or cash are transferred at the applicable settling locations (*e.g.,* CNS, DTC, Fund/SERV).

During this five-day period, an investor's assets remain invested in the market; however, trading for these assets may be restricted. The inability to trade such assets may expose the investor to additional market risks. With the move to the T+1 settlement cycle in May 2024,[15] there is now an opportunity to remove the Settle Prep Day from the ACATS transfer cycle, shortening the time it takes to complete an account transfer.

Previously, under the T+2 settlement cycle, daily ACATS transfer processing completed at approximately 4:30 p.m. Eastern Time [16] each day, and the cutoff time for Members to submit CNS exemptions and priority instructions to control their CNS deliveries was 6:00 p.m.[17] In the absence of an additional processing day, this would have left Members with only 1.5 hours to submit CNS exemptions and priority instructions, which would not allow for sufficient time to perform those tasks. As a result, the ACATS processing timeline included a Settle Prep Day to allow Members sufficient time to submit their exemptions and priority instructions in preparation for settlement. However, as noted above, the Settle Prep Day also extended the time period during which customers continue to have market exposure but restricted access to trading for these assets.

Under the T+1 settlement cycle, Members now have until 10:45 p.m. to submit CNS exemptions and priority instructions.[18] DTC's night cycle start time has also changed from 8:15 p.m. on T+1 to 11:30 p.m. on T. As a result of the changes to the exemption processing timelines in T+1, Members now have sufficient time to submit exemption instructions for settling positions for both two-day settling ACATS and one-day settling ACATS with the same settlement date. For example, a one-day settling CNS ACATS position from a transfer that has aged to Settle Close can now have a CNS exemption override instruction processed against that position for settlement in the night cycle. Accordingly, Members have sufficient time under the new T+1 processing timelines to submit their exemption and priority instructions prior to settlement date, eliminating the need for the Settle Prep Day in the ACATS process.

Mutual Fund Pending Acknowledgement Process

As described above, ACATS facilitates account transfers that may include Fund/SERV Eligible Fund [19] assets to be

[6] *See* Sections 2 and 3 of Rule 50, *supra* note 3.

[7] *See* Section 5 of Rule 50, *supra* note 3.

[8] *See* Section 7 of Rule 50, *supra* note 3.

[9] *See* Section 8 of Rule 50, *supra* note 3. Pursuant to FINRA Rule 11870(d)(8), a Receiving Member may reject a transfer of account assets in whole if the account is not in compliance with the Receiving Member's credit policies or minimum asset requirements. *See supra* note 5.

[10] *See www.dtcclearning.com/products-and-services/insurance-retirement-services/acats-ips.html.*

[11] *See www.theocc.com.*

[12] During this period, the account may also be referred to as being in ''Review Status.''

[13] During this period, the account may also be referred to as being in ''Settle Prep Status.''

[14] ACATS restricts any additional activities for the transfer in Settle Prep Status.

[15] *See* Securities Exchange Act Release No. 96930 (Feb. 15, 2023), 88 FR 13872 (Mar. 6, 2023) (S7–05–22) (Shortening the Securities Transaction Settlement Cycle). *See also* Securities Exchange Act Release No. 100048 (May 2, 2024), 89 FR 38929 (May 8, 2024) (SR–NSCC–2024–002).

[16] All times discussed herein are Eastern Time.

[17] The CNS automatic delivery process occurs in two cycles: the ''night cycle,'' which typically begins the night before settlement date, and the ''day cycle,'' which occurs on settlement date. NSCC employs an algorithm for each cycle to determine the order in which Members with long allocations receive positions from CNS. Members can submit exemptions and priority requests that override NSCC's algorithm to control the automatic delivery of securities from their DTC accounts or if they have special needs to receive securities owed to them (*e.g.,* the Member has an urgent customer delivery). These priority requests can be submitted for the night cycle, the day cycle, or both.

[18] Absent submission of an override instruction, Members' regular standing instruction would be applied to both two-day and one-day settling ACATS that create a short position.

[19] A Fund/SERV Eligible Fund is a fund or other pooled investment entity which may be the subject of orders processed through NSCC's Mutual Fund Service. *See* definition of Fund/SERV Eligible Fund in NSCC Rule 1 (Definitions and Descriptions) and

Continued

transferred through NSCC's Mutual Fund Services.[20] NSCC's Mutual Fund Services are the industry standard for processing fund transactions, communicating account-related information, and linking fund companies with their network of distribution firms. The Fund/SERV service automates purchases, registrations, redemptions and settlement of fund transactions. Other Mutual Fund Services capabilities include coordinating account information between funds and firms; processing defined contribution transactions; settling commission and fee payments; transferring accounts between firms, and assets in IRAs between fund companies; and, through the Mutual Fund Profile Service, providing a centralized repository for information about funds, including information contained in a fund's prospectus. The Fund/SERV side of the ACATS-Fund/SERV process comprises the second half of the ACATS transfer process for mutual funds, transferring mutual fund assets from one owner to another through the ACATS-Fund/SERV system.

As described above, during the Review Period of an ACATS transfer, the Delivering Member confirms the assets in the account to be transferred so that the Receiving Member can review and determine if it will accept or reject the account. If the Receiving Member accepts the mutual fund transfer, it submits a mutual fund registration record (''FR Record'') to ACATS before the end of the Review Period. The FR Record is then processed by ACATS and passed to Fund/SERV, which then passes it to the mutual fund. Once the FR Record is submitted, the account transfer has passed from Review Status to Settle Prep Status.[21]

Currently, the mutual fund company has until 11:00 a.m. on the second day after receipt of the fund re-registration request through Fund/SERV to acknowledge/accept or reject the mutual fund re-registration requests associated with an ACATS transaction. The acknowledgement also offsets the original incentive charge applied to the asset during the ACATS transaction.[22] Due to the current two-day acknowledgement process, mutual fund transfers require a Settle Prep Day for both full and partial transfers to align with a two-day settling process. To facilitate the inclusion of mutual funds in the shortened ACATS cycle (*i.e.,* the removal of the Settle Prep Day), NSCC is eliminating the second day of the Fund/SERV pending acknowledgement process. Under the new ACATS timeline, mutual fund companies/transfers agents will be required to send acknowledgements on day 1 or the next business day after receipt of the mutual fund registration request. Maintaining a two-day acknowledgement process with the removal of Settle Prep would create a settlement misalignment for ACATS Fund/SERV transfers (*e.g.,* a day 2 acknowledgement without Settle Prep would be sent the day after settlement is complete, which would be too late to apply the incentive charge credit that offsets the original incentive charge when a Fund/SERV acknowledgement occurs).

Proposed Changes

NSCC proposes to amend Rule 50 to reflect the upcoming elimination of the Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process from the ACATS transfer process. NSCC Rule 50 and Procedure XVIII do not contain information describing the specific number of days in the transfer process, the Settle Prep Day, or the specific number of days in the Fund/SERV pending acknowledgement process. However, Rule 50 does contain descriptions of the settlement dates for certain types of transfers, and some of these descriptions will be impacted by the removal of the Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process. NSCC therefore proposes to amend Rule 50 so that those Rules conform with forthcoming changes to the ACATS process.

NSCC proposes to amend Section 12.3.(ii) of Rule 50 to remove language related to the two-day settlement timeline for certain options and Fund/SERV assets. Section 12 of Rule 50 describes the transfer of (i) residual credit positions; (ii) partial accounts; (iii) cash in respect of fail positions for which delivery is unable to be completed; and (iv) cash or securities mistakenly delivered as part of ACATS (''Reclaims''), other than Fund/SERV Eligible Fund assets and positions eligible for processing at another registered clearing agency (''ACAT RCA''). Specifically, the rule states that the settlement date for all such transfers is one business day following the day NSCC receives the transfer request unless the request includes, among other things, options assets which are eligible for processing at an ACAT RCA or Fund/SERV Eligible Fund assets, whereby the settlement date for all assets included in the transfer shall be two business days following the day NSCC receives the transfer request. NSCC proposes to remove this sub-paragraph from Section 12.3 of Rule 50 to reflect the elimination of the Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process and that such transfers would now be settled on the first business day after NSCC receives the transfer request. NSCC would also make conforming changes to the Rule to reflect the removal of this sub-paragraph and make a typographical correction to the Rule.

NSCC also proposes to amend Section 13 of Rule 50 to remove a statement concerning a two-day settlement timeline for certain transfers containing options assets or Fund/SERV Eligible Fund assets. Pursuant to Section 13 of Rule 50, a Receiving Member may submit a request to a Delivering Member to initiate the transfer of a partial customer account. For partial settlements, if the Delivering Member submits detailed account asset data, and the transfer is not rejected by the Receiving Member, the settlement date for the transfer request is generally one business day after the Delivering Member has submitted the asset account data, unless the transfer contains options assets or Fund/SERV Eligible Fund assets, in which case the settlement date for all assets will be two business days after the Delivering Member has submitted the asset account data. As a result of the proposed elimination of Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process, future transfers containing options assets or Fund/SERV Eligible Fund assets would now settle one business day after the Delivering Member has submitted the asset account data.

Implementation Timeframe

Subject to approval by the Commission, NSCC would implement

NSCC Rule 3 (Lists to be Maintained), Section 1(c), *supra* note 3.

[20] NSCC's Mutual Fund Services are described in NSCC Rule 52 (Mutual Fund Services), *supra* note 3.

[21] If, by the end of the review period, the Receiving Member fails to submit an FR Record for all eligible mutual fund assets due to be re-registered through the ACATS-Fund/SERV automatic link, ACATS generates a default account registration on behalf of the Receiving Member and passes it to the ACATS-Fund/SERV link.

[22] ACATS applies incentive charges to all Fund/SERV eligible assets. These charges incentivize the deliverer to deliver the asset and allow the receiver to record the customer on its books on the ACATS settlement date, insulating the firm from the settlement process. As the items are acknowledged by the fund companies through the ACATS-Fund/SERV interface, ACATS offsets the incentive charges to reflect the acknowledgments.

the proposed rule change on October 17, 2025.[23]

2. Statutory Basis

NSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Section 17A(b)(3)(F) of the Act [24] requires that the rules of a clearing agency be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. NSCC believes the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act for the reasons stated below.

As described above, NSCC is working with the industry to remove the Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process from the ACATS transfer process. The changes would expedite the time it takes to complete a customer account transfer in ACATS, reducing the amount of time that an investor's assets would remain invested in the market without the ability for the investor to trade such assets. While NSCC Rule 50 and Procedure XVIII do not contain information describing the specific number of days in the transfer process, the Settle Prep Day, or the specific number of days in the Fund/SERV pending acknowledgement process, Rule 50 does contain descriptions of the settlement dates for certain types of transfers, and some of these descriptions will be impacted by the removal of the Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process. The proposed rule change would amend the NSCC Rules to conform to and accommodate the upcoming removal of the Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process. As a result, NSCC believes the proposed changes would promote the prompt and accurate settlement of ACATS account transfers and assure the safeguarding of securities and funds associated with such transfers. For these reasons, NSCC believes the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of NSCC or for which it is responsible in accordance with Section 17A(b)(3)(F) of the Act.[25]

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act [26] requires that the rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the Act. The proposed rule change is designed to accommodate industry requests to streamline and shorten the time it takes to complete a customer account transfer in ACATS. Specifically, the proposed rule change would amend the NSCC Rules to conform to and accommodate the upcoming removal of the Settle Prep Day and the second day of the Fund/SERV pending acknowledgement process, specifically as the Rules pertain to settlement dates for certain types of transfers. The proposed ACATS enhancements would leverage recent changes made to exemption and night cycle processing times in the T+1 settlement cycle, which now provide Members with sufficient time to submit exemption instructions for settling positions for both two-day settling ACATS and one-day settling ACATS with same settlement date settlement cycle, more closely aligning the settlement of ACATS asset transfers with the T+1 settlement cycle for traded assets. NSCC therefore believes the proposed rule change would not impose any burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

NSCC reserves the right not to respond to any comments 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 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–NSCC–2025–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–NSCC–2025–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of NSCC and on DTCC's website (*https://dtcc.com/legal/sec-rule-filings.aspx*). Do not include personal identifiable information in

[23] NSCC has issued Important Notices to Members regarding the removal of Settle Prep and the Fund/SERV Day 2 acknowledgement day *available at www.dtcc.com/-/media/Files/pdf/2024/7/31/a9463-24.pdf, www.dtcc.com/-/media/Files/pdf/2025/3/25/a9574-25.pdf,* and *www.dtcc.com/-/media/Files/pdf/2025/4/9/a9579.pdf.*

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] *Id.*

[26] 15 U.S.C. 78q–1(b)(3)(I).

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–NSCC–2025–011 and should be submitted on or before August 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–14236 Filed 7–28–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0702]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 18a–3

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 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is submitting to the Office of Management and Budget (''OMB'') this request for extension of the proposed collection of information provided for in Rule 18a–3 (17 CFR 240.18a–3), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 18a–3 establishes minimum margin requirements for nonbank security-based swap dealers (''SBSDs'') and nonbank major security-based swap participants (''MSBSPs'') for non-cleared security-based swaps. Under Rule 18a–3(e), nonbank SBSDs are required to monitor the risk of each account that holds non-cleared security based swaps for a counterparty and to establish, maintain, and document procedures and guidelines for monitoring the risk of accounts as part of its risk management control system required under Exchange Act Rule 15c3–4. In addition, Rule 18a–3(d)(2) provides that a nonbank SBSD seeking approval to use a model to calculate initial margin will be subject to an application process consistent with Exchange Act Rule 15c3–1e and paragraph (d) of Exchange Act Rule 18a–1, as applicable, governing the use of internal models to compute net capital.[1]

The total annual hour burden associated with Rule 18a–3 is approximately 1,030 hours calculated as follows:

The Commission staff estimates that there are 13 nonbank SBSDs that are subject to Rule 18a–3(e). The staff further estimates that each nonbank SBSD would spend an average of approximately 60 hours per year reviewing risks associated with its counterparties pursuant to the procedures and guidelines implemented by each nonbank SBSD, for an annual industry-wide ongoing burden of approximately 780 recordkeeping hours.[2]

With respect to Rule 18a–3(d)(2), the Commission estimates that one nonbank SBSD uses a model to calculate initial margin and that this nonbank SBSD will spend approximately 250 hours per year reviewing, updating, and back testing its initial margin model, resulting in a total industry-wide ongoing annual hour burden of approximately 250 recordkeeping hours.[3]

The total annual hour burden associated with Rule 18a–3 is thus approximately 1,030 hours (780 hours + 250 hours).

The Commission estimates that there is no annual cost burden associated with Rule 18a–3 as the previously estimated start-up costs have already been incurred.

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 Commission, including whether the information will have practical utility; (b) the accuracy of the Commission'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.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202505-3235-002* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by August 29, 2025.

Dated: July 25, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–14317 Filed 7–28–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103543; File No. SR–NASDAQ–2025–032]

Self-Regulatory Organizations; Nasdaq Stock Market LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the VanEck Avalanche ETF Under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)

July 24, 2025.

I. Introduction

On April 9, 2025, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the VanEck Avalanche ETF (''Trust'') under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on April 29, 2025.[3]

On June 12, 2025, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] This order institutes

[27] 17 CFR 200.30–3(a)(12).

[1] While Rule 18a–3 contains requirements that apply to both nonbank SBSDs and MSBSPs, the particular requirements that constitute a collection of information relate only to nonbank SBSDs.

[2] 13 nonbank SBSDs × 60 hours = 780 hours.

[3] 1 nonbank SBSD × 250 hours = 250 hours.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 102917 (Apr. 23, 2025), 90 FR 17846 (''Notice''). Comments received on the proposed rule change are available at: *https://www.sec.gov/comments/sr-nasdaq-2025-032/srnasdaq2025032.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 103239, 90 FR 25707 (June 17, 2025). The Commission designated July 28, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,[7] the Exchange proposes to list and trade the Shares of the Trust under Nasdaq Rule 5711(d), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

According to the Exchange, the investment objective of the Trust is for the Shares to reflect the performance of the price of AVAX,[8] less the expenses of the Trust's operations.[9] In seeking to achieve its investment objective, the Trust will hold AVAX and will value its Shares daily based on the reported MarketVector Avalanche Benchmark Rate (''Index'').[10] When the Trust sells or redeems its Shares, it will do so in cash and in-kind transactions with authorized participants in blocks of 25,000 Shares.[11] The Sponsor may, from time to time, stake a portion of the Trust's assets through one or more trusted staking providers, which may include an affiliate of the Sponsor, and, in consideration for any staking activity in which the Trust may engage, the Trust would receive certain staking rewards of AVAX tokens.[12]

III. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2025–032 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[13] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[14] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices'' and ''to protect investors and the public interest.'' [15]

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on whether the proposal to list and trade Shares of the Trust, which would hold AVAX, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[16]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by August 19, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by September 2, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2025–032 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–NASDAQ–2025–032. 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 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–NASDAQ–2025–032 and should be submitted on or before August 19, 2025. Rebuttal comments should be submitted by September 2, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–14235 Filed 7–28–25; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Notice, *supra* note 3.

[8] The Exchange states that AVAX is the native token of the Avalanche network and is a digital asset that is created and transmitted through the operations of the peer-to-peer Avalanche network, a dispersed network of computers that operates on cryptographic software protocols based on open source code. *See id.* at 17846.

[9] *See id.* at 17847. VanEck Digital Assets, LLC is the sponsor of the Trust and Delaware Trust Company is the trustee of the Trust. A third party custodian will be responsible for the custody of the Trust's AVAX. *See id.* at 17846.

[10] *See id.* at 17846. The Exchange states that the Index is calculated based on prices contributed by trading platforms that the Sponsor's affiliate, MarketVector Indexes GmbH, believes represent the top five AVAX trading platforms based on the industry leading CCData Centralized Exchange Benchmark review report. *See id.*

[11] *See id.*

[12] *See id.*

[13] 15 U.S.C. 78s(b)(2)(B).

[14] *Id.*

[15] 15 U.S.C. 78f(b)(5).

[16] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[17] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103539; File No. SR–NASDAQ–2025–052]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To Amend the Hashdex Nasdaq Crypto Index US ETF To Allow for In-Kind Transfers Under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)

July 24, 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 July 11, 2025, The Nasdaq Stock Market LLC (''Nasdaq'' 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 the Hashdex Nasdaq Crypto Index US ETF (the ''Trust''), shares (''Shares'') of which have been approved by the Commission to list and trade on the Exchange pursuant to Nasdaq Rule 5711(d), to allow for ''in-kind'' transfers of the Trust's bitcoin and ether.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings* and the principal office of the Exchange.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission approved the listing and trading of the Shares of the Trust under Nasdaq Rule 5711(d)[3] on December 19, 2024.[4] The Trust is managed and controlled by Hashdex Asset Management Ltd. (''Sponsor'') and administered by U.S. Bancorp Fund Services, LLC (the ''Administrator''). U.S. Bancorp Fund Services, LLC is the transfer agent for the Trust (''Transfer Agent''). U.S. Bank, N.A. holds the Trust's cash and/or cash equivalents[5] (''Cash Custodian''). Coinbase Custody Trust Company, LLC and BitGo Trust Company, Inc. are the custodians of the Trust's digital assets (''Crypto Custodians'', and together with the Cash Custodian, the ''Custodians'').

In the Hashdex Original Filing, the Exchange represented that the Trust would only allow for cash creations and redemptions.[6] The Exchange now proposes to amend the Hashdex Original Filing to allow for in-kind transfers of the Trust's bitcoin and ether. The proposed in-kind transfer process will be an alternative to the Trust's current cash creation and redemption process. Except for the changes described below, all other representations in the Hashdex Original Filing remain unchanged and will continue to constitute continued listing requirements. In addition, the Trust will continue to comply with the terms of the Hashdex Original Filing and the requirements in Rule 5711(d).

Specifically, as noted in the Hashdex Original Filing, the Sponsor executed an agreement so that Coinbase Inc. could serve as the Trust's ''Prime Execution Agent.'' In this capacity, the Prime Execution Agent will facilitate the transfer of bitcoin and ether between the Trust and an Authorized Participant,[7] its designated agent or client as part of in-kind creations and redemptions.[8]

Further, as noted in the Hashdex Original Filing, the Trust issues and redeems ''Baskets''[9] on a continuous basis. In relation to in-kind creations and redemptions, Baskets will be issued or redeemed in exchange for bitcoin and ether, and no Shares will be issued unless the Trust confirms receipt of the corresponding amount of bitcoin and ether.

In connection with Share creations and redemptions, Authorized Participants would deliver either cash or, in the case of in-kind transactions, bitcoin and ether to the Trust, and would receive either cash or bitcoin and ether, as applicable.

For the creation of a Basket, the Authorized Participant is required to submit the order by 2:00 p.m. ET, or the close of regular trading on the Exchange, whichever is earlier (the ''Order Cutoff Time'').

Specifically, in connection with in-kind creations and redemptions, the Authorized Participants will submit orders to create Baskets in exchange for bitcoin and ether. On settlement date for an in-kind creation, the Trust delivers Shares to the Authorized Participant in exchange for bitcoin and ether received from the Authorized Participant, or its designated agent or client. The Authorized Participant (or its designated agent or client) will deposit such bitcoin and ether into the Trust's account.

In the event the Authorized Participant, or its designated agent or client, has not deposited the bitcoin and ether to the Trust's account by the applicable time on the settlement date of the in-kind creation order, the

[3] Nasdaq Rule 5711(d) governs the listing and trading of Commodity-Based Trust Shares, which means a security (1) that is issued by a trust that holds (a) a specified commodity deposited with the trust, or (b) a specified commodity and, in addition to such specified commodity, cash; (2) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (3) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash. *See* Nasdaq Rule 5711(d)(iv)(A).

[4] *See* Securities Exchange Act Release No. 101998 (December 19, 2024), 89 FR 106707 (December 30, 2024) (SR–NASDAQ–2024–028; SR–CboeBZX–2024–091). *See also* Securities Exchange Act Release Nos. 101218 (Sept. 30, 2024), 89 FR 80970 (Oct. 4, 2024) (SR–NASDAQ–2024–028) (''Amendment No. 1''); and 102309 (January 29, 2025), 90 FR 8961 (February 4, 2025) (SR–NASDAQ–2025–006). SR–NASDAQ–2025–006 updated certain representations made in Amendment No. 1 relating to the service providers and the basket size of the Hashdex Nasdaq Crypto Index US ETF. Amendment No. 1, as amended by SR–NASDAQ–2025–006, will hereinafter be referred to as the ''Hashdex Original Filing.''

[5] ''Cash equivalents'' are limited to short-term treasury bills (90 days or less to maturity), money market funds, and demand deposit accounts.

[6] *See* Hashdex Original Filing, at 80973—80974.

[7] ''Authorized Participants'' are registered broker-dealers that are Depositary Trust Company (''DTC'') participants that enter into an authorized participant agreement with the Sponsor.

[8] In certain instances, an Authorized Participant may request the creation or redemption of shares on an agency basis on behalf of its client, in which case the client will deliver or receive the required bitcoin and ether directly to or from the Trust via the Prime Execution Agent. Similarly, when acting on a principal basis, an Authorized Participant may designate an agent to manage the transfer of bitcoin and ether to or from the Trust in connection with creation or redemption requests.

[9] Baskets will be offered continuously at NAV per Share for 10,000 Shares.

Authorized Participant may elect to (1) cancel the in-kind creation order, (2) delay settlement of the order to enable delivery of the bitcoin and ether at a later date, or (3) accept that the Trust will execute a transaction required for the creation and the Authorized Participant will deliver the U.S. dollars required for this purchase. In the case of (3), the Authorized Participant is responsible for the dollar cost of the difference between the Creation NAV Price [10] and the Creation Execution Price [11] if the Creation Execution Price is higher. In case the Creation Execution Price is lower than the Creation NAV Price, the Authorized Participant shall get to keep the dollar impact of any such difference.

In the event the Authorized Participant has not deposited the Shares to the Trust, by the applicable time on the settlement date of the in-kind redemption order, the Authorized Participant may elect to (1) cancel the in-kind creation order, (2) delay settlement of the order to enable delivery of the Shares at a later date, or (3) accept that the Trust will cancel the in-kind creation order.

On the settlement date for an in-kind redemption, the Trust transfers bitcoin and ether to the Authorized Participant (or its designated agent or client) against receipt of the corresponding Shares.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that permitting in-kind transfers with respect to the Trust's creation and redemption process promotes just and equitable principles of trade and helps remove impediments to and perfect the mechanism of a free and open market and a national market system. As discussed above, the proposed changes would permit the Trust to utilize an in-kind creation and redemption process in addition to the cash creation and redemption process. This added ability would make the Trust (and the market more generally) operate more efficiently because Authorized Participants, their designated agents or clients, would be able to source bitcoin and ether rather than to provide cash to the Trust and/or receive bitcoin and ether from the Trust. This means that the Authorized Participant, its designated agent or client, would be responsible for buying and selling the bitcoin and ether rather than the Trust itself, which would potentially lessen the impact on the market of the Trust on both sides of the transaction by allowing the Authorized Participant to decide how and where to source the underlying bitcoin and ether for creations and deciding how, where, and whether to sell the underlying bitcoin and ether for redemptions. This could lead to improvements in the creation and redemption process for both Authorized Participants and the Trust, and could potentially increase efficiency, and ultimately benefit the end investors in the Trust.

Except for the changes described above, all other representations in the Hashdex Original Filing remain unchanged and will continue to constitute continued listing requirements. In addition, the Trust will continue to comply with the terms of the Hashdex Original Filing and the requirements in Rule 5711(d).

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 not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, the proposed amendments are intended to reflect changes to the Trust's creation and redemption process, specifically to allow for in-kind transfers. The Exchange believes that the proposed rule change would increase operational efficiencies for the Trust (and the market more generally). The Exchange believes these changes will not impose any burden on competition.

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 Exchange consents, the Commission shall: (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–NASDAQ–2025–052 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–NASDAQ–2025–052. 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 filing 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–NASDAQ–2025–052 and should be submitted on or before August 19, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–14234 Filed 7–28–25; 8:45 am]

BILLING CODE 8011–01–P

[10] ''Creation NAV Price'' will mean the bitcoin and ether price utilized in calculating the NAV per Share on the date of the Order Cutoff Time for a creation order (''Creation Order Date'').

[11] ''Creation Execution Price'' will mean the price at which the Trust acquires the bitcoin and ether.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the Optional Peg Rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 4.63 percent for the July–September quarter of FY 2025.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any Third Party Lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

Daniel Pische,

Director, Office of Financial Assistance.

[FR Doc. 2025–14247 Filed 7–28–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2025–1005; Summary Notice No. 2025–43]

Petition for Exemption; Summary of Petition Received; TransNorthern Aviation

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before August 18, 2025.

ADDRESSES: Send comments identified by docket number FAA–2025–1005 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mickenzie Roby, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, at 202–267–9677.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2025–1005.

Petitioner: TransNorthern Aviation.

Section(s) of 14 CFR Affected: §§ 135.99(c)(1)(iii), 135.99(c)(4)(i), 135.99(c)(4)(ii) and 61.159(c)(3).

Description of Relief Sought: TransNorthern Aviation requests relief from portions of the Second in Command Professional Development Program. This would allow the FAA POI to issue Operations Specification A062 without TransNorthern Aviation having to establish and maintain a data collection and analysis process that will enable them and the FAA to determine if the second-in-command professional development program is accomplishing its objectives. The assigned PIC would not need to have been fully qualified to serve as a pilot in command for the certificate holder for at least the previous 6 calendar months, nor be required to complete mentoring training, including techniques for reinforcing the highest standards of technical performance, airmanship and professionalism within the preceding 36 calendar months. Finally, the PIC would not be required to certify in the pilot's logbook that the second-in-command pilot time was accomplished under section 61.159(c).

[FR Doc. 2025–14284 Filed 7–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2025–1630; Summary Notice No.–2025–49]

Petition for Exemption; Summary of Petition Received; Rainmaker Technology Corporation

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before August 18, 2025.

ADDRESSES: Send comments identified by docket number [FAA–2025–1630] using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in

Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267–2928, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan A. Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2025–1630.

Petitioner: Rainmaker Technology Corporation.

Section(s) of 14 CFR Affected: § 107.36.

Description of Relief Sought: Rainmaker Technology Corporation (Rainmaker Technology) seeks relief to allow the use of burn-in-place (BIP) and ejectable flares during unmanned aircraft system (UAS) precipitation enhancement operations at high altitudes with the Rainmaker Elijah Quadcopter Series small UAS, that has a maximum take-off weight (MTOW) of 50 pounds (lbs.). The relief sought is limited to the carriage and controlled deployment of these flares, which are classified as hazardous materials, for the purpose of dispersing ice nucleating particles (INP) to stimulate precipitation in drought-affected regions.

[FR Doc. 2025–14285 Filed 7–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2025–1720]

Notice of Intent To Designate as Abandoned Harlan Associates of Spruce Creek, Inc. Supplemental Type Certificate No. SA1806SO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to designate supplemental type certificate as abandoned; request for comments.

SUMMARY: This notice announces the FAA's intent to designate Harlan Associates of Spruce Creek, Inc. Supplemental Type Certificate (STC) No. SA1806SO as abandoned and make the related engineering data available upon request. The FAA has received a request to provide engineering data concerning this STC. The FAA has been unsuccessful in contacting Harlan Associates of Spruce Creek, Inc. concerning the STC. This action is intended to enhance aviation safety.

DATES: The FAA must receive all comments by January 26, 2026.

ADDRESSES: You may send comments on this notice by any of the following methods:

• *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Cherice Clarke, AIR–751, Federal Aviation Administration, East Certification Branch, Atlanta ACO, 1701 Columbia Avenue, College Park, GA 30337.

• *Email: Cherice.k.clarke@faa.gov.* Include ''Docket No. FAA–2025–1720'' in the subject line of the message.

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

FOR FURTHER INFORMATION CONTACT: Cherice Clarke, Correspondence Specialist, FAA, East Certification Branch, 1701 Columbia Avenue, College Park, GA 30337; telephone: 404–474–5537; email: *Cherice.k.clarke@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to provide comments, written data, views, or arguments relating to this notice. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–1720'' at the beginning of your comments. The FAA will consider all comments received on or before the closing date. All comments received will be available in the docket for examination by interested persons.

Background

The FAA is posting this notice to inform the public that the FAA intends to designate Harlan Associates of Spruce Creek, Inc. STC No. SA1806SO, for the installation of nose landing gear tires, sized 15 x 6.0–6 6 PR in lieu of the 6.0–6 6 PR, on Piper Aircraft, Inc. Model (type certificate previously held by The New Piper Aircraft, Inc.) PA–24, PA–30 and PA–39 aircraft, as abandoned and subsequently release the related engineering data.

The FAA has received a third-party request for the release of the aforementioned engineering data under the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FAA cannot release commercial or financial information under FOIA without the permission of the data owner. However, in accordance with title 49 of the United States Code § 44704(a)(5), the FAA can provide STC ''engineering data'' it possesses for STC maintenance or improvement, upon request, if the following conditions are met:

1. The FAA determines the STC has been inactive for 3 years or more;

2. Using due diligence, the FAA is unable to locate the owner of record or the owner of record's heir; and

3. The availability of such data will enhance aviation safety.

There has been no activity on this STC for more than 3 years.

On April 18, 2025, the FAA sent a certified letter to Harlan Associates of Spruce Creek, Inc. at its last known address: 1326 South Ridgewood Avenue #5, Daytona Beach, FL 32114–6193. The letter informed Harlan Associates of Spruce Creek, Inc. that the FAA had received a request for engineering data related to STC No. SA1806SO and was conducting a due diligence search to determine whether the STC was inactive and may be considered abandoned. The letter further requested that the company respond in writing within 60 days and state whether it is the holder of the STC. The FAA also attempted to make contact with Harlan Associates of Spruce Creek, Inc. by other means, including registered mail, without success.

Information Requested

If you are the owner or heir or a transferee of STC No. SA1806SO or have any knowledge regarding who may now hold STC No. SA1806SO, please contact Cherice Clarke using a method described in this notice under **FOR FURTHER INFORMATION CONTACT**. If you

are the heir of the owner, or the owner by transfer, of STC No. SA1806SO, you must provide a notarized copy of your government-issued identification with a letter and background establishing your ownership of the STC and, if applicable, your relationship as the heir to the deceased holder of the STC.

Conclusion

If the FAA does not receive any response by January 26, 2026, the FAA will consider STC No. SA1806SO abandoned, and the FAA will proceed with the release of the requested data. This action is for the purpose of maintaining the airworthiness of an aircraft and enhancing aviation safety.

Issued on July 24, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–14254 Filed 7–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Intent To Prepare an Environmental Impact Statement for the Everett Link Extension and Operations and Maintenance Facility North Project, Snohomish County, Washington

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), as Federal lead agency, and the Central Puget Sound Regional Transit Authority (Sound Transit), as local project sponsor and joint lead agency, issue this notice to advise the public that they intend to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA) for the Everett Link Extension (EVLE) and Operations and Maintenance Facility North (OMF North) Project (Project). The Project would extend Link light rail 16 miles from the existing Lynnwood City Center Station to the Everett Station area in Snohomish County, Washington, and improve connections to the regional transit system and major activity centers. The Project would also include construction of a light rail operations and maintenance facility (OMF) in Snohomish County to support the regional Link light rail program, including EVLE.

DATES: Comments related to the NEPA review of the Project must be received on or before August 28, 2025. The joint lead agencies will consider comments received after that date to the extent practicable, as well as the comments received during this NEPA scoping period and the prior Washington State Environmental Policy Act (SEPA) scoping process. Commenters who previously provided SEPA scoping comments do not need to resubmit those comments for consideration under NEPA, but may elect to do so.

ADDRESSES: Comments on the scope of the EIS should be directed to Kathy Fendt, North Corridor Environmental Manager, in one of four ways:

- *Sound Transit website: https://everettlink.participate.online/;*
- *Email: everettlinkcomments@soundtransit.org;*
- *Mail:* Sound Transit, 401 S. Jackson Street, Seattle, WA 98104–2826; or
- Provided by phone at 425–243–6255.

FOR FURTHER INFORMATION CONTACT: For FTA: Todd Tillinger, 206–220–7538, *todd.tillinger@dot.gov.* For Sound Transit: Kathy Fendt, 206–689–4856, *kathy.fendt@soundtransit.org.*

SUPPLEMENTARY INFORMATION: FTA and Sound Transit (the Agencies) will prepare the EIS in accordance with NEPA, FTA environmental statute (Efficient environmental reviews for project decisionmaking and One Federal Decision, 23 U.S.C. 139), FTA environmental regulations (23 CFR part 771), and SEPA. This notice initiates NEPA scoping for the EIS, provides information on the nature of the proposed transit project, invites participation in the EIS process, provides information about the purpose and need for the proposed transit project, includes general information on the range of alternatives being considered for evaluation in the EIS, and identifies potential environmental impacts to be considered. It also invites comments from Tribes, agencies, and interested members of the public on the above information and announces upcoming public scoping meetings. Alternatives being considered for evaluation in the EIS include a No Build Alternative and various Build Alternatives for the light rail line and OMF North in the EVLE corridor. The alternatives were developed through a local planning process including a Regional Transit Long-Range Plan (2014), a regional system plan of transit investments (Sound Transit 3 (ST3)), an early scoping and alternatives development process specific to the EVLE corridor under NEPA (see 86 FR 61387, November 5, 2021), and EIS scoping under SEPA. During the alternatives development process, Sound Transit worked with Tribes, agencies, and the public to identify and evaluate over 50 alignment and station alternatives and 18 sites for OMF North to determine which alternatives to take into the EIS process. Results of the early scoping, alternatives development, and SEPA EIS scoping processes and other background technical reports are available on the Project website: *https://soundtransit.org/everettlink,* or by contacting the Project line at 206–370–5533. FTA has determined the Project will not be evaluated as a major project as defined in 23 U.S.C. 139(a)(7). Sound Transit intends to pursue Federal funding for the Project through FTA's Capital Investments Grant program.

I. Purpose and Need for the Proposed Action

The purpose and need statement establishes the basis for developing and evaluating a range of reasonable alternatives for environmental review and assists with the identification of a Preferred Alternative. The purpose of the Project is to expand the Link light rail system from the Lynnwood City Center Link Station to the Everett Station area and provide an OMF to:

- Provide high quality, rapid, reliable, accessible, and efficient light rail transit service to communities in the Project corridor as defined through the local planning process and reflected in the ST3 Plan.
- Improve regional mobility by increasing connectivity and capacity in the EVLE corridor from the Lynnwood Transit Center to the Everett Station area to meet projected transit demand.
- Connect regional centers as described in adopted regional and local land use, transportation, and economic development plans and Sound Transit's *Regional Transit Long-Range Plan* (2014).
- Implement a system that is technically and financially feasible to build, operate, and maintain.
- Expand mobility for the corridor and the region's residents, including explicit consideration for those who use transit as a primary means of transportation.
- Encourage sustainable growth in station areas through support of transit-oriented development and multimodal integration in a manner that is consistent with local land use plans and policies.
- Encourage convenient and safe non-motorized access to transit stations, such as bicycle and pedestrian

connections, consistent with Sound Transit's System Access Policy.

- Preserve and promote a healthy environment and economy by minimizing adverse impacts on the natural, built, and socioeconomic environments through sustainable practices.
- Provide an OMF with the capacity to receive, test, commission, store, maintain, and deploy vehicles to support the intended level of service for system-wide light rail expansion.
- Develop an OMF that supports efficient and reliable light rail service and minimizes system operating costs.

The Project is needed because:

- Chronic roadway congestion on Interstate 5 (I–5) and State Route (SR) 99, two primary highways connecting communities along the corridor, delays today's travelers, including those using transit, and degrades the reliability of bus service traversing the corridor, particularly during commute periods.
- These chronic, degraded conditions are expected to continue to worsen as the region's population and employment grow.
- Puget Sound Regional Council (PSRC), the regional metropolitan planning organization, and local plans call for high-capacity transit in the corridor consistent with PSRC's *VISION 2050* (2020) and Sound Transit's *Regional Transit Long-Range Plan.*
- Snohomish County residents and communities, including those who use transit as a primary means of transportation, need long-term regional mobility and multimodal connectivity, as called for in the Washington State Growth Management Act.
- Increased residential and/or employment density at and around high-capacity stations and increased options for multimodal access are called for by regional and local plans.
- Prioritizing transportation investments that decrease vehicle miles traveled, and their resulting environmental impacts, is a goal of the state and region, as established in Washington state law and embodied in PSRC's *VISION 2050* and *Regional Transportation Plan.*
- The current regional system lacks an OMF with sufficient capacity and suitable location to support the efficient and reliable long-term operations for system-wide light rail expansion, including the next phase of light rail expansion in Snohomish and King counties.
- New light rail maintenance and storage capacity needs to be available with sufficient time to accept delivery of and commission new vehicles to meet fleet expansion needs and to store existing vehicles while the new vehicles are tested and prepared.

II. Description of Proposed Action and Alternatives

Sound Transit is proposing to extend Link light rail transit service north from Lynnwood City Center Station to the Everett Station area along an alignment that is approximately 16 miles long and includes six light rail stations that serve the following areas: West Alderwood, Ash Way, Mariner, Southwest Everett Industrial Center, SR 526/Evergreen, and Everett Station. Sound Transit is also evaluating a seventh provisional station in the SR 99/Airport Road area in the EIS, but this station is not currently funded for construction. The Project also includes a new OMF that will support the system-wide Link light rail system, to be located along the alignment in Snohomish County. Information about the proposed project, early scoping, the alternatives development process, and the EIS process are available on the Project website at *https://soundtransit.org/everettlink,* by contacting the Project sponsor at *everettlink@soundtransit.org,* or the Project phone line at 206–370–5533.

The Build Alternatives are generally described as follows:

- The Link light rail alternatives would run elevated from the southern end of the Project, through the Alderwood Mall area then return to the I–5, corridor, south of I–405. The alternatives would continue north as either elevated or at-grade configurations along I–5, passing through the Ash Way area and turning west along 128th Street SW in the Mariner area. The alternatives would continue along Airport Road until turning east in the SW Everett Industrial Center area and following SR 526 until it meets I–5. The alternatives would then continue north, with tail tracks terminating beyond the elevated station options near the Everett Station area.
- Three OMF North site alternatives are currently under consideration: south of the proposed SR 99/Airport Road station area and on the western side of SR 99; on the east side of Airport Road between the SR 99/Airport Road and SW Everett Industrial Center stations across from Seattle Paine Field International Airport; and on the north side of SR 526 generally between SR 526 and 75th Street SW, east of 16th Avenue W.

III. Summary of Expected Impacts

FTA and Sound Transit will evaluate (with input from Tribes, agencies, and the public) the potential impacts of the alternatives on the natural, built, and socioeconomic environments. Likely areas of investigation include transportation, land use and consistency with applicable plans, land acquisition and displacements, socioeconomics, park and recreation resources, historic and cultural resources, visual and aesthetic qualities, air quality, noise and vibration, energy use, safety and security, and ecosystems, including threatened and endangered species and wetlands. The EIS will evaluate short-term construction impacts and long-term operational impacts. The EIS will also propose measures to avoid, minimize, or mitigate significant adverse impacts.

IV. Anticipated Federal Permits and Other Authorizations

The scoping process and agency coordination will identify permits and approvals required from Tribes and Federal, state, and local agencies, and these will be listed in the EIS. FTA and Sound Transit anticipate the following Federal permits and authorizations may include:

- Federal Transit Administration
  - National Historic Preservation Act, Section 106 Review
- United States Army Corps of Engineers
  - Clean Water Act, Section 404 (including Washington State Department of Ecology Water Quality Certification: Clean Water Act Section 401)
- United States Fish and Wildlife Service
  - Endangered Species Act Consultation
- National Oceanic and Atmospheric Administration Fisheries Service
  - Endangered Species Act Consultation
  - Magnuson-Stevens Conservation and Management Act, Essential Fish Habitat Consultation

V. Schedule for the Decisionmaking Process

Below is a tentative schedule for the decisionmaking process, including environmental review milestones:

- *Draft EIS publication:* early 2026, for public review and comment.
- *Identification, confirmation, or modification of the Preferred Alternative:* summer 2026.
- *Final EIS publication:* summer 2027.
- *Record of Decision:* summer 2027.

As noted in the tentative schedule, the Agencies intend to complete the EIS for the Project within two years. The Agencies will accept public comments on the scope of the EIS until August 28,

2025. The Agencies will then consider those comments as they prepare the Draft EIS. Sound Transit expects the Draft EIS will be available for a minimum of 45 days for the public comment period, in early 2026. The Agencies will announce the availability of the Draft EIS in the **Federal Register** and via local media outlets. The Draft EIS will be distributed and available for public and agency review and comment prior to the public hearing. The Agencies will consider substantive comments timely submitted and then anticipate publishing a Final EIS by summer 2027. The Final EIS will identify a preferred alternative and potential mitigation commitments. Following the issuance of the Final EIS, the Sound Transit Board will make its decision about which route and stations and which OMF North location to build. FTA would then issue its Record of Decision (ROD), which includes specific mitigation commitments for the Project. The Agencies expect that all Federal environmental authorization decisions for the construction of the Project will be completed prior to or within a reasonable period following issuance of the ROD.

Notices of public meetings, including hearings, will be given through a variety of media providing the time and place of the meeting along with other relevant information. Meeting date, time, and location information can be found on the Project website at: *https://soundtransit.org/everettlink.* Public meeting locations will comply with the Americans with Disabilities Act. Persons requesting special accommodations should contact Sound Transit by calling 800–201–4900/TTY Relay 711 or emailing *accessibility@soundtransit.org.*

Susan K. Fletcher,

Regional Administrator, FTA Region 10.

[FR Doc. 2025–14318 Filed 7–28–25; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0021]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Drivers' Use of Camera-Based Rear Visibility Systems Versus Traditional Mirrors

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on revision of a currently approved collection of information.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. This document describes a collection of information for which NHTSA intends to seek a revision to an OMB-approved collection titled, ''Drivers' Use of Camera-Based Rear Visibility Systems Versus Traditional Mirrors'' identified by OMB Control Number 2127–0756. The collection is currently approved through July 31, 2025, and supports research addressing safety-related aspects of drivers' use of camera-based rear visibility systems designed to replace or supplement vehicle rearview mirrors. This collection is necessary to inform next steps on an ANPRM NHTSA published in response to two petitions requesting revision of FMVSS No. 111 to permit such camera-based systems as an alternative compliance option for certain current requirements specifying rearview mirrors. This revision includes changes in respondents and thus a change in burden hours and requests an extension to continue data collection. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on May 16, 2025. No comments were received. A summary of comments and responses to them is provided below.

DATES: Comments must be submitted on or before August 28, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Elizabeth Mazzae, Applied Crash Avoidance Research Division, Vehicle Research and Test Center, NHTSA, 10820 State Route 347—Bldg. 60, East Liberty, Ohio 43319; Telephone (937) 666–4511; email address: *elizabeth.mazzae@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

Title: Drivers' Use of Camera-Based Rear Visibility Systems Versus Traditional Mirrors.

OMB Control Number: 2127–0756.

Form Numbers: NHTSA forms 1553—Interest Response Form; 1554—Candidate Screening Questions, 2044—Participant Informed Consent Form, 2058—Experimental Data Collection, 1556—Post-Drive Questionnaire: Drive with Camera-Monitor System, 1557—Post-drive Questionnaire: Drive with Mirrors, 1558—Post-drive Questionnaire: Final Opinions.

Type of Request: Revision of a currently approved information collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years from date of approval.

Summary of the Collection of Information: The National Highway Traffic Safety Administration (NHTSA) is seeking approval for revision of a currently approved information collection, OMB Control Number 2127–0756, ''Drivers' Use of Camera-Based Rear Visibility Systems Versus Traditional Mirrors.'' NHTSA is conducting research as part of a one-time, multi-year effort to gather information to aid in determining whether camera-based rear visibility systems can provide the same level of safety as the rearview mirrors currently required under FMVSS No. 111, Rear Visibility. NHTSA published an ANPRM (RIN 2127–AM02) responding to two petitions received from vehicle

manufacturers seeking permission to install camera-based rear visibility systems (sometimes referred to as camera monitor systems, CMS), instead of outside rearview mirrors, on both light vehicles and heavy trucks. In an ANPRM, NHTSA outlined a list of issues and related questions ''on which the agency requests additional information to adequately evaluate the safety of permitting CMS as an alternative compliance option to rearview mirrors.'' [1] This research involves 6 voluntary information collections and will help answer important safety questions posed in the ANPRM and inform NHTSA's response to the petitions by aiding in determining whether CMS can provide at least the same level of safety as the currently required mirrors.

The research examines the use of camera-based visibility systems versus rearview mirrors for both light vehicles and heavy trucks. Research participants are volunteers who are members of the general public, who are licensed car and/or commercial truck drivers aged 25 to 65 years. Research participants experience a vehicle equipped with a production or prototype camera-based visibility system and/or an FMVSS No. 111-compliant rearview mirror system. The research uses stationary, track-based, and on-road, semi-naturalistic driving experimentation as a means of collecting data needed to support the rulemaking effort. The collection of information will consist of (1) Interest Response Form to be administered up to 792 potential research participants, (2) Candidate Screening Questions to be administered up to 578 potential research participants, (3) Study Data Collection, (4) Post-Drive Questionnaire: Drive with Camera-Monitor System, (5) Post-Drive Questionnaire: Drive with Mirrors, and (6) Post-Drive Questionnaire: Final Opinions. This collection provides flexibility to collect additional information to address critical research questions raised during the course of this research that are deemed necessary to support rulemaking.

This is a revision of a currently approved information collection (IC) to extend the approval period, adjust the number of respondents annually, and revise the burden calculations based on data collection completed as of March 14, 2025. The currently approved collection permitted 200 respondents annually across multiple complementary studies within the research taking place over the original approved period. In this extension request, NHTSA is requesting 156 respondents annually over the three-year approval period. This notice provides changes from the current collection to this revision in the number of respondents for some individual information collections, the time for completion of some individual information collections, wages, and federal wage rates. Additionally, NHTSA has included contractor costs that were unintentionally excluded from the original collection.

Description of the Need for the Information and Proposed Use of the Information: The National Highway Traffic Safety Administration's (NHTSA) mission is to save lives, prevent injuries, and reduce economic costs associated with motor vehicle crashes. As new vehicle technologies are developed, it is prudent to ensure that they do not create any unintended decrease in safety. The safety of passive camera-based visibility technologies depends on both the performance of the systems and on drivers' ability to use the systems effectively and comfortably. Information regarding this safety question is needed to aid NHTSA's rulemaking activities (RIN 2127–AM02) responding to two petitions received from vehicle manufacturers seeking permission to install camera-based systems, instead of outside rearview mirrors, as a means of meeting certain FMVSS No. 111 rear visibility requirements on both light vehicles and heavy trucks. This work seeks to examine and compare drivers' eye glance behavior and aspects of driving performance with rearview mirrors and camera-based systems intended to replace or supplement rearview mirrors.

60-Day Notice:

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on May 16, 2025 (90 FR 21109). Two comments were received.

Daimler Truck North America (''DTNA'') submitted a comment that did not address the topic of PRA clearance. Rather, the comment encouraged NHTSA to take action to support the deployment of camera-based rear visibility systems for commercial motor vehicles.

The National Association of Mutual Insurance Companies (NAMIC) commented regarding the invited topic of ''whether the proposed collection of information is necessary for the proper performance of the functions of NHTSA, including whether the information will have practical utility,'' as was stated in the 60-day **Federal Register** notice. The points raised by NAMIC are summarized as follows along with a response for each:

1. NAMIC commented that the 60-day notice content would have been more helpful if it provided greater detail regarding ''the safety purposes behind tracking drivers' eye glance behavior and aspects of driving performance with rearview mirrors and camera-based systems.'' *Response:* Research being conducted under this clearance seeks to address questions ''on which the agency requests additional information to adequately evaluate the safety of permitting CMS as an alternative compliance option to rearview mirrors'' as outlined in the 2019 ANPRM. Information about drivers' eye glance behavior (*e.g.,* duration that the drivers' eyes are looking away from the forward roadway during a lane change) and driving performance (*e.g.,* distance to rearward vehicles during a lane change) is used to assess safety-related differences associated with use of required mirrors versus a camera-based visibility system.

2. NAMIC also commented that ''more specifics on how and why the size and composition representative sample was determined to be of value would be instructive to considering practical value of the exercise.'' NAMIC also commented that ''A one-time study of the eye movement of 156 Midwest drivers may in fact provide practical value to a safety assessment, but it may also seem more anecdotal than demonstrative.'' *Response:* The stated number of respondents represents the number that would participate annually across multiple complementary studies within the research. NHTSA is not planning a single, 156-participant study. The total number of respondents is that predicted to be needed, based on existing knowledge of related driver behavior characteristics and metrics, to attain sufficient statistical power for each of the studies within the research.

3. Lastly, NAMIC also commented that NHTSA did not address the cost side of a cost benefit analysis relating to the research, did not define which of the 1,994 respondents will receive pay or expenses, or how much, and that the notice states ''Estimated Total Annual Burden Cost: $0.'' *Response:* The Paperwork Reduction Act requires in part that the agency publish a notice in the **Federal Register** which estimates the burden that results from the collection of information.[2] This cost-

[1] 84 FR 54533. Docket No. NHTSA–2018–0021. Federal Motor Vehicle Safety Standard No. 111, Rear Visibility; Advance notice of proposed rulemaking (ANPRM).

[2] 44 U.S.C. 3507.

related information estimates the burden the information collection would impose on the public. NHTSA estimates 156 respondents annually will participate in the Experimental Data Collection, and participants that complete the study will receive $65 per hour. The estimated burden cost is $0 because there is no cost to respondents for this information collection. Participants are compensated for their travel to and from the study site at the current internal revenue mileage rate, therefore there is no travel cost for participants.

NHTSA appreciates the review, consideration, and support of the research. No changes to the information collection were necessary as a result of these comments.

Affected Public:

Research participants will be paid volunteers from the Columbus, OH area who are licensed car and/or commercial truck drivers aged 25–65 years, drive at least 11,000 miles annually, are in good health, and do not require assistive devices to safely operate a vehicle and drive continuously for a period of up to 3 hours.

Estimated Number of Respondents:

Candidate participant recruitment information is collected in an incremental fashion to permit the determination of which individuals meet the criteria for research participation. All interested candidates (estimate: 792) complete the Interest Response Form. A subset of individuals (estimate: 578) are then asked to complete Candidate Screening Questions. Those who complete the questions and are eligible are contacted for participation, with a goal of 156 participants annually.

Frequency: Once.

*Estimated Number of Responses:*1,994 responses.

Estimated Total Annual Burden Hours: 835 hours.

Burden has been adjusted from the currently approved collection using the response/eligibility rates for the most recent experiment in this research. The table below shows completion numbers and rates for different stages of collection for that particular experiment. Notice that the last row of the table shows the number of respondents who completed the experiment and for which data were usable. Some respondents' data were identified as not usable after the conclusion of the experiment due to issues such as technical difficulties with the data acquisition equipment. As the final, usable, and verified data will be the basis on which research conclusions are drawn, this collection extension and revision requests an increase in the number of respondents in order to complete the research with enough usable data.

TABLE 1—RESPONSE/ELIGIBILITY RATE DATA

Information collection	Completed	Response/eligibility rate (%)
Interest Response Form	275	
Candidate Screening Questionnaire	200	73
Experimental Data Collection	53	27
Usable Data	24	45

The *Interest Response Form* is the initial information collection for an experiment and is a response to the solicitation for candidate research participants. Interested individuals respond to a study recruitment advertisement by completing this *Interest Response Form.* This is a one-time electronic collection for each experiment and is estimated to take approximately 5 minutes to complete. Using the most recent experiment associated with this information collection and calculating response rates, NHTSA requests approval for 792 respondents annually for this collection.

The *Interest Response Form* submissions are reviewed manually by research staff to select eligible participants. Individuals whose responses meet participation requirements (recent eligibility rate was calculated to be 73%) are selected to complete the *Candidate Screening Questions.* Candidate participants are emailed a link to the electronically presented question set hosted on a secure website. NHTSA estimates that 578 individuals will receive the *Candidate Screening Questions.* This information is collected once for each experiment and takes approximately 7 minutes to complete.

Upon review and determination that the candidate is eligible, that candidate is contacted by email or phone to schedule their participation. Individuals scheduled for study participation are asked to appear at NHTSA's Vehicle Research and Test Center in East Liberty, OH for the *Experimental Data Collection.* The *Experimental Data Collection* includes a pre-briefing and data collection during execution of the study protocol. The pre-briefing consists of a greeting, *Participant Informed Consent Form* administration, and presentation of experimental protocol instructions. The *Participant Informed Consent Form* is administered via both pre-recorded audio and a printed hard copy. After presentation of the consent form, the participant is given the opportunity to ask questions and then asked to sign an electronic version of the consent form on a computer. Following consent, the participant receives instructions on the experimental protocol. For *Experimental Data Collection,* the participant is shown the vehicle, seated in the driver seat, and equipment calibration is performed. Data collection per the study protocol is then conducted through stationary, track-based, or on-road, semi-naturalistic driving experimentation. Data are recorded to document driver eye glance behavior and driving or other protocol-related performance. This *Experimental Data Collection* is conducted once per study and is estimated to take approximately 245 minutes. This estimate includes scheduling, instruction, and the drive. From the data collected thus far, 245 minutes is an appropriate maximum time. Using the recent response rate of 27 percent, NHTSA estimates 156 respondents annually will participate in the *Experimental Data Collection.*

Respondents complete the *Post-drive Questionnaire: Drive with Camera Monitor System* and/or the *Post-drive Questionnaire: Drive with Traditional Mirrors* depending on which system or systems are used in the respective experiment. While some respondents may only complete one of these questionnaires based on the study design, NHTSA has included both questionnaires for each participant in the burden calculation to develop a maximum burden estimate. This electronic collection is estimated to take 10 minutes per questionnaire. As the

same number of respondents that participate in the *Experimental Data Collection* will complete these questionnaires, NHTSA estimates 156 respondents will complete each of these annually.

Each respondent completes the *Post-Drive Questionnaire: Final Opinions.* This electronic collection will be administered once to each participant and is estimated to take 5 minutes to complete. All 156 respondents are expected to complete this questionnaire.

Table 2 shows the annual burden hours for the research.

TABLE 2—ANNUAL BURDEN HOURS AND OPPORTUNITY COST

Information collection	Annual number of respondents	Frequency of response	Annual responses	Time per response (min)	Annual estimated burden hours (rounded)
Interest Response Form	792	1	792	5	66
Candidate Screening Questions	578	1	578	7	67
Participant Informed Consent Form	156	1	156	30	78
Experimental Data Collection	156	1	156	215	559
Post-drive Questionnaire: Drive with Camera Monitor System	156	1	156	10	26
Post-drive Questionnaire: Drive with Traditional Mirrors	156	1	156	10	26
Post-Drive Questionnaire: Final Opinions	156	1	156	5	13
Total	.....	.....	.....	.....	835 hours

The change reflected in this revision is a reduction in annual burden from 890 hours per year to 835 hours per year.

Estimated Total Annual Burden Cost: $0.

There is no cost to respondents for this information collection. Participants are compensated for their travel to and from the study site at the current internal revenue mileage rate, therefore there is no travel cost for participants.

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 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) 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Cem Hatipoglu,

Associate Administrator, Vehicle Safety Research.

[FR Doc. 2025–14225 Filed 7–28–25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0065; Notice 2]

Mercedes-Benz USA, LLC, Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition.

SUMMARY: Mercedes-Benz AG (MBAG) and Mercedes-Benz USA, LLC, (MBUSA) (collectively, ''Mercedes-Benz'' or ''Petitioner'') have determined that certain model year (MY) 2020 Mercedes-Benz CLA 250 motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 111, *Rear Visibility.* Mercedes-Benz filed a noncompliance report dated May 11, 2020. Mercedes-Benz subsequently petitioned NHTSA on June 3, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the denial of Mercedes-Benz's petition.

FOR FURTHER INFORMATION CONTACT: Kamna Ralhan, Compliance Engineer, Office of Vehicle Safety Compliance, the National Traffic Safety Administration (NHTSA), telephone (202) 366–6443.

SUPPLEMENTARY INFORMATION:

I. Overview

Mercedes-Benz has determined that certain MY 2020 Mercedes-Benz CLA 250 motor vehicles do not fully comply with the requirements of paragraph S5.5.1 of FMVSS No. 111, *Rear Visibility* (49 CFR 571.111). Mercedes-Benz filed a noncompliance report dated May 11, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Mercedes-Benz subsequently petitioned NHTSA on June 3, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

Notice of receipt of Mercedes-Benz's petition was published with a 30-day public comment period, on September 18, 2020, in the **Federal Register** (85 FR 58425). One comment was received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number NHTSA–2020–0065.

II. Vehicles Involved

Mercedes-Benz reported approximately 155 MY 2020 Mercedes-Benz CLA 250 vehicles manufactured between June 19, 2019, and August 21, 2019, do not meet the requirements of FMVSS No. 111.

III. Noncompliance

Mercedes-Benz explains that the noncompliance is that the rearview camera displays in the subject vehicles do not fully meet the field-of-view requirements outlined in paragraph S5.5.1 of FMVSS No. 111. Specifically, the warning message text box obscures

a portion of the top of the rear middle test object (Object B).

IV. Rule Requirements

Paragraph S5.5.1 of FMVSS No. 111 includes the requirements relevant to this petition. When tested according to the procedures in paragraph S14.1, the rearview image must include: (a) A minimum of a 150-mm wide portion along the circumference of each test object located at positions F and G specified in S14.1.4; and (b) The full width and height of each test object located at positions A through E specified in paragraph S14.1.4 of FMVSS No. 111.

V. Summary of Mercedes-Benz's Petition

The following views and arguments presented in this section are the views and arguments provided by Mercedes-Benz and do not reflect the views of NHTSA. Mercedes-Benz described the subject noncompliance and contended that the noncompliance is inconsequential as it relates to motor vehicle safety.

Mercedes-Benz explains that subject vehicles' rearview camera visibility systems display a text box with an alert message when the vehicle is placed in reverse and throughout the backing maneuver. Mercedes-Benz states that this message is intended to remind drivers ''to pay attention to their surroundings.'' The alert message remains on the display until the vehicle is no longer in the reverse position.

When the alert message appears, there is a black border surrounding the text box that obscures approximately the topmost 10 percent of Test Object B. This 10 percent obstruction of the rear middle test object is not compliant with the ''field of view'' requirements given in S5.5.1 of FMVSS No. 111. According to Mercedes-Benz, the remaining 90 percent of Test Object B appears on the display without issue. In its May 11, 2020, report, Mercedes-Benz adds that no other test objects are affected by the noncompliance and the rearview camera display otherwise functions as intended.

Mercedes-Benz states that the purpose of field of view requirement is ''to ensure that persons located at the rear of the vehicle remain visible to the driver.'' Mercedes-Benz contends that the subject noncompliance is inconsequential to motor vehicle safety because the purpose of the field of view requirement is still fulfilled by the remaining 90 percent of the lower portion of the test object being visible.

Mercedes-Benz states that overall, FMVSS No. 111 is intended ''to mitigate against the potential for accidents or injuries due to striking persons, including children, located at the rear of the vehicle.'' Mercedes-Benz claims that when developing FMVSS No. 111, NHTSA ''considered the safety benefits related to the use of overlays such as text-based alert messages, guidance markers, and other indicators on rear camera visibility systems during the development of the FMVSS No. 111 rulemaking'' and identified specific concerns related to the use of overlays. Mercedes-Benz says that NHTSA ''carefully considered whether and how to regulate the use of overlays in order to mitigate against a specific type of concern, the potential for overlays to create blind spots in the rearview image that could obscure or mask small objects or persons at the rear of the vehicle, particularly children. *See* 79 FR 19178, 19210 (April 7, 2014).''

Mercedes-Benz says that NHTSA ultimately ''declined to mandate specific performance criteria related to the use of overlays, largely due to a lack of practical means of testing the wide variations of overlay use and design without additional research.'' Mercedes-Benz states that NHTSA instead ''considered the field of view requirements to have been met as long as they did not cover any of the required portions of the test objects if activated automatically or if the overlay was manually activated by the driver.'' Mercedes-Benz adds that while declining to mandate specific performance requirements NHTSA stated that this ''decision does not relieve manufacturers from designing the overlay system to provide a reasonable ability to see the required field of view. *Id.* at 19211.'' Mercedes-Benz claims that at the time of publishing the FMVSS No. 111, NHTSA's ''key concern related to the use of overlays'' was the potential for an overlay to obscure the required field of view.

Mercedes-Benz argues that the topmost 10 percent of Test Object B obscured by the subject noncompliance is ''limited to the extreme edge of the test object.'' Mercedes-Benz specifies that the height of the test object as shown on the display is 800 mm and the ''uppermost portion of the test object is 150 mm.'' Mercedes-Benz says that when the text box appears on the display, the border causing the noncompliance obscures ''approximately half of the 150 mm strip of the text object, or 75 mm.'' According to Mercedes-Benz, the rear camera visibility system ''still operates to provide the driver an ability to fully and safely see the required field of view'' despite the subject noncompliance. Mercedes-Benz adds that a driver would still be able to use the display to recognize if a person or child was present behind the vehicle.

Mercedes-Benz notes that it is not aware of any reports or complaints regarding the subject noncompliance.

Mercedes-Benz concluded by contending that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

Mercedes-Benz's complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at: *https://www.regulations.gov* and by following the online search instructions to locate the docket number as listed in the title of this notice.

VI. Public Comment

NHTSA received one comment from the public. This comment was submitted by Pee Yaw who expressed the opinion that the subject noncompliance is inconsequential. The commenter expressed the view that this feature is a plus providing more information to drivers, and that the pop-up box only takes up a small portion of the screen.

VII. NHTSA's Analysis

The burden of establishing the inconsequentiality of a failure to comply with a *performance requirement*—as opposed to a *labeling requirement with no performance implications*—in an FMVSS is substantial and difficult to meet. Accordingly, the NHTSA has not found many such noncompliances inconsequential.[1]

In determining inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[2] Additionally, the number of

[1] *Cf. Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

[2] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk

non-compliant vehicles is not a primary consideration, it is important to emphasize the importance of safety irrespective of the quantity of vehicles affected. Furthermore, in general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[3]

NHTSA has reviewed the Mercedes-Benz inconsequentiality petition and does not concur with the conclusion that the noncompliance is inconsequential to motor vehicle safety. The petition is therefore denied.

NHTSA issued the Rear Visibility (FMVSS No. 111) final rule in 2014 to reduce the risk of devastating backover crashes involving vulnerable populations (including very young children) and to satisfy the mandate of the Cameron Gulbransen Kids Transportation Safety Act of 2007. The final rule established a required field of view with complete visibility of designated test objects for all passenger cars, trucks, multipurpose passenger vehicles, buses, and low-speed vehicles with a gross vehicle weight of less than 10,000 pounds. NHTSA anticipated the final rule would significantly reduce backover crashes involving children, persons with disabilities, the elderly, and other pedestrians who currently have the highest risk associated with backover crashes. Specifically, the rule specified an area behind the vehicle which must be visible to the driver when the vehicle is placed into reverse and other related performance requirements.

The final rule established a minimum field of view of 10 feet by 20 feet behind the vehicle where the full width and height of test objects A through E must be observed (the test objects are 0.3 m wide and 0.8 m tall).[4] These requirements are based on safety needs, extensive research on backover, and considerations of practicability.[5] Mercedes-Benz's overlay blocks the required field of view in violation of FMVSS No. 111.

Mercedes-Benz concedes that NHTSA ''considered the field of view requirements to have been met as long as [overlays] did not cover any of the required portions of the test objects if activated automatically or if the overlay was manually activated by the driver.'' Mercedes-Benz acknowledges its overlay covers 10 percent of Test Object B, in violation of the quoted language. However, Mercedes-Benz argues this 10 percent is inconsequential to motor vehicle safety because ''the driver is still able to recognize a person or child present behind the vehicle.'' Similarly, NHTSA received one comment in favor of granting the petition because the feature provides more information to drivers, and the pop-up box only takes up a small portion of the screen.

To the extent the text box covers a minimal area of the backup camera view, NHTSA disagrees with Mercedes and commenters that the obstruction is inconsequential to safety. NHTSA is concerned that, the text box overlay by covering 10 percent of the Test Object B reduces the rearview area covered for a driver to ascertain certain situations such as an approaching vehicle from a distance, children playing, and a person walking. Also, it would be difficult to ascertain in a situation if there is an uneven terrain. Not having a clear rear view on a hilly road or a road with turns and slopes would make it difficult in case one wants to use a backup camera view for a clear rear view. The agency notes that Test Object B is among the furthest objects from the vehicle making it possible for the driver to confuse far away objects especially those that would be obscured by the text box.

NHTSA finds that Mercedes-Benz has not met its burden of persuasion and disagrees with its assertion. Ultimately, Mercedes-Benz's noncompliant rearview image leads to a greater risk of backover crashes since it does not show the minimum required field of view during a backing maneuver and is consequential to motor vehicle safety. Therefore, NHTSA does not find that the subject noncompliance is inconsequential to motor vehicle safety.

VIII. NHTSA's Decision

In consideration of the foregoing, NHTSA has decided that Mercedes-Benz has not met its burden of persuasion that the subject FMVSS No. 111 noncompliance is inconsequential to motor vehicle safety. Accordingly, Mercedes-Benz's petition is hereby denied, and Mercedes-Benz is consequently obligated to provide notification of and free remedy for that noncompliance under 49 U.S.C. 30118 and 30120.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Eileen Sullivan,

Associate Administrator for Enforcement.

[FR Doc. 2025–14255 Filed 7–28–25; 8:45 am]

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than occupant using similar compliant light source).

[3] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it ''results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future'').

[4] The reasoning behind the minimum field of view requirement in FMVSS No. 111 is thoroughly explained in the 2014 Rear Visibility (FMVSS No. 111) final rule. *See* 79 FR 19178, 19205 (April 7, 2014).

[5] *Id.* at 19179–19184.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Loans in Areas Having Special Flood Hazards

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Loans in Areas Having Special Flood Hazards.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by August 28, 2025.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0326, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–

0326'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. You can find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0326'' or ''Loans in Areas Having Special Flood Hazards.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Loans in Areas Having Special Flood Hazards.

OMB Control No.: 1557–0326.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: This information collection is required to evidence compliance with the requirements of the Federal flood insurance statutes with respect to lenders and servicers and set forth in OCC regulations at 12 CFR part 22. These provisions are required by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended.[1] The information collection requirements in part 22 are as follows:

- *12 CFR 22.3—Requirement to Purchase Flood Insurance Where Available*—Under § 22.3(c)(3), national banks and Federal savings associations have the discretion to accept a flood insurance policy issued by a private insurer that is not issued under the National Flood Insurance Program (NFIP) and does not meet the definition of private flood insurance if, among other things, the policy provides sufficient protection of the designated loan, consistent with general safety and soundness principles, and the bank or savings association has documented its conclusion regarding sufficiency of the protection in writing. Under § 22.3(c)(4)(v), national banks and Federal savings associations may accept a private policy issued by a mutual aid society if, among other things, the coverage provides sufficient protection of the designated loan, consistent with general safety and soundness principles, and the bank or savings association has documented its conclusion regarding sufficiency of the protection in writing.
- *12 CFR 22.5—Escrow Requirements*—With certain exceptions with respect to types of loans and size of institution, national banks, Federal savings associations, and their servicers must escrow flood insurance premiums and fees for all loans secured by properties located in a Special Flood Hazard Area made, increased, extended, or renewed on or after January 1, 2016. Pursuant to § 22.5(b), when escrow is required, the national bank or Federal savings associations must mail or deliver to the borrower a written notice informing the borrower that the bank or savings association is required to escrow all premiums and fees for required flood insurance. Pursuant to § 22.5(d)(2), if a national bank or Federal savings association no longer qualifies for an exception to the escrow requirement, the bank or savings association, in certain cases, must provide the borrower with a written notice informing the borrower of the option to escrow all premiums and fees for required flood insurance.
- *12 CFR 22.6(a)—Required Use of Standard Flood Hazard Determination Form*—A national bank or Federal savings association must use the Standard Flood Hazard Determination Form developed by FEMA.
- *12 CFR 22.6(b)—Retention of Standard Flood Hazard Determination Form*—A national bank or Federal savings association must retain a copy of the completed Standard Flood Hazard Determination Form for the period the bank or savings association owns the loan.
- *12 CFR 22.7—Notice of Forced Placement of Flood Insurance*—If a national bank or Federal savings association, or its loan servicer, determines during the period of time the bank or savings association owns the loan that the property securing the loan is not covered by adequate flood insurance, the bank or savings association, or its loan servicer, must notify the borrower that the borrower should obtain adequate flood insurance coverage at the borrower's expense in an amount at least equal to the minimum amount required under the regulation for the remaining term of the loan. If the borrower fails to purchase insurance, the bank or savings association, or its servicer, must purchase insurance on the borrower's behalf and may charge the borrower for the premiums and fees. The insurance provider must be notified to terminate any insurance purchased by an institution or servicer within 30 days of receipt of confirmation of a borrower's existing flood insurance coverage.
- *12 CFR 22.9(a) and (b)—Notice to Borrower and Servicer*—A national bank or Federal savings association making, increasing, extending, or renewing a loan secured by property located in a special flood hazard area must provide a written notice to the borrower and loan servicer (borrower notice). The borrower notice must include a warning that the property securing the loan is located in a special flood hazard area; a description of the flood insurance purchase requirements; a statement indicating that flood insurance is available under the National Flood

[1] 42 U.S.C. 4001–4129.

Insurance Program, where applicable; a statement that flood insurance providing the same level of coverage may be available from private insurance companies; a statement that borrowers are encouraged to compare NFIP and private flood insurance policies; and a statement whether Federal disaster relief assistance may be available in the event of a declared Federal flood disaster.

• *12 CFR 22.9(d) and (e)—Record of Borrower and Servicer Receipt of Notice and Alternate Method of Notice*—A national bank or Federal savings association must retain a record of the receipt of the borrower notices by the borrower and the loan servicer for the period of time the bank or savings association owns the loan. In lieu of providing the borrower notice, a national bank or savings association may obtain a satisfactory written assurance from a seller or lessor that, within a reasonable time before completion of the sale or lease transaction, the seller or lessor has provided such notice to the purchaser or lessee. The bank or savings association must retain a record of the written assurance from the seller or lessor for the period it owns the loan.

• *12 CFR 22.10—Notices to FEMA*—A national bank or savings association making, increasing, extending, renewing, selling, or transferring a loan secured by property located in a special flood hazard area must notify the Administrator of FEMA (or the Administrator's designee) of the identity of the loan servicer (notice of servicer), and must notify the Administrator of FEMA (or the Administrator's designee) of any change in the loan servicer (notice of servicer transfer) within 60 days after the effective date of such change.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 978.

Estimated Total Annual Burden: 141,239 hours.

Comments: On May 22, 2025, the OCC published a 60-day notice for this information collection, (90 FR 21985). No comments were received.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2025–14253 Filed 7–28–25; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Request for Expressions of Interest in Membership on the Federal Insurance Office's Advisory Committee on Risk-Sharing Mechanisms

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Federal Insurance Office (FIO) within the Department of the Treasury invites the public to submit expressions of interest in serving as members of the Advisory Committee on Risk-Sharing Mechanisms (ACRSM). Submissions must be received by FIO no later than August 29, 2025.

FOR FURTHER INFORMATION CONTACT: Annette Burris, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, Department of the Treasury, 1500 Pennsylvania Ave. NW, Room 1410 MT, Washington, DC 20220, at (771) 215–6900 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

The ACRSM is a federal advisory committee of insurance industry representatives established in 2015 to provide advice and recommendations to the Federal Insurance Office (FIO) with respect to (1) the creation and development of non-governmental, private market risk-sharing mechanisms for protection against losses arising from acts of terrorism; and (2) FIO's administration of the Terrorism Risk Insurance Program.[1] Assisting the Secretary of the Treasury in the administration of the Terrorism Risk Insurance Program is among FIO's duties and authorities as set out in Subpart A of the Federal Insurance Office Act of 2010 (31 U.S.C. 313, *et seq.*), Title V of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 12 U.S.C. 5301 *et seq.* (July 21, 2010).

The ACRSM's membership is balanced to include a cross-section of members consisting of directors, officers, or other employees of insurers, reinsurers, and capital market participants that are representative of the affected sectors of the insurance industry, including commercial property insurance, commercial casualty insurance, reinsurance, and alternative risk transfer industries. More information regarding the ACRSM, including a list of its current members, prior recommendations to FIO, and its organizational documents, is available on the Treasury website.[2]

Individuals interested in serving as ACRSM members should submit an expression of interest including their name, organization or affiliation, and contact information (employment address, telephone number, and email address). Submissions should also include a curriculum vitae and a statement describing the individual's interest in serving and willingness to work on the issues addressed by the ACRSM.

A small subset of ACRSM members may be required to adhere to the conflict-of-interest rules applicable to Special Government Employees as such employees are defined in 18 U.S.C. 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731).

In accordance with Department of Treasury Directive 21–03, candidates for appointment to the ACRSM are subject to a clearance process, including fingerprinting, annual tax checks, and a Federal Bureau of Investigation criminal background check. All ACRSM candidates must agree to submit to these pre-appointment checks.

The deadline for submitting expressions of interest is August 29, 2025. Submissions may be sent by email to *ACRSM@treasury.gov* or by mail to: Federal Insurance Office, Room 1410, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220–0002, Attention: ACRSM.

[1] Public Law 114–1, 110 (b)(3).

[2] *Advisory Committee on Risk-Sharing Mechanisms (ACRSM),* U.S. Department of the Treasury, *home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/federal-insurance-office/terrorism-risk-insurance-program/advisory-committee-on-risk-sharing-mechanisms-acrsm.*

Dated: July 25, 2025.

Steven Seitz,

Director, Federal Insurance Office.

[FR Doc. 2025–14313 Filed 7–28–25; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation, Amended Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10., that a meeting for the Veterans' Advisory Committee on Rehabilitation (hereinafter the Committee) will be held virtually on Tuesday and Wednesday, August 26–27, 2025. The meeting will begin at 11:00 a.m. EST and adjourn at 3:30 p.m. EST on both days. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the rehabilitation needs of Veterans with disabilities and the administration of VA's rehabilitation programs.

On August 26–27, 2025, the Committee will receive briefings on various VA programs designed to enhance the rehabilitative potential of Veterans with disabilities. In addition, the Committee will discuss and explore potential recommendations to be included in the next annual report.

Members of the public may attend virtually using the following Microsoft Teams link by computer or mobile app at *https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmQ4NDMwMzktODc1NC00NmRiLTlhYjMtYTA0ODhjM2JjZDg0%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%22fe5d9e91-e299-4a08-bad7-e86176037a15%22%7d.* The Meeting ID: 255 610 714 349 5 and Passcode: W2r7qK34. You can also join by phone: 1–872–701–0185. Phone Conference ID: 110 964 502#.

As time is limited, individuals wishing to make public comments can contact *VACOR.VBACO@va.gov.* in advance to reserve time during the public comment period or submit written comments (max. 2 pages).

Members of the public may submit written statements (max. 2 pages) until Friday, August 22, 2025, for the Committee's review to Ms. Latrese Thompson, Designated Federal Officer, Veterans Benefits Administration (28), 1800 G Street NW, Washington, DC 20006, or at *VACOR.VBACO@va.gov*. In the communication, writers must identify themselves and state the organization, association, or person(s) they represent. The meeting will also include time reserved for public comments before the meeting closes. Each public comment speaker will be held to a 3–5-minute limit, or as time permits. Individuals wishing to seek additional information should contact Ms. Latrese Thompson, Designated Federal Officer, at *VACOR.VBACO@va.gov.*

Dated: July 25, 2025.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2025–14319 Filed 7–28–25; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 217

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Alaska LNG Project in Cook Inlet; Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 250722–0128]

RIN 0648–BN50

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Alaska LNG Project in Cook Inlet

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS has received a request from 8 Star Alaska, LLC (8 Star Alaska), a subsidiary of Alaska Gasline Development Corporation (AGDC), for authorization to take marine mammals incidental to the Alaska Liquefied Natural Gas (LNG) Project in Cook Inlet, Alaska, over the course of 5 years (2026–2030). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS proposes regulations setting forth permissible methods of taking, other means of effecting the least practicable adverse impact on such marine mammal stocks (*i.e.,* mitigation measures), and requirements pertaining to monitoring and reporting such takes, and requests comments on the proposed regulations. NMFS will consider public comments prior to making any final decision on the promulgation of the requested MMPA regulations, and NMFS' responses to public comments will be summarized in the final notification of our decision.

DATES: Comments and information must be received no later than August 28, 2025.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2025-0141.* You may submit comments on this document, identified by NOAA–NMFS–2025–0141, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2025–0141 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225.
- *Fax:* (301) 713–0376.

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

A copy of 8 Star Alaska's Incidental Take Authorization (ITA) 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-oil-and-gas.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Kristy Jacobus, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Regulatory Action

NMFS received a request from 8 Star Alaska requesting 5-year regulations and a Letter of Authorization (LOA) that would authorize take of marine mammals by Level A and Level B harassment incidental to 8 Star Alaska's activities. No serious injury or mortality is anticipated or proposed to be authorized. Please see below for definitions of relevant terms and the Estimated Take of Marine Mammals section for definitions of harassment.

The proposed rule, promulgated under the authority of the MMPA (16 U.S.C. 1361 *et seq.*), would provide a framework for authorizing the take of marine mammals incidental to construction activities associated with 8 Star Alaska's LNG project, including impact and vibratory pile driving and anchor handling.

Legal Authority for the Proposed Action

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs 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, regulations are promulgated (when applicable), and public notice and an opportunity for public comment are provided.

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, the availability of the species or stocks for taking for certain subsistence uses (referred to as ''mitigation''), and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

As noted above, no serious injury or mortality is proposed to be authorized in this proposed rule. Relevant definitions of MMPA statutory and regulatory terms are included below:

- *Citizen*—individual U.S. citizens or any corporation or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13) (50 CFR 216.103);
- *Take*—to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal (16 U.S.C. 1362; 50 CFR 216.3);
- *Incidental taking*—an accidental taking. This does not mean that the taking is unexpected, but rather it includes those takings that are infrequent, unavoidable, or accidental (50 CFR 216.103);
- *Serious injury*—any injury that will likely result in mortality (50 CFR 216.3);
- *Level A harassment*—any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild (16 U.S.C. 1362); and
- *Level B harassment*—any act of pursuit, torment, or annoyance which 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 (16 U.S.C. 1362).

Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I, provide the legal basis for proposing and, if appropriate, issuing 5-year regulations and

associated LOA(s). This proposed rule also proposes required mitigation, monitoring, and reporting requirements for 8 Star Alaska's activities.

Summary of Major Provisions Within the Proposed Rule

The major provisions of this proposed rule include:

- Allowing NMFS to authorize, through an LOA, the take of small numbers of marine mammals by Level A harassment and/or Level B harassment;
- No mortality or serious injury of any marine mammal is proposed to be authorized;
- Requiring NMFS-approved protected species observers (PSOs) and delaying commencement of or shutting down select activities should a marine mammal be detected within identified clearance or shutdown zones to minimize the amount and severity of take;
- Requiring time/area closure for beluga whale during summer months in the western portion of Cook Inlet; and
- Requiring soft start for impact pile driving to allow marine mammals the opportunity to leave the area prior to beginning impact pile driving at full power.

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 216–6A, NMFS must review our proposed action (*i.e.,* promulgation of regulations and subsequent issuance of a 5-year LOA) with respect to potential impacts on the human environment.

NMFS participated as a cooperating agency on the 2020 Alaska LNG Project Environmental Impact Statement (EIS), which was finalized on March 6, 2020, and is available at *https://www.ferc.gov/industries-data/natural-gas/environment/final-environmental-impact-statement-feis.* When acting as a cooperating agency, as is the case with this project, NMFS may satisfy its independent NEPA obligations by either preparing a separate NEPA analysis for its issuance of an incidental take authorization or, if appropriate, by adopting the NEPA analysis prepared by the lead agency. NMFS independently reviewed and evaluated the 2020 Alaska LNG Project EIS and determined it was adequate and sufficient to meet our responsibilities under NEPA for the issuance of the 2020 Alaska LNG Cook Inlet LOA (85 FR 59291, September 21, 2020). NMFS therefore adopted the 2020 Alaska LNG Project EIS and signed a Record of Decision on February 16, 2021.

Consistent with NEPA, applicable NOAA NEPA procedures, and the information and analysis contained in this proposed rule, NMFS has made a preliminary determination that this proposed rule and any subsequent LOAs would not result in significant impacts that were not fully considered in the 2020 Alaska LNG Project EIS. As indicated in this proposed rule, 8 Star Alaska has made no substantial changes to the activities evaluated in the EIS, and NMFS is unaware of any significant new circumstances or information relevant to environmental concerns or their impacts. NMFS will make a final NEPA determination prior to a decision whether to issue a final rule and LOA.

Fixing America's Surface Transportation Act

This project is covered under Title 41 of the Fixing America's Surface Transportation Act, or ''FAST–41.'' FAST–41 includes a suite of provisions designed to expedite the environmental review for covered infrastructure projects, including enhanced interagency coordination as well as milestone tracking on the public-facing Permitting Dashboard. FAST–41 also places a 2-year limitations period on any judicial claim that challenges the validity of a Federal agency decision to issue or deny an authorization for a FAST–41 covered project. 42 U.S.C. 4370m–6(a)(1)(A).

8 Star Alaska's proposed project is listed on the permitting dashboard. Milestones and schedules related to the environmental review and permitting for the Alaska LNG Project can be found at *https://www.permits.performance.gov/permitting-project/fast-41-covered-projects/alaska-lng-project.*

Summary of Request

On December 5, 2024, NMFS received a request from 8 Star Alaska for regulations and a LOA to take marine mammals incidental to construction of LNG facilities in Cook Inlet, Alaska. Following NMFS' review of the application, 8 Star Alaska submitted a revised version on April 3, 2025, which was deemed adequate and complete. On April 8, 2025, NMFS published a notice of receipt (NOR) of application in the **Federal Register** (90 FR 15137), requesting comments and information during a 30-day public comment period related to 8 Star Alaska's request. NMFS received one letter from the Center for Biological Diversity and Cook Inletkeeper providing substantive comments and approximately 14,000 comments from members of the public expressing general opposition to 8 Star Alaska's proposed project but providing no information relevant to the information contained within 8 Star Alaska's application or to NMFS' determination that the application is adequate and complete. The comment letters from members of the public followed a generic template format in which respondents provided comments that were identical or substantively the same. NMFS has reviewed all submitted material and taken the information into consideration during the drafting of this proposed rule.

NMFS is proposing to authorize take of 12 species of marine mammals by Level B harassment, and by Level A harassment for a subset of 3 of these species. Neither 8 Star Alaska nor NMFS expect serious injury or mortality to result from the specified activities and neither are proposed to be authorized.

NMFS previously promulgated regulations and issued an LOA to AGDC for the same work on September 15, 2020 (85 FR 59291, September 21, 2020), effective from January 1, 2021, through December 31, 2025. However, no work has been conducted during the effective period of that LOA and none is planned prior to its expiration.

Description of Proposed Activity

Overview

8 Star Alaska proposes to construct facilities to transport and offload LNG in Cook Inlet, Alaska, for export. Project activities would include the construction of a Marine Terminal comprised of a temporary Marine Terminal Material Offloading Facility (MOF) and a permanent Product Loading Facility (PLF) on the east side of Cook Inlet, near Nikiski; construction of a pipeline (referred to as the Mainline) across Cook Inlet; and construction of a Mainline MOF on the west side of Cook Inlet, north of Tyonek. The components of the proposed construction activities that have the potential to expose marine mammals to sound levels that could result in take are vibratory and impact pile driving of steel sheet piles and 24-, 48-, 60-, and 66-inch (61-, 122-, 152.4-, and 167.6-centimer [cm]) steel pipe piles, as well as the use of anchor handling tugs (AHTs).

Dates and Duration

Planned in-water work would occur over 5 years between January 1, 2026, and December 31, 2030. The construction window is based on the ice-free working window, which is from approximately April 1 through October 31. Pile driving would occur during

daylight hours and is estimated to occur 6 days per week. Work for pipelaying would occur 24 hours per day, 7 days per week, and could occur during periods of low visibility. In-water pile-driving is expected to occur over an estimated 323 nonconsecutive days over the 5-year period, and use of AHTs used for pipelaying in construction of the Mainline is expected to occur over an estimated 55 nonconsecutive days during Years 3 and 4 of the project, for a total of 378 construction days over the 5 year period (See table 1).

TABLE 1—ESTIMATED CONSTRUCTION SCHEDULE

Construction element	Estimated number of days
Year 1	
Marine Terminal MOF	78
Year 2	
Marine Terminal MOF	69
Mainline MOF	14
Year 3	
PLF	74
Mainline	2
Year 4	
Mainline	53
PLF	52
Year 5	
PLF	36
Total	378

Specified Geographical Region

The proposed construction activities would occur in Cook Inlet, Alaska. The Marine Terminal, consisting of the temporary marine terminal MOF and PLF, would be constructed adjacent to the proposed onshore liquefaction facility near Nikiski, Alaska. The Mainline would cross the Cook Inlet shoreline on the west side of Cook Inlet south of Beluga Landing, traverse Cook Inlet in a generally southward direction for approximately 26.7 miles (43 kilometers [km]), and cross the east Cook Inlet shoreline near Suneva Lake. An MOF (Mainline MOF) may be constructed on the west side of Cook Inlet near the existing Beluga Landing to support installation of the Cook Inlet shoreline crossing. See figure 1 for a map of 8 Star Alaska's action area (see 8 Star Alaska's application for color legends).

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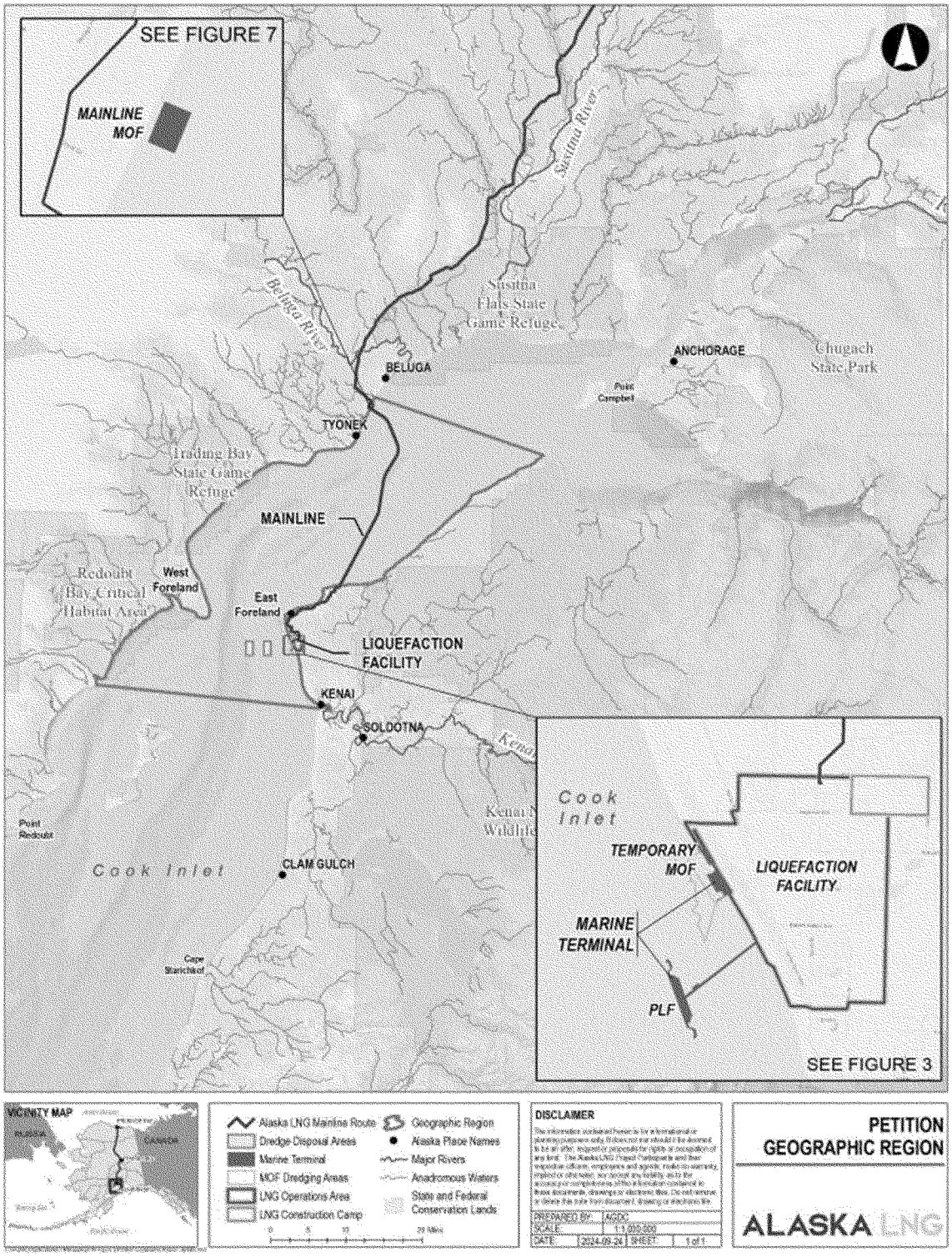

Figure 1 -- Geographic Area of the Proposed Alaska LNG Facilities

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Detailed Description of the Specified Activity

Construction of the Alaska LNG facilities would include construction of a Marine Terminal, comprised of a temporary marine terminal MOF and PLF; a Mainline MOF; and a pipeline (referred to as Mainline) crossing Cook Inlet. Noise generated by impact and vibratory pile driving would be likely to result in take of marine mammals. Additionally, we assume here that noise generated by AHTs conducting anchor handling may result in take of marine mammals.

Temporary Marine Terminal Material Offloading Facility

The temporary Marine Terminal MOF would consist of a quay and two berths, which would be used during construction of the Liquefaction Facility to enable direct deliveries of equipment modules, bulk materials, construction equipment, and other cargo to minimize the transport of large and heavy loads over road infrastructure. See Figure 6 in 8 Star Alaska's application for visual depiction of the Marine Terminal MOF. Construction of the Temporary MOF is expected to occur in Years 1 and 2.

Quay—The quay would be constructed of an outer wall consisting of combi-wall (combination of sheet pile and 66-inch steel pipe piles), tied back to a sheet pile anchor wall, and 11 sheet pile coffer cells, comprised of sheet piles and 24-inch pipe piles, backfilled with granular materials. The 24-inch pipe piles would be removed once coffer cell installation is complete. All pile installation and removal would be conducted with vibratory methods. 8 Star Alaska expects to use two crews during the installation of piles for the combi-wall and coffer cells, and therefore concurrent pile driving is expected to occur during installation of these features. This could result in concurrent vibratory pile driving of two 66-inch sheet piles, 2 sheet piles, 2 24-inch pile piles, a 66-inch pipe pile with a sheet pile, and a 24-inch pipe pile with a sheet pile. Installation of the sheet pile anchor wall is not considered in this analysis because the anchor wall would be installed into fill and would not generate substantial underwater sound.

Berths—Berths at the Marine Terminal MOF would include one Lift-on/Lift-off (Lo-Lo) berth and one Roll-on/Roll-off (Ro-Ro) berth maintained at depths alongside of 32 feet Mean Lower Low Water (MLLW). The berths would be constructed of 24-inch and 48-inch pipe piles using an impact hammer.

The Marine Terminal MOF would be constructed using both land-based (from shore and subsequently from constructed portions of the Marine Terminal MOF) and marine construction methods.

Dredging would be conducted at the Marine Terminal MOF with hydraulic or mechanical dredgers. While marine mammals may behaviorally respond in some small degree to the noise generated by dredging operations, given the slow, predictable movements of these vessels, and absent any other contextual features that would cause enhanced concern, NMFS does not consider it likely that 8 Star Alaska's proposed dredging would result in the take of marine mammals.

Product Loading Facility (PLF)

The proposed PLF would be a permanent facility used to load LNG carriers for export. The PLF would consist of two loading platforms, two berths, a marine operations platform, and an access trestle that supports the piping that delivers LNG from shore. See figure 4 in 8 Star Alaska's application for a visual description. In-water construction for the PLF would occur in Years 3–5. Construction methods would include both overhead construction (conducted with equipment located on a cantilever bridge extending from shore) and marine construction (conducted with equipment located on barges/vessels). All pile driving for the PLF would be conducted with an impact hammer. See figures 3 through 5 in 8 Star Alaska's application for visual depiction of the PLF.

PLF Berth Loading Platforms—The two loading platforms, located at either end of the north-south portion of the trestle would be supported above the seafloor on steel-jacketed structures called quadropods, made of 48-inch steel pipe piles.

PLF Berth Breasting and Mooring Dolphins—Each berth would have four concrete pre-cast breasting dolphins and six concrete pre-cast mooring dolphins that would be supported over the seabed on quadropods, comprised of 48-inch and 60-inch steel pipe piles. A catwalk, supported on two-pile bents comprised of 60-inch steel pipe piles, would connect the mooring dolphins to the loading platforms.

Marine Operations Platform—The platform would be located along the east-west portion of the access trestle and would be supported above the seafloor on four-pile bents, comprised of 60-inch steel pipe piles.

Access Trestle—The access trestle would be T-shaped with a long east-west oriented section and a shorter north-south oriented section. The east-west portion would be supported on three-pile and four-pile bents, comprised of 60-inch steel pipe piles, and the north-south oriented portion would be supported on five-pile quadropods, comprised of 48-inch steel pipe piles.

Mainline MOF

A Mainline MOF may be required on the west side of Cook Inlet to support installation of the Cook Inlet shoreline crossing. The Mainline MOF would consist of a quay, space for tugs, and berths including a Lo-Lo berth for unloading pipe and construction material and Ro-Ro berth and ramp dedicated to Ro-Ro operations. Approximately 1,270 feet (387.1 meters [m]) of sheet pile would be installed with a combination of vibratory and impact methods for construction of the quay and Ro-Ro ramp, and a corresponding length of sheet pile would be installed as anchor wall. However, only 670 feet (204.2 m) of sheet pile would be installed in the water, as the remainder would be installed as anchor wall in fill material or in the intertidal area when the tide is out. Therefore, only the installation of these 670 feet (204.2 m) of sheet pile is likely to result in the take of marine mammals. Construction of the Mainline MOF is expected to occur in Year 2.

Mainline Crossing Cook Inlet

8 Star Alaska proposes to install a 42-inch-diameter natural gas pipeline that would cross Cook inlet from the west side of the inlet south of Beluga Landing in a generally southward direction to the east side of Cook Inlet near Suneva Lake. The pipe would be trenched into the seafloor and buried from the shoreline out to a water depth of approximately 35–45 feet (10.7–13.7 m) MLLW on both sides of the inlet, approximately 8,800 feet from the north landfall and 6,600 feet from the south landfall. Burial depth in these areas would be 3–6 feet (0.9–1.8 m). Seaward of these sections, the pipeline would be placed on the seafloor. The installation methods would vary depending on the distance from shore, as described below. Installation of the Mainline crossing of Cook Inlet would include AHTs engaged in anchor handling (described further below). Construction of the Mainline is expected to occur during Years 3 and 4.

Pre-installation surveys—High-resolution geophysical surveys would be conducted prior to pipeline construction in order to develop a detailed bathymetric profile. The acoustic survey equipment proposed for use includes:

- Single-beam echosounder operating at 200 kilohertz (kHz);
- Multi-beam echosounder operating at 200–400 kHz;
- Side-scan sonar system at 400–900 kHz; and
- Magnetometer, which does not emit underwater sound.

The echosounders and side-scan sonar operate at or above 200 kHz, which are above the range of marine mammals' hearing thresholds, and the magnetometer does not emit sound. Therefore, use of this equipment is not expected to result in take of marine

mammals, and it is not further evaluated in this proposed rule.

Nearshore Trenching, Pipelay, and Burial—In the nearshore portions of the route across Cook Inlet, the pipeline would be trenched and buried. The nearshore portion of the trench (extending from the shoreline to a transition water depth where a dredge vessel can be employed) would be constructed using amphibious or barge-based excavators. From the transition water depth to water depth of the −25 feet or −45 feet MLLW, 8 Star Alaska would use a dredge to excavate a trench for the pipeline. As described above, NMFS does not consider it likely that 8 Star Alaska's proposed dredging would result in the take of marine mammals.

Pipeline joints would be welded together onshore in 1,000 foot-long strings (pipe strings) and laid on the ground surface in an orientation that approximates the offshore alignment. 8 Star Alaska would anchor a pipe pull barge near the seaward end of the trench using AHTs. The barge would be used to pull the pipe strings from their onshore position into the trench. Given the transient and slow, predictable movement of barges, NMFS does not expect any potential for startle responses from individual marine mammals that may be in the vicinity. Similarly, with regard to the characteristics of noise output resulting from use of barges and other, similar industrial activities, NMFS generally assumes that the relative lack of variation in the signal and associated absence of high peak pressure or rapid rise time events (characteristics associated with impulsive and/or intermittent sound sources) significantly limits the likelihood of behavioral responses that might appropriately be considered take.

In addition to these general conclusions related to the physical and acoustic characteristics of the activity, NMFS considers contextual issues that may result in different, case-specific conclusions. For example, when considering relatively loud continuous noise sources, such as use of AHTs or tugging under load, NMFS evaluates the potential for exposure to result in take for sensitive species such as Cook Inlet beluga whales in important habitat is sufficient to justify a determination that some amount of take is likely. Following pipeline installation, the trench is expected to backfill naturally through the movement of seafloor sediments. If manual backfilling is required, the backfill would be placed by reversing the flow of the dredger used offshore or mechanically with the use of excavators.

Trenching, pipelay, and burial would be conducted 24 hours per day, seven days per week. 8 Star Alaska anticipates a pipelay rate of 2,000 (609.6 m) to 2,500 feet (762 m) per 24 hours. Anchor handling is only expected to occur during the initial anchoring of the pull barge, and therefore the AHTs are only expected to be used for a total of two days during nearshore pipelay, one day on the west coast near Beluga and one day on the east coast near Suneva Lake. We note here that AHT activities are not generally dissimilar from dredging, pipe-pulling, etc., in terms of the characteristics of noise output, although AHTs are assumed to be louder than these other similar activities. Given the slow, predictable, and generally straight path (or stationary nature) of tugs engaged in anchor handling activities, the likelihood of disrupting marine mammal behavioral patterns from tug use that would qualify as harassment under the MMPA is considered relatively low. Nevertheless, we have quantified the potential exposures from this activity, assumed that these exposures would equate to take, and analyzed the impacts of the assumed takes, which we propose for authorization. Anchor handling is the only activity assumed to result in take of marine mammals during the nearshore trenching, pipelay, and burial.

Offshore Pipeline Installation—Seaward of the trenched sections, the pipeline would be laid on the seafloor across Cook Inlet using conventional pipelay vessel methods. The pipelay vessel would likely employ 12 anchors to keep it positioned during pipelay and provide resistance as it is winched ahead 80 feet each time an additional 80-foot section of pipe is added/welded on the pipe string. 8 Star Alaska anticipates a pipelay rate of 2,000 to 2,500 feet (609.6–762 m) per 24 hours. 8 Star Alaska would use AHTs to reposition the anchors. Use of the AHTs could potentially result in take of marine mammals and is described in more detail below. Offshore pipelaying would be conducted for 24 hours per day, 7 days per week. 8 Star Alaska anticipates using AHTs about 25 percent of the time (*i.e.,* approximately 6 hours per day).

AHTs—8 Star Alaska would use AHTs and anchor systems to maintain the optimal stability and alignment of a specialized vessel, referred to as a pipelay barge, while laying pipeline on the seafloor. Pipeline activities utilizing pipelay barge methods include support from up to three AHTs that would repeatedly reposition the anchors, thereby maintaining proper position and permitting forward movement.

8 Star Alaska is unable to specify tugging characteristics at this time. However, based on specifications for other similar activities such as Hilcorp Alaska's LLC's Production Drilling Support Activities in Cook Inlet (89 FR 79529; September 30, 2024) and Furie Operating Alaska, LLC Natural Gas Activities in Cook Inlet (89 FR 77836; September 24, 2024), NMFS anticipates that the AHTs would be rated between 4,000 horsepower (hp) and 8,000 hp. Potential tug power output during anchor handling is discussed in further detail in the Estimated Take of Marine Mammals section.

A summary of pile driving activities for the Alaska LNG facilities construction is provided in table 2, and a summary of the use of AHTs for pipelaying is provided in table 3.

TABLE 2—ANTICIPATED IN-WATER PILE DRIVING SCHEDULE

Section	Element	Number of steel pipe piles or length of sheet piles					Hammer type	# days
		24-inch steel pipe	48-inch steel pipe	60-inch steel pipe	66-inch steel pipe	Sheet piles		
Year 1								
Marine Terminal MOF	Combi-wall				70	144	Vibratory	22
Marine Terminal MOF	Coffer cell	48				1,496	Vibratory	56
Year 2								
Marine Terminal MOF	Coffer cell	40				1,491	Vibratory	54
Marine Terminal MOF	Ro-Ro/Lo-Lo berths	7	28				Impact	14
Mainline MOF	Quay					205	Vibratory/Impact.	10

TABLE 2—ANTICIPATED IN-WATER PILE DRIVING SCHEDULE—Continued

Section	Element	Number of steel pipe piles or length of sheet piles					Hammer type	# days
		24-inch steel pipe	48-inch steel pipe	60-inch steel pipe	66-inch steel pipe	Sheet piles		
Mainline MOF	Ro-Ro ramp					87	Vibratory/Impact.	4
Year 3								
PLF	E–W Trestle			73			Impact	42
PLF	Berth Loading Platforms		40				Impact	16
PLF	N–S Trestle		40				Impact	16
Year 4								
PLF	E–W Trestle			28			Impact	14
PLF	Operations Platform			12			Impact	6
PLF	Breasting Dolphin		8	32			Impact	16
PLF	Mooring Dolphin		2	8			Impact	4
PLF	N–S Trestle		30				Impact	12
Year 5								
PLF	Mooring Dolphin		10	40			Impact	20
PLF	Catwalk			8			Impact	16
Total		73	158	236	70	3,423		323

TABLE 3—SCHEDULE OF ANCHOR HANDLING FOR CONSTRUCTION OF MAINLINE ACROSS COOK INLET

Activity	Hours/day	Days
Year 3		
Nearshore pipelay	6	2
Year 4		
Offshore pipelay	6	53

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species).*

Table 4 lists all species or stocks for which take is expected and proposed to be authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska and Pacific 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 [1] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N) [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Annual M/SI [4]
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray Whale	*Eschrichtius robustus*	Eastern North Pacific	-, -, N	26,960 (0.05, 25,849, 2016)	801	131
Family Balaenopteridae (rorquals):						
Fin Whale	*Balaenoptera physalus*	Northeast Pacific	E, D, Y	11,065 (0.405 7,970, 2013) [5]	UND	0.6
Humpback Whale	*Megaptera novaeangliae*	Hawai'i	-, -, N	11,278 (0.56, 7,265, 2020)	127	27.09
Humpback Whale	*Megaptera novaeangliae*	Mexico-North Pacific	T, D, Y	N/A [6] (N/A, N/A, 2006)	UND	0.57

TABLE 4—SPECIES [1] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; Strategic (Y/N) [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Annual M/SI [4]
Humpback Whale	*Megaptera novaeangliae*	Western North Pacific	E, D, Y	1,084 (0.088, 1,007, 2006)	3.4	5.82
Minke Whale	*Balaenoptera acutorostrata*	Alaska	-, -, N	N/A [7] (N/A, N/A, N/A)	UND	0
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Killer Whale	*Orcinus orca*	Eastern North Pacific Alaska Resident.	-, -, N	1,920 (N/A, 1,920, 2019)	19	1.3
Killer Whale	*Orcinus orca*	Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	-, -, N	587 (N/A, 587, 2012)	5.9	0.8
Pacific White-Sided Dolphin.	*Lagenorhynchus obliquidens*	North Pacific	-, -, N	26,880 (N/A, N/A, 1990)	UND	0
Family Monodontidae (white whales):						
Beluga Whale	*Delphinapterus leucas*	Cook Inlet	E, D, Y	331 (0.076, 311, 2022)	.....	0
Family Phocoenidae (porpoises):						
Dall's Porpoise	*Phocoenoides dalli*	Alaska	-, -, N	UND [8] (UND, UND, 2015)	UND	37
Harbor Porpoise	*Phocoena*	Gulf of Alaska	-, -, Y	31,046 (0.21, N/A, 1998)	UND	72
Order Carnivora—Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California Sea Lion	*Zalophus californianus*	U.S.	-, -, N	257,606 (N/A, 233,515, 2014)	14,011	>321
Steller Sea Lion	*Eumetopias jubatus*	Western	E, D, Y	49,837 [9] (N/A, 49,837, 2022)	299	267
Family Phocidae (earless seals):						
Harbor Seal	*Phoca vitulina*	Cook Inlet/Shelikof Strait	-, -, N	28,411 (N/A, 26,907, 2018)	807	107

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

[2] 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.

[3] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region*. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[4] These values, found in NMFS' 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.

[5] The best available abundance estimate for this stock is not considered representative of the entire stock as surveys were limited to a small portion of the stock's range.

[6] NMFS's abundance estimate for this stock is greater than eight years old and not considered current. PBR is therefore considered undetermined for this stock, as there is no current minimum abundance estimate for use in calculation. We nevertheless present the most recent abundance estimate as the best available information.

[7] Reliable population estimates are not available for this stock.

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

[9] 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. The overall N_{min} is 73,211 and overall PBR is 439.

As indicated above, all 12 species (with 15 managed stocks) in table 4 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur.

In addition, the northern sea otter may be found in Cook Inlet, Alaska. However, northern sea otters are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

Gray Whale

The stock structure for gray whales in the Pacific has been studied for a number of years and remains uncertain as of the most recent draft 2024 Pacific SARs (Carretta *et al.,* 2025). Gray whale population structure is not determined by simple geography and may be in flux due to evolving migratory dynamics (Carretta *et al.,* 2024). Currently, the SARs delineate a western North Pacific (WNP) gray whale stock and an eastern North Pacific (ENP) stock based on genetic differentiation (Carretta *et al.,* 2025). WNP gray whales are not known to feed in or travel to upper Cook Inlet (Conant and Lohe, 2023, Weller *et al.,* 2023). Therefore, we assume that gray whales near the project area are members of the ENP stock.

An Unusual Mortality Event (UME) for gray whales along the West Coast and in Alaska occurred from December 17, 2018, through November 9, 2023. During that time 690 gray whales stranded in the United States, Mexico, and Canada, 146 of which stranded off the coast of Alaska. The investigative team concluded that the preliminary cause of the UME was localized ecosystem changes in the whale's Subarctic and Arctic feeding areas that led to changes in food, malnutrition, decreased birth rates, and increased mortality (see *https://www.fisheries.noaa.gov/national/marine-life-distress/2019-2023-gray-whale-unusual-mortality-event-along-west-coast-and* for more information).

Gray whales occur infrequently in Cook Inlet, but may be seasonally present during spring and fall in the lower inlet (Bureau of Ocean Energy Management (BOEM), 2022). Migrating gray whales pass through the lower inlet during their spring and fall migrations to and from their primary summer feeding areas in the Bering, Chukchi, and Beaufort seas (Swartz, 2018, Silber *et al.,* 2021, Bureau of Ocean Energy Management (BOEM), 2022). Several surveys and monitoring programs have sighted gray whales in lower Cook Inlet (Shelden *et al.,* 2013, Owl Ridge, 2014, Lomac-MacNair *et al.,* 2013, 2014,

Kendall *et al.,* 2015). Gray whales are occasionally seen in mid- and upper Cook Inlet, Alaska, but they are not common. During NMFS aerial surveys conducted in June 1994, 2000, 2001, 2005, and 2009, gray whales were observed in Cook Inlet near Port Graham and Elizabeth Island as well as near Kamishak Bay, with one gray whale observed as far north as the Beluga River (Shelden *et al.,* 2013). Gray whales were also observed offshore of Cape Starichkof in 2013 by marine mammal observers monitoring Buccaneer's Cosmopolitan drilling project (Owl Ridge, 2014) and in middle Cook Inlet in 2014 during the 2014 Apache 2D seismic survey (Lomac-MacNair *et al.,* 2015). Several projects performed in Cook Inlet in recent years reported no observations of gray whales. These project activities included the SAExploration seismic survey in 2015 (Kendall and Cornick, 2015), the 2018 Cook Inlet Pipeline (CIPL) Extension Project (Sitkiewicz *et al.,* 2018), and the 2019 Hilcorp seismic survey in lower Cook Inlet (Fairweather Science, 2020).

In 2020, during the aforementioned UME, a young male gray whale was stranded in the Twentymile River near Girdwood for over a week before swimming back into Turnagain Arm. The whale did not survive and was found dead in west Cook Inlet later that month (NMFS, 2020). One gray whale was sighted in Knik Arm near the Port of Alaska (POA) in Anchorage in upper Cook Inlet in May of 2020 during observations conducted during construction of the Petroleum and Cement Terminal project (61 North Environmental, 2021). The sighting occurred less than a week before the reports of the gray whale stranding in the Twentymile River and was likely the same animal. In 2021, one small gray whale was sighted in Knik Arm near Ship Creek, south of the POA (61 North Environmental, 2022a). Although some sightings have been documented in the middle and upper Inlet, the gray whale range typically only extends into the lower Cook Inlet region.

Humpback Whale

The most comprehensive photo-identification data available suggest that approximately 89 percent of all humpback whales in the Gulf of Alaska are from the Hawaii stock, 11 percent are from the Mexico stock, and less than 1 percent are from the Western North Pacific stock (Wade, 2021). Individuals from different stocks are known to intermix in feeding grounds. There is no designated critical habitat for humpback whales in or near the area where the specified activity is planned to occur (86 FR 21082, April 21, 2021), nor does the project overlap with any known biologically important areas (Wild *et al.,* 2023).

Humpback whales are encountered regularly in lower Cook Inlet and occasionally in mid-Cook Inlet; sightings are rare in upper Cook Inlet. Eighty-three groups containing an estimated 187 humpbacks were sighted during Cook Inlet beluga whale aerial surveys conducted by NMFS from 1994 to 2012 (Shelden *et al.,* 2013). Surveys conducted north of the forelands have documented small numbers in middle Cook Inlet. During the 2014 Apache seismic surveys in Cook Inlet, five groups (six individuals) were reported, with three groups north of the forelands on the east side of the inlet (Lomac-MacNair *et al.,* 2014). In 2015, during the construction of the Furie Operating Alaska, LLC (Furie) platform and pipeline, four groups of humpback whales were documented. Another group of 6 to 10 unidentified whales, thought to be either humpback or gray whales, was sighted approximately 15 km northeast of the Julius R. Platform Large cetaceans were visible near the project (*i.e.,* whales or blows were visible) for 2 hours out of the 1,275 hours of observation conducted (Jacobs Engineering Group Inc., 2015).

Minke Whale

No estimates have been made for the number of minke whales in the entire North Pacific (Young *et al.,* 2024). However, some information is available on the number of minke whales in some areas of Alaska. Visual surveys for cetaceans were conducted on the eastern Bering Sea shelf in 2002, 2008, and 2010 in cooperation with research on commercial fisheries (Friday *et al.,* 2013). Results of the surveys in 2002, 2008, and 2010 provided provisional abundance estimates of 389 (CV − 0.52), 517 (CV = 0.69), and 2,020 (CV = 0.73) minke whales on the eastern Bering Sea shelf, respectively (Friday *et al.,* 2013). These estimates are considered provisional because they have not been corrected for animals missed on the trackline, animals submerged when the ship passed, or responsive movement. Additionally, line transect surveys were conducted in shelf and nearshore waters (within 30–45 nautical miles of land) in 2001–2003 from the Kenai Fjords in the Gulf of Alaska to the central Aleutian Islands. Minke whale abundance was estimated to be 1,233 (CV = 0.34) for this area (Zerbini *et al.,* 2006). This estimate has also not been corrected for animals missed on the trackline. The majority of the sightings were in the Aleutian Islands, rather than in the Gulf of Alaska, and in water shallower than 200 m. So few minke whales were seen during three offshore Gulf of Alaska surveys for cetaceans in 2009, 2013, and 2015 that a population estimate for the species in this area could not be determined (Rone *et al.,* 2017). These estimates cannot be used as an estimate of the entire Alaska stock of minke whales because only a portion of the stock's range was surveyed (Young *et al.,* 2024).

Minke whales are most abundant in the Gulf of Alaska during summer and occupy localized feeding areas (Zerbini *et al.,* 2006). During the NMFS annual and semiannual surveys of Cook Inlet, minke whales were observed near Anchor Point in 1998, 1999, 2006, and 2021 (Shelden *et al.,* 2013, 2015b, 2017, 2022, Shelden and Wade, 2019) and near Ninilchik and the middle of lower Cook Inlet in 2021 (Shelden *et al.,* 2022). Minke whales were sighted southeast of Kalgin Island and near Homer during Apache's 2014 survey (Lomac-MacNair *et al.,* 2014), and one was observed near Tuxedni Bay in 2015 (Kendall *et al.,* 2015 as cited in Weston and SLR 2022). During Hilcorp's seismic survey in lower Cook Inlet in the fall of 2019, eight minke whales were observed (Fairweather Science, 2020). In 2018, no minke whales were observed during observations conducted for the CIPL project near Tyonek (Sitkiewicz *et al.,* 2018). Minke whales were also not recorded during Hilcorp's aerial or rig-based monitoring efforts in 2023 (Horsley and Larson, 2023).

Fin Whale

Fin whales' range extends into lower Cook Inlet; however, sightings are infrequent, and they are mostly spotted near the Inlet's entrance. Fin whales are usually observed as individuals traveling alone, although they are sometimes observed in small groups. From 2000 to 2022, 10 sightings of 26 estimated individual fin whales were observed in lower Cook Inlet during NMFS aerial surveys (Shelden *et al.,* 2013, 2015b, 2017, 2022, Shelden and Wade, 2019). In the fall of 2019 during Hilcorp's seismic survey in lower Cook Inlet, 8 sightings of 23 fin whales were documented, suggesting greater numbers may use the area in the fall than previously estimated (Fairweather Science, 2020). Hilcorp did not record any sightings of fin whales from their aerial or rig-based monitoring efforts in 2023 (Horsley and Larson, 2023).

Beluga Whale

Five stocks of beluga whales are recognized in Alaska: the Beaufort Sea stock, eastern Chukchi Sea stock,

eastern Bering Sea stock, Bristol Bay stock, and Cook Inlet stock (Young *et al.,* 2023). The Cook Inlet stock of beluga whale is the only stock that inhabits the project area. It is geographically and genetically isolated from the other stocks (O'Corry-Crowe *et al.,* 1997, Laidre *et al.,* 2000) and resides year-round in Cook Inlet (Laidre *et al.,* 2000, Castellote *et al.,* 2020). Cook Inlet beluga whales (CIBWs) were designated as depleted under the MMPA in 2000 (65 FR 34950, May 31, 2000), and as a distinct population segment (DPS) and listed as endangered under the ESA in October 2008 (73 FR 62919, October 10, 2008) when the species failed to recover following a moratorium on subsistence harvest. Between 2008 and 2018, CIBWs experienced a decline of about 2.3 percent per year (Wade *et al.,* 2019). The decline overlapped with the northeast Pacific marine heatwave that occurred from 2014 to 2016 in the Gulf of Alaska, significantly impacting the marine ecosystem (Suryan *et al.,* 2021 as cited in Goetz *et al.,* 2023).

In June 2023, NMFS released an updated abundance estimate for CIBWs in Alaska that incorporates aerial survey data from June 2021 and 2022 and accounted for visibility bias (Goetz *et al.,* 2023). This report estimated that CIBW abundance is between 290 and 386, with a median best estimate of 331. Goetz *et al.* (2023) also present an analysis of population trends for the most recent 10-year period (2012–2022). The addition of data from the 2021 and 2022 survey years in the analysis resulted in a 65.1 percent probability that the CIBW population is now increasing at 0.9 percent per year (95 percent prediction interval of −3 to 5.7 percent). This increase drops slightly to 0.2 percent per year (95 percent prediction interval of −1.8 to 2.6 percent) with a 60 percent probability that the CIBW population is increasing more than 1 percent per year when data from 2021, which had limited survey coverage due to poor weather, are excluded from the analysis.

Threats that have the potential to impact this stock and its habitat include the following: changes in prey availability due to natural environmental variability, ocean acidification, and commercial fisheries; climatic changes affecting habitat; predation by killer whales; contaminants; noise; ship strikes; waste management; urban runoff; construction projects; and physical habitat modifications that may occur as Cook Inlet becomes increasingly urbanized (Moore *et al.,* 2000, Hobbs *et al.,* 2015, NMFS, 2016). Another source of CIBW mortality in Cook Inlet is predation by transient-type (mammal-eating) killer whales (NMFS, 2016, Shelden *et al.,* 2003). No human-caused mortality or serious injury of CIBWs through interactions with commercial, recreational, and subsistence fisheries, takes by subsistence hunters, and or human-caused events (*e.g.,* entanglement in marine debris, ship strikes) has been recently documented (Muto *et al.,* 2022) and harvesting of CIBWs has not occurred since 2008 (NMFS, 2008a).

Recovery Plan

In 2010, a recovery team, consisting of a science panel and stakeholder panel, began meeting to develop a recovery plan for the CIBW. The final recovery plan was published in the **Federal Register** on January 5, 2017 (82 FR 1325). In September 2022, NMFS completed the ESA 5-year review for the CIBW DPS and determined that the CIBW DPS should remain listed as endangered (NMFS, 2022a).

In its recovery plan (82 FR 1325, January 5, 2017), NMFS identified several potential threats to CIBWs, including: (1) high concern: catastrophic events (*e.g.,* natural disasters, spills, mass strandings), cumulative effects of multiple stressors, and noise; (2) medium concern: disease agents (*e.g.,* pathogens, parasites, and harmful algal blooms), habitat loss or degradation, reduction in prey, and unauthorized take; and (3) low concern: pollution, predation, and subsistence harvest. The recovery plan did not treat climate change as a distinct threat but rather as a consideration in the threats of high and medium concern. Other potential threats most likely to result in direct human-caused mortality or serious injury of this stock include vessel strikes.

Critical Habitat

On April 11, 2011, NMFS designated two areas of critical habitat for CIBW (76 FR 20179). The designation includes 7,800 square kilometers (km^2) of marine and estuarine habitat within Cook Inlet, encompassing approximately 1,909 km^2 in Area 1 and 5,891 km^2 in Area 2 (see figure 1 in 76 FR 20179). Area 1 of the CIBW critical habitat encompasses all marine waters of Cook Inlet north of a line connecting Point Possession (lat. 61.04° N, long. 150.37° W) and the mouth of Three Mile Creek (lat. 61.08.55° N, long. 151.04.40° W), including waters of the Susitna, Little Susitna, and Chickaloon Rivers below Mean Higher High Water (MHHW). From spring through fall, Area 1 critical habitat has the highest concentration of CIBWs due to its important foraging and calving habitat. Critical Habitat Area 2, where 8 Star Alaska's proposed construction activities would occur, encompasses some of the fall and winter feeding grounds in middle Cook Inlet. This area has a lower concentration of CIBWs in spring and summer but is used by CIBWs in fall and winter. More information on CIBW critical habitat can be found at *https://www.fisheries.noaa.gov/action/critical-habitat-cook-inlet-beluga-whale.*

The designation identified the following Primary Constituent Elements, essential features important to the conservation of the CIBW:

(1) Intertidal and subtidal waters of Cook Inlet with depths of less than 9 m Mean Lower Low Water (MLLW) and within 8 km of high- and medium-flow anadromous fish streams;

(2) Primary prey species, including four of the five species of Pacific salmon (chum (*Oncorhynchus keta*), sockeye (*Oncorhynchus nerka*), Chinook (*Oncorhynchus tshawytscha*), and coho (*Oncorhynchus kisutch*)), Pacific eulachon (*Thaleichthys pacificus*), Pacific cod (*Gadus macrocephalus*), walleye Pollock (*Gadus chalcogrammus*), saffron cod (*Eleginus gracilis*), and yellowfin sole (*Limanda aspera*)*;*

(3) The absence of toxins or other agents of a type or amount harmful to CIBWs;

(4) Unrestricted passage within or between the critical habitat areas; and

(5) The absence of in-water noise at levels resulting in the abandonment of habitat by CIBWs.

Biologically Important Areas

Wild *et al.* (2023) delineated a small and resident population Biologically Important Area (BIA) in Cook Inlet that is active year-round and overlaps 8 Star Alaska's proposed project area. The authors assigned the BIA an importance score of 2, an intensity score of 2, a data support score of 3, and a boundary certainty score of 2 (scores range from 1 to 3, with a higher score representing an area of more concentrated or focused use and higher confidence in the data supporting the BIA (Harrison *et al.,* 2023)). These scores indicate that the BIA is of moderate importance and intensity, the authors have high confidence that the population is small and resident and in the abundance and range estimates of the population, and the boundary certainty is medium (see Harrison *et al.* (2023) for additional information about the scoring process used to identify BIAs). The boundary of the CIBW BIA is consistent with NMFS' critical habitat designation (Wild *et al.,* 2023).

Ecology

Generally, female beluga whales reach sexual maturity at 9 to 12 years old, while males reach maturity later (O'Corry-Crowe, 2009); however, this can vary between populations. For example, in Greenland, males in a population of beluga whales were found to reach sexual maturity at 6 to 7 years of age and females at 4 to 7 years (Heide-Jørgensen and Teilmann, 1994). Suydam (2009) estimated that 50 percent of females were sexually mature at age 8.25 and the average age at first birth was 8.27 years for belugas sampled near Point Lay. Mating behavior in beluga whales typically occurs between February and June, peaking in March (Burns and Seaman, 1986, Suydam, 2009). In the Chukchi Sea, the gestation period of beluga whales was determined to be 14.9 months, with a calving interval of 2 to 3 years and a pregnancy rate of 0.41, declining after 25 years of age (Suydam, 2009). Calves are born between mid-June and mid-July and typically remain with the mother for up to 2 years of age (Suydam, 2009).

CIBWs feed on a wide variety of prey species, particularly those that are seasonally abundant. From late spring through summer, most CIBW stomachs sampled contained salmon, which corresponded to the timing of fish runs in the area. Anadromous smolt and adult fish aggregate at river mouths and adjacent intertidal mudflats (Calkins, 1989). All five Pacific salmon species (*i.e.,* Chinook, pink (*Oncorhynchus gorbuscha*), coho, sockeye, and chum) spawn in rivers throughout Cook Inlet (Moulton, 1997, Moore *et al.,* 2000). Overall, Pacific salmon represent the highest percent frequency of occurrence of prey species in CIBW stomachs. This suggests that their spring feeding in upper Cook Inlet, principally on fat-rich fish such as salmon and eulachon, is important to the energetics of these animals (NMFS, 2016).

The nutritional quality of Chinook salmon in particular is unparalleled, with an energy content four times greater than that of a Coho salmon. It is suggested the decline of the Chinook salmon population has left a nutritional void in the diet of the CIBWs that no other prey species can fill in terms of quality or quantity (Norman *et al.,* 2022, Norman *et al.,* 2020).

In fall, as anadromous fish runs begin to decline, CIBWs return to consume fish species (cod and bottom fish) found in nearshore bays and estuaries. Stomach samples from CIBWs are not available for winter (December through March), although dive data from CIBWs tagged with satellite transmitters suggest that they feed in deeper waters during winter (Hobbs *et al.,* 2005), possibly on such prey species as flatfish, cod, sculpin, and pollock.

Distribution in Cook Inlet

The CIBW stock remains within Cook Inlet throughout the year, showing only small seasonal shifts in distribution (Goetz *et al.,* 2012a, Lammers *et al.,* 2013, Castellote *et al.,* 2015, Shelden *et al.,* 2015a, Shelden *et al.,* 2018, Lowry *et al.,* 2019). The ecological range of CIBWs has contracted significantly since the 1970s. From late spring to fall, nearly the entire population is now found in the upper inlet north of the forelands, with a range reduced to approximately 39 percent of the size documented in the late 1970s (Goetz *et al.,* 2023). The recent annual and semiannual aerial surveys (since 2008) found that approximately 83 percent of the population inhabits the area between the Beluga River and Little Susitna River during the survey period, typically conducted in early June. Some aerial survey counts were performed in August, September, and October, finding minor differences in the numbers of belugas in the upper inlet compared to June, reinforcing the importance of the upper inlet habitat area (Young *et al.,* 2023). 8 Star Alaska's proposed construction would not occur in this upper inlet habitat area.

During spring and summer, CIBWs generally aggregate near the warmer waters of river mouths along the northern shores of middle and upper Cook Inlet where prey availability is high and predator occurrence is low (Moore *et al.,* 2000, Shelden and Wade, 2019, McGuire *et al.,* 2020). In particular, CIBW groups are seen in the Susitna River Delta, the Beluga River and along the shore to the Little Susitna River, Knik Arm, and along the shores of Chickaloon Bay. Small groups were recorded farther south in Kachemak Bay, Redoubt Bay (Big River), and Trading Bay (McArthur River) prior to 1996, but rarely thereafter. Since the mid-1990s, most CIBWs (96 to 100 percent) aggregate in shallow areas near river mouths in upper Cook Inlet, and they are only occasionally sighted in the central or southern portions of Cook Inlet during summer (Hobbs *et al.,* 2008). Almost the entire population can be found in northern Cook Inlet from late spring through the summer and into the fall (Muto *et al.,* 2020), shifting into deeper waters in middle Cook Inlet in winter (Hobbs *et al.,* 2008).

Data from tagged whales (14 tags deployed July 2000 through March 2003) show that CIBWs use upper Cook Inlet intensively between summer and late autumn (Hobbs et al., 2005). CIBWs tagged with satellite transmitters continue to use Knik Arm, Turnagain Arm, and Chickaloon Bay as late as October, but some range into lower Cook Inlet to Chinitna Bay, Tuxedni Bay, and Trading Bay (McArthur River) in fall (Hobbs *et al.,* 2005, Hobbs *et al.,* 2012). From September through November, CIBWs move between Knik Arm, Turnagain Arm, and Chickaloon Bay (Hobbs *et al.,* 2005, Goetz *et al.,* 2012b). By December, CIBWs are distributed throughout the upper to mid-inlet. From January into March, they move as far south as Kalgin Island and slightly beyond in central offshore waters. CIBWs make occasional excursions into Knik Arm and Turnagain Arm in February and March in spite of ice cover (Hobbs *et al.,* 2005). Although tagged CIBWs move widely around Cook Inlet throughout the year, there is no indication of seasonal migration in and out of Cook Inlet (Hobbs *et al.,* 2005). Data from NMFS aerial surveys, opportunistic sighting reports, and corrected satellite-tagged CIBWs confirm that they are more widely dispersed throughout Cook Inlet during winter (November–April), with animals found between Kalgin Island and Point Possession. Generally fewer observations of CIBWs are reported from the Anchorage and Knik Arm area from November through April (76 FR 20179, April 11, 2011; Rugh *et al.,* 2000, 2004). Later in winter (January into March), belugas were sighted near Kalgin Island and in deeper waters offshore. However, even when ice cover exceeds 90 percent in February and March, belugas travel into Knik Arm and Turnagain Arm (Hobbs *et al.,* 2005).

The NMFS Alaska Fisheries Science Center (AFSC) has conducted long-term passive acoustic monitoring demonstrating seasonal shifts in CIBW concentrations throughout Cook Inlet. Castellote *et al.* (2015) conducted long-term acoustic monitoring at 13 locations throughout Cook Inlet between 2008 and 2015: North Eagle Bay, Eagle River Mouth, South Eagle Bay, Six Mile, Point MacKenzie, Cairn Point, Fire Island, Little Susitna, Beluga River, Trading Bay, Kenai River, Tuxedni Bay, and Homer Spit; the former 6 stations being located within Knik Arm. In general, the observed seasonal distribution is in accordance with descriptions based on aerial surveys and satellite telemetry: CIBW detections are higher in the upper inlet during summer, peaking at Little Susitna, Beluga River, and Eagle Bay, followed by fewer detections at those locations during winter. Higher detections in winter at Trading Bay,

Kenai River, and Tuxedni Bay suggest a broader CIBW distribution in the lower inlet during winter.

Goetz *et al.* (2012b) modeled habitat preferences using NMFS' 1994–2008 June abundance survey data. In large areas, such as the Susitna Delta (Beluga to Little Susitna Rivers) and Knik Arm, there was a high probability that CIBWs were in larger groups. CIBW presence and acoustic foraging behavior also increased closer to rivers with Chinook salmon runs, such as the Susitna River (*e.g.,* Castellote *et al.,* 2021). Movement has been correlated with the peak discharge of seven major rivers emptying into Cook Inlet. Boat-based surveys from 2005 to the present (McGuire and Stephens, 2017) and results from passive acoustic monitoring across the entire inlet (Castellote *et al.,* 2015) also support seasonal patterns observed with other methods. Based on long-term passive acoustic monitoring, foraging behavior was more prevalent during summer, particularly at upper inlet rivers, than during winter. The foraging index was highest at Little Susitna, with a peak in July–August and a secondary peak in May, followed by Beluga River and then Eagle Bay; monthly variation in the foraging index indicates CIBWs shift their foraging behavior among these three locations from April through September. The location of the towing routes are areas of predicted low density in the summer months.

CIBWs are believed to mostly calve in the summer, and breed between late spring and early summer (NMFS, 2016), primarily in upper Cook Inlet. The first neonates encountered during each field season from 2005 through 2015 were always seen in the Susitna River Delta in July. The photographic identification team's documentation of the dates of the first neonate of each year indicate that calving begins in mid-late July/early August, generally coinciding with the observed timing of annual maximum group size. Probable mating behavior of CIBWs was observed in April and May of 2014 in Trading Bay. Young CIBWs are nursed for 2 years and may continue to associate with their mothers for a considerable time thereafter (Colbeck *et al.,* 2013). Important calving grounds are thought to be located near the river mouths of upper Cook Inlet.

During Apache's seismic test program in 2011 along the west coast of Redoubt Bay, lower Cook Inlet, a total of 33 CIBWs were sighted during the survey (Lomac-MacNair *et al.,* 2013). During Apache's 2012 seismic program in mid-inlet, a total of 151 groups consisting of an estimated 1,463 CIBWs were observed (note individuals were likely observed more than once) (Lomac-MacNair *et al.,* 2014). During SAExploration's 2015 seismic program, a total of 8 groups of 33 estimated individual CIBWs were visually observed during this time period and there were two acoustic detections of CIBWs (Kendall *et al.,* 2015). During Harvest Alaska's recent CIPL project on the west side of Cook Inlet in between Ladd Landing and Tyonek Platform, a total of 143 CIBW groups (814 individuals) were observed almost daily from May 31 to July 11, even though observations spanned from May 9 through September 15 (Sitkiewicz et al., 2018). There were two CIBW carcasses observed by the project vessels in the 2019 Hilcorp lower Cook Inlet seismic survey in the fall which were reported to the NMFS Marine Mammal Stranding Network (Fairweather Science, 2020). Both carcasses were moderately decomposed when they were sighted by the PSOs. Daily aerial surveys specifically for CIBWs were flown over the lower Cook Inlet region, but no beluga whales were observed. In 2023, Hilcorp recorded 21 groups of more than 125 beluga whales during aerial surveys in middle Cook Inlet, and an additional 21 opportunistic groups which included approximately 81 CIBWs (Horsley and Larson, 2023). Hilcorp did not record any sightings of CIBWs from their rig-based monitoring efforts (Horsley and Larson, 2023).

Killer Whale

Along the west coast of North America, seasonal and year-round occurrence of killer whales has been noted along the entire Alaska coast (Braham and Dahlheim, 1982), in British Columbia and Washington inland waterways (Bigg *et al.,* 1990), and along the outer coasts of Washington, Oregon, and California (Green *et al.,* 1992, Barlow, 1995, Barlow, 1997, Forney *et al.,* 1995). Killer whales from these areas have been labeled as ''resident,'' ''transient,'' and ''offshore'' type killer whales (Bigg *et al.,* 1990, Ford *et al.,* 2000, Dahlheim *et al.,* 2008) based on aspects of morphology, ecology, genetics, and behavior (Ford and Fisher, 1982, Baird and Stacey, 1988, Baird *et al.,* 1992, Hoelzel *et al.,* 1998, Hoelzel *et al.,* 2002, Barrett-Lennard, 2000, Dahlheim *et al.,* 2008). Based on data regarding association patterns, acoustics, movements, and genetic differences, eight killer whale stocks are now recognized within the U.S. Pacific, two of which have the potential to be found in the proposed project area: the Eastern North Pacific Alaska Resident stock and the Gulf of Alaska, Aleutian Islands, and the Bering Sea Transient stock. Both stocks occur in lower Cook Inlet, but rarely in middle and upper Cook Inlet (Shelden *et al.,* 2013). While these stocks overlap the same geographic area, they maintain social and reproductive isolation and feed on different prey species. Resident killer whales are primarily fish-eaters, while transients primarily hunt and consume marine mammals, such as harbor seals, Dall's porpoises, harbor porpoises, beluga whales and sea lions. Killer whales are not harvested for subsistence in Alaska. Potential threats most likely to result in direct human-caused M/SI of killer whales in this region include oil spills, vessel strikes, and interactions with fisheries.

Killer whales have been sighted near Homer and Port Graham in lower Cook Inlet (Shelden *et al.,* 2022, Shelden *et al.,* 2003, Rugh *et al.,* 2005). Resident killer whales from pods often sighted near Kenai Fjords and Prince William Sound have been occasionally photographed in lower Cook Inlet (Shelden *et al.,* 2003). The availability of salmon influences when resident killer whales are more likely to be sighted in Cook Inlet. Killer whales were observed in the Kachemak and English Bay three times during aerial surveys conducted between 1993 and 2004 (Rugh *et al.,* 2005). Passive acoustic monitoring efforts throughout Cook Inlet documented killer whales at the Beluga River, Kenai River, and Homer Spit, although they were not encountered within Knik Arm (Castellote *et al.,* 2016). These detections were likely resident killer whales. Transient killer whales likely have not been acoustically detected due to their propensity to move quietly through waters to track prey (Small, 2010, Lammers *et al.,* 2013). Transient killer whales were increasingly reported to feed on belugas in the middle and upper Cook Inlet in the 1990s.

During the 2015 SAExploration seismic program near the North Foreland, two killer whales were observed (Kendall *et al.,* 2015, as cited in Weston and SLR, 2022). Killer whales were observed in lower Cook Inlet in 1994, 1997, 2001, 2005, 2010, 2012, and 2022 during the NMFS aerial surveys (Shelden *et al.,* 2013, 2022). Eleven killer whale strandings have been reported in Turnagain Arm: 6 in May 1991 and 5 in August 1993. During the Hilcorp lower Cook Inlet seismic survey in the fall of 2019, 21 killer whales were documented (Fairweather Science, 2020). Throughout 4 months of observation in 2018 during the CIPL project in middle Cook Inlet, no killer whales were observed (Sitkiewicz *et al.,* 2018). In September 2021, two killer

whales were documented in Knik Arm in upper Cook Inlet, near the POA (61 North Environmental, 2022a). Hilcorp did not record any sightings of killer whales from their aerial or rig-based monitoring efforts in 2023 (Horsley and Larson, 2023).

Pacific White-Sided Dolphin

The North Pacific stock of Pacific white-sided dolphin is common in the Gulf of Alaska's pelagic waters and Alaska's nearshore areas, British Columbia, and Washington Ferrero and Walker, 1996, as cited in Muto *et al.,* 2022). They do not typically occur in Cook Inlet, but in 2019, Castellote *et al.* (2020) documented short durations of Pacific white-sided dolphin presence using passive acoustic recorders near Iniskin Bay (6 minutes) and at an offshore mooring located approximately midway between Port Graham and Iniskin Bay (51 minutes). Detections of vocalizations typically lasted on the order of minutes, suggesting the animals did not remain in the area and/or continue vocalizing for extended durations. Visual monitoring conducted during the same period by marine mammal observers on seismic vessels near the offshore recorder did not detect any Pacific white-sided dolphins (Fairweather Science, 2020). These observational data, combined with anecdotal information, indicate that there is a small potential for Pacific white-sided dolphins to occur in the project area. On May 7, 2014, Apache Alaska observed three Pacific white-sided dolphins during an aerial survey near Kenai. This is one of the only recorded visual observations of Pacific white-sided dolphins in Cook Inlet; they have not been reported in groups as large as those estimated in other parts of Alaska (Muto *et al.,* 2022).

Harbor Porpoise

Harbor porpoises in Cook Inlet are assumed to be members of the Gulf of Alaska stock (Young *et al.,* 2023). Harbor porpoises occur most frequently in waters less than 100 m deep (Hobbs and Waite, 2010) and are common in nearshore areas of the Gulf of Alaska, Shelikof Strait, and lower Cook Inlet (Dahlheim *et al.,* 2000). Harbor porpoises are often observed in lower Cook Inlet in Kachemak Bay and from Cape Douglas to the West Foreland (Rugh *et al.,* 2005). They can be opportunistic foragers but consume primarily schooling forage fish (Bowen and Siniff, 1999). Subsistence users have not reported any harvest from the Gulf of Alaska harbor porpoise stock since the early 1900s (Shelden *et al.,* 2014). Calving occurs from May to August; however, this can vary by region. Harbor porpoises often travel alone or in small groups of less than 10 individuals (Schmale, 2008).

Harbor porpoises occur throughout Cook Inlet, with passive acoustic detections being more prevalent in lower Cook Inlet. Although harbor porpoises have been frequently observed during aerial surveys in Cook Inlet (Shelden *et al.,* 2014), most sightings are of single animals and are concentrated at Chinitna and Tuxedni bays on the west side of lower Cook Inlet (Rugh *et al.,* 2005), with smaller numbers observed in upper Cook Inlet between April and October. The occurrence of larger numbers of porpoise in the lower Cook Inlet may be driven by greater availability of preferred prey and possibly less competition with CIBWs, as CIBWs move into upper inlet waters to forage on Pacific salmon during the summer months (Shelden *et al.,* 2014).

An increase in harbor porpoise sightings in upper Cook Inlet was observed over recent decades (*e.g.,* 61 North Environmental, 2021, 2022a, Shelden *et al.,* 2014). Small numbers of harbor porpoises have been consistently reported in upper Cook Inlet between April and October (Prevel-Ramos *et al.,* 2008). The reason for the increase in sightings in upper Cook Inlet is unknown, although it may be an artifact of increased monitoring effort in upper Cook Inlet. It is also possible that the contraction in the CIBW's range has opened up previously occupied CIBW range to harbor porpoises (Shelden *et al.,* 2014).

During Apache's 2012 seismic program in middle Cook Inlet, 137 groups of harbor porpoises comprising 190 individuals were documented between May and August (Lomac-MacNair *et al.,* 2013). In June 2012, Shelden *et al.* (2015b) documented 65 groups of 129 individual harbor porpoises during an aerial survey, none of which were in upper Cook Inlet. Kendall *et al.* (2015, as cited in Weston and SLR, 2022) documented 52 groups comprising 65 individuals north of the Forelands during SAExploration's 2015 seismic survey. Shelden *et al.* (2017, 2019, 2022) also conducted aerial surveys in June and July over Cook Inlet in 2016, 2018, 2021, and 2022 and recorded 65 individuals. Observations occurred in middle and lower Cook Inlet with a majority in Kachemak Bay. There were two sightings of three harbor porpoises observed during the 2019 Hilcorp lower Cook Inlet seismic survey in the fall (Fairweather Science, 2020). A total of 29 groups (44 individuals) were observed north of the Forelands from May to September during the CIPL Extension Project (Sitkiewicz *et al.,* 2018). During jack-up rig moves in 2021, a PSO observed two individual harbor porpoises in middle Cook Inlet: one in July and one in October. Four monitoring events were conducted at the POA in Anchorage between April 2020 and August 2022, during which 42 groups of harbor porpoises comprising 50 individual porpoises were documented over 285 days of observation (61 North Environmental, 2021, 2022a, 2022b, 2022c 2022c). One harbor porpoise was observed during Hilcorp's boat-based monitoring efforts in June 2023 (Horsley and Larson, 2023).

Dall's Porpoise

Dall's porpoises in Alaska are of the Alaska stock. This species can be found in offshore, inshore, and nearshore habitat. The most recently updated SAR for the Alaska stock of Dall's porpoise (Muto *et al.,* 2021) assess the abundance of Alaska Dall's porpoise only in the northwestern Gulf of Alaska, which is a small portion of the stock's geographic range. Sighting surveys for cetaceans were conducted opportunistically during NMFS' pollock stock assessment surveys in 1999, 2000, 2002, 2004, 2008, and 2010 on the eastern Bering Sea shelf (Moore *et al.,* 2002, Friday *et al.,* 2012, 2013). The entire study area of the survey, which corresponded to only a fraction of the range of the Alaska stock, was fully covered in three of those years (2002, 2008, and 2010). Dall's porpoise abundance estimates were 35,303 (CV = 0.53) in 2002, 14,543 (CV = 0.32) in 2008, and 11,143 (CV = 0.32) in 2010 (Friday *et al.* 2013). Abundance estimates for Dall's porpoise in inland waters of Southeast Alaska were calculated from 19 line-transect vessel surveys from 1991 to 2012 (Jefferson *et al.* 2019). Abundance across the whole period was estimated at 5,381 (CV = 0.25), 2,680 (CV = 0.20), and 1,637 (CV = 0.23) in the spring, summer, and fall, respectively (Jefferson *et al.* 2019). Vessel surveys were carried out in and around a Navy Maritime Activity/Training Area in the northwestern Gulf of Alaska to document abundance and density of cetaceans in 2013 and 2015 (Rone et al. 2017). The surveys covered different, but partially overlapping, areas in the two years and estimated Dall's porpoise abundance as 15,432 (CV = 0.28) in 2013 and 13,110 (CV = 0.22) in 2015. The minimum population estimate (N_{MIN}) for this stock is assumed to correspond to the point estimate of the 2015 vessel-based abundance computed by Rone *et al.* (2017) in the Gulf of Alaska (N = 13,110; CV = 0.22).

The Dall's porpoise range in Alaska includes lower Cook Inlet, but very few sightings have been reported in upper Cook Inlet. Observations have been documented near Kachemak Bay and Anchor Point (Owl Ridge, 2014; BOEM, 2015). Shelden *et al.* (2013). Rugh *et al.* (2005) collated data from aerial surveys conducted between 1994 and 2012 and documented 9 sightings of 25 individuals in the lower Cook Inlet during June and/or July 1997, 1999, and 2000. No Dall's porpoise were observed on subsequent surveys in June and/or July 2014, 2016, 2018, 2021, and 2022 (Shelden *et al.,* 2015b, 2017, and 2022; Shelden and Wade, 2019). During Apache's 2014 seismic survey, two groups of three Dall's porpoises were observed in upper and middle Cook Inlet (Lomac-MacNair *et al.,* 2014). In August 2015, one Dall's porpoise was reported in north of Nikiski in middle Cook Inlet during SAExploration's seismic program (Kendall *et al.,* 2015). During aerial surveys in Cook Inlet, they were observed in Iniskin Bay, Barren Island, Elizabeth Island, and Kamishak Bay (Shelden *et al.,* 2013). No Dall's porpoises were observed during the 2018 CIPL Extension Project Acoustic Monitoring Program in middle Cook Inlet (Sitkiewicz *et al.,* 2018); however, 30 individuals in 10 groups were sighted during a lower Cook Inlet seismic project in the fall 2019 (Fairweather Science, 2020). Hilcorp recorded three sightings of Dall's porpoises in 2021 and one sighting of a Dall's porpoise in 2023 from their rig-based monitoring efforts in the project area (Korsmo *et al.,* 2022, Horsley and Larson, 2023). One Dall's porpoise was observed near the POA during the NES1 project, but it is possible this was misidentified (61 North Environmental, 2025). This higher number of sightings suggests Dall's porpoise may use portions of middle Cook Inlet in greater numbers than previously expected but would still be considered infrequent in middle and upper Cook Inlet.

Steller Sea Lion

Two DPSs of Steller sea lion occur in Alaska: the western DPS and the eastern DPS. The western DPS includes animals that occur west of Cape Suckling, Alaska, and therefore includes individuals within the project area. The western DPS was listed under the ESA as threatened in 1990 (55 FR 49204, November 26, 1990), and its continued population decline resulted in a change in listing status to endangered in 1997 (62 FR 24345, May 5, 1997). Since 2000, studies indicate that the population east of Samalga Pass (*i.e.,* east of the Aleutian Islands) has increased and is potentially stable (Young *et al.,* 2023).

There is uncertainty regarding threats currently impeding the recovery of Steller sea lions, particularly in the Aleutian Islands. Many factors have been suggested as causes of the steep decline in abundance of western Steller sea lions observed in the 1980s, including competitive effects of fishing, environmental change, disease, contaminants, killer whale predation, incidental take, and illegal and legal shooting (Atkinson *et al.,* 2008, NMFS, 2008b). A number of management actions have been implemented since 1990 to promote the recovery of the Western U.S. stock of Steller sea lions, including 5.6-km (3-nautical mile) no-entry zones around rookeries, prohibition of shooting at or near sea lions, and regulation of fisheries for sea lion prey species (*e.g.,* walleye pollock, Pacific cod, and Atka mackerel (*Pleurogrammus monopterygius*)) (Tollit *et al.,* 2017, Sinclair *et al.,* 2013). Additionally, potentially deleterious events, such as harmful algal blooms (Lefebvre *et al.,* 2016) and disease transmission across the Arctic (VanWormer *et al.,* 2019) that have been associated with warming waters, could lead to potentially negative population-level impacts on Steller sea lions.

NMFS designated critical habitat for Steller sea lions on August 27, 1993 (58 FR 45269), including portions of the southern reaches of lower Cook Inlet. The critical habitat designation for the Western DPS was determined to include a 37-km (20-nautical mile) buffer around all major haul-outs and rookeries, and associated terrestrial, atmospheric, and aquatic zones, plus three large offshore foraging areas, none of which occurs in the project area. There is no designated critical habitat for Steller sea lions in the mid- or upper inlet, nor is there habitat of particular importance for Steller sea lions in the project area. Rookeries and haul out sites in lower Cook Inlet include those near the mouth of the inlet, which are approximately 56 km or more south of the closest action area.

Most Steller sea lions in Cook Inlet occur south of Anchor Point on the east side of lower Cook Inlet, with concentrations near haulout sites at Shaw Island and Elizabeth Island and by Chinitna Bay and Iniskin Bay on the west side (Rugh *et al.,* 2005). Steller sea lions are rarely seen in upper Cook Inlet (Nemeth *et al.,* 2007). About 3,600 sea lions use haulout sites in the lower Cook Inlet area (Sweeney *et al.,* 2017), with additional individuals venturing into the area to forage.

Several surveys and monitoring programs have documented Steller sea lions throughout Cook Inlet, including in upper Cook Inlet in 2012 (Lomac-MacNair *et al.,* 2013), near Cape Starichkof in 2013 (Owl Ridge, 2014), in middle and lower Cook Inlet in 2015 (Kendall *et al.,* 2015, as cited in Weston and SLR, 2022), in middle Cook Inlet in 2018 (Sitkiewicz *et al.,* 2018), in lower Cook Inlet in 2019 (Fairweather Science, 2020), and near the POA in Anchorage in 2020, 2021, and 2022 (61 North Environmental, 2021, 2022a, 2022b, and 2022c). During NMFS CIBW aerial surveys from 2000 to 2016, 39 sightings of 769 estimated individual Steller sea lions in lower Cook Inlet were recorded (Shelden *et al.,* 2017). Sightings of large congregations of Steller sea lions during NMFS aerial surveys occurred outside the specific geographic region, on land in the mouth of Cook Inlet (*e.g.,* Elizabeth and Shaw Islands). In 2012, during Apache's 3D Seismic surveys, three sightings of approximately four individuals in upper Cook Inlet were recorded (Lomac-MacNair *et al.,* 2013). PSOs associated with Buccaneer's drilling project off Cape Starichkof observed seven Steller sea lions in summer 2013 (Owl Ridge, 2014), and another four Steller sea lions were observed in 2015 in Cook Inlet during SAExploration's 3D Seismic Program. Of the three 2015 sightings, one sighting occurred between the West and East Forelands, one occurred near Nikiski, and one occurred northeast of the North Foreland in the center of Cook Inlet (Kendall and Cornick, 2015). Five sightings of five Steller sea lions were recorded during Hilcorp's lower Cook Inlet seismic survey in the fall of 2019 (Fairweather Science, 2020). Additionally, one sighting of two individuals occurred during the CIPL Extension Project in 2018 in middle Cook Inlet (Sitkiewicz *et al.,* 2018). At the end of July 2022, while conducting a waterfowl survey an estimated 25 Steller sea lions were observed hauled-out at low tide in the Lewis River, on the west side of Cook Inlet. (K. Lindberg, personal communication, August 15, 2022). Steller sea lions have also been reported near the POA in Anchorage in 2020, 2021, and 2022 (61 North Environmental 2021, 2022a, 2022b, and 2022c). Hilcorp did not record any sightings of Steller sea lions from their aerial or rig-based monitoring efforts in 2023 (Horsley and Larson, 2023).

Harbor Seal

Harbor seals in the proposed project area are of the Cook Inlet/Shelikof stock, which ranges from the southwest tip of

Unimak Island east along the southern coast of the Alaska Peninsula to Elizabeth Island off the southwest tip of the Kenai Peninsula, including Cook Inlet, Knik Arm, and Turnagain Arm. Distribution of the Cook Inlet/Shelikof stock extends from Unimak Island, in the Aleutian Islands archipelago, north through all of upper and lower Cook Inlet (Young *et al.,* 2023).

Harbor seals inhabit the coastal and estuarine waters of Cook Inlet and occur in both upper and lower Cook Inlet throughout most of the year (Boveng *et al.,* 2012, Shelden *et al.,* 2013). High-density areas include Kachemak Bay, Iniskin Bay, Iliamna Bay, Kamishak Bay, Cape Douglas, and Shelikof Strait. Up to a few hundred seals seasonally occur in middle and upper Cook Inlet (Rugh *et al.* 2005), with the highest concentrations found near the Susitna River and other tributaries within upper Cook Inlet during eulachon and salmon runs (Nemeth *et al.,* 2007; Boveng *et al.,* 2012), but most remain south of the forelands (Boveng *et al.,* 2012).

The results of past and recent satellite tagging studies in Southeast Alaska, Prince William Sound, Kodiak Island, and Cook Inlet are also consistent with the conclusion that harbor seals are non-migratory (Lowry *et al.,* 2001; Small *et al.,* 2003; Boveng *et al.,* 2012). However, some long-distance movements of tagged animals in Alaska have been recorded (Pitcher and McAllister, 1981, Lowry *et al.,* 2001, Small *et al.,* 2003, Womble, 2012, Womble and Gende, 2013). Strong fidelity of individuals for haulout sites during the breeding season has been documented in several populations (Härkönen and Harding, 2001), including in Cook Inlet (Small *et al.,* 2005, Pitcher and McAllister, 1981, Boveng *et al.,* 2012, Womble, 2012, Womble and Gende, 2013). Harbor seals usually give birth to a single pup between May and mid-July; birthing locations are dispersed over several haulout sites and not confined to major rookeries (Klinkhart *et al.,* 2008). More than 200 haulout sites are documented in lower Cook Inlet (Montgomery *et al.,* 2007) and 18 in middle and upper Cook Inlet (London *et al., 2015).* Of the 18 in middle and upper Cook Inlet, nine are considered ''key haulout'' locations where aggregations of 50 or more harbor seals have been documented. Seven key haulouts are in the Susitna River delta, and two are near the Chickaloon River.

Recent research on satellite-tagged harbor seals observed several movement patterns within Cook Inlet (Boveng *et al.,* 2012), including a strong seasonal pattern of more coastal and restricted spatial use during the spring and summer (breeding, pupping, molting) and more wide-ranging movements within and outside of Cook Inlet during the winter months, with some seals ranging as far as Shumagin Islands. During summer months, movements and distribution were mostly confined to the west side of Cook Inlet and Kachemak Bay, and seals captured in lower Cook Inlet generally exhibited site fidelity by remaining south of the Forelands in lower Cook Inlet after release (Boveng *et al.,* 2012). In the fall, a portion of the harbor seals appeared to move out of Cook Inlet and into Shelikof Strait, northern Kodiak Island, and coastal habitats of the Alaska Peninsula. The western coast of Cook Inlet had higher usage by harbor seals than eastern coast habitats, and seals captured in lower Cook Inlet generally exhibited site fidelity by remaining south of the Forelands in lower Cook Inlet after release (south of Nikiski; Boveng *et al.,* 2012).

Harbor seals have been sighted in Cook Inlet during every year of the aerial surveys conducted by NMFS and during recent mitigation and monitoring programs in lower, middle, and upper Cook Inlet (61N Environmental, 2021, 2022a, 2022b, and 2022c; Fairweather Science, 2020; Kendall *et al.,* 2015 as cited in Weston and SLR, 2022; Lomac-MacNair *et al.,* 2013, 2014; Sitkiewicz *et al.,* 2018).

California Sea Lion

Few observations of California sea lions have been reported in Alaska, and most observations have been limited to solitary individuals, typically males that are known to migrate long distances. Occasionally, California sea lions occur in small groups of two or more, usually associated with Steller sea lions at their haul outs and rookeries (Maniscalco *et al.,* 2004). Sightings in Cook Inlet are rare, with two documented during the Apache 2012 seismic survey (Lomac-MacNair *et al.,* 2013) and anecdotal sightings in Kachemak Bay.

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 (Richardson *et al.,* 1995, Wartzok and Ketten, 1999, Au and Hastings, 2008). To reflect this, (Southall *et al.,* 2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS, 2024) as reflected below in table 5.

TABLE 5—MARINE MAMMAL HEARING GROUPS

[NMFS, 2024]

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

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

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

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far. The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

The proposed project includes impact and vibratory pile driving and use of AHTs to handle anchors during pipelaying. Impact hammers typically operate by repeatedly dropping and/or pushing a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is impulsive, 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 pile driving produces non-impulsive sound. Non-impulsive sounds typically do not have the high peak sound pressure with rapid rise/decay time that impulsive sounds do (ANSI, 1995, National Institute for Occupational Safety and Health (NIOSH), 1998, NMFS, 2024, ANSI, 2005). 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 piles (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).

Unlike discrete noise sources with known potential to harass marine mammals (*e.g.,* pile driving), both the noise sources and impacts from the AHTs handling anchors are less well documented. Our assessments of the potential for harassment of marine mammals incidental to 8 Star Alaska's AHTs engaged in anchor handling activities specified here are presented to account for what NMFS concludes is a likely potential for take in context of the generally conservative Level B harassment exposure threshold for continuous noise, and the impact that non-quantitative contextual factors have on the likelihood of Level B harassment occurring (*e.g.,* NMFS considers conservatively the potential for effects of relatively loud continuous noise sources on sensitive species in important habitat, as is the case here for CIBWs), and the nature and duration of the particular tug activities analyzed here.

The likely or possible impacts of 8 Star Alaska'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. Acoustic stressors would include effects of heavy equipment operation during pile installation and AHTs engaged in anchor handling during pipelaying.

Acoustic Impacts

The introduction of anthropogenic noise into the aquatic environment from pile driving and AHTs is the primary means by which marine mammals may be harassed from 8 Star Alaska's specified activity. Animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.,* 2007, Southall *et al.,* 2019). Exposure to pile driving and noise from AHTs has the potential to result in auditory threshold shifts (TS) and behavioral disturbance (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). Exposure to anthropogenic noise can also lead to non-observable physiological responses such as an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions such as communication and predator and prey detection. The effects of pile driving and AHT noise on marine mammals are influenced by several factors, including, but not limited to, sound type (*e.g.,* impulsive vs. non-impulsive), the species, age and sex class (*e.g.,* adult male vs. mom with calf), duration of exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.,* 2004, Southall *et al.,* 2007). Here we discuss physical auditory effects (TS) followed by behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced TS as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). The amount of TS is customarily expressed in dB. TS can be permanent or temporary. As described by NMFS (2024), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or

to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing and vocalization frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how an animal uses sound within the frequency band of the signal (*e.g.,* Kastelein *et al.,* 2014), and the overlap between the animal and the source (*e.g.,* spatial, temporal, and spectral).

Auditory Injury (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 Ahroon *et al.,* 1996, Kryter *et a*l., 1966, Miller, 1974, Ward *et al.,* 1958, 1959, Ward, 1960, Henderson *et al.,* 2008). PTS levels for marine mammals are estimates because there are limited empirical data measuring PTS in marine mammals (*e.g.,* Kastak *et al.,* 2008), 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.

Temporary Threshold Shift (TTS)

NMFS defines TTS as 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 (see 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 (Finneran *et al.,* 2000, 2022, Schlundt et al., 2000). 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 time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015) and Southall *et al.,* (2019) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 2013). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For cetaceans, published data on the onset of TTS are limited to captive bottlenose dolphin (*Tursiops truncatus*), beluga whale, harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaeorientalis*) (Southall *et al.,* 2019). For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*), bearded seals (*Erignathus barbatus*) and California sea lions (Kastak *et al.,* 1999, Southall et al., 2007, Kastelein *et al.,* 2019b, 2019c, 2021, 2022a, 2022b, Reichmuth *et al.,* 2019, Sills *et al.,* 2020). TTS was not observed in spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to single airgun impulse sounds at levels matching previous predictions of TTS onset (Reichmuth *et al.,* 2016). These studies examine hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of threshold shift at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds at low frequencies, well below the region of best sensitivity for a species or hearing group, are less hazardous than those at higher frequencies, near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset–TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.,* a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.,* 2020a, Kastelein *et al.,* 2020b, Kastelein *et al.,* 2019a, Kastelein *et al.,* 2019c). Note that in general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Finneran *et al.,* 2010, Kastelein *et al.,* 2015, Kastelein *et al.,* 2014, Mooney *et al.,* 2009). 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) describe measurements of hearing sensitivity of multiple odontocete species (bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and placement of inner ear structures (Ketten *et al.,* 2021). Data available on noise-induced hearing loss for mysticetes are currently lacking (NMFS, 2018). Additionally, the existing marine

mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, and there is no PTS data for cetaceans. However, such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several dB above that inducing mild TTS (*e.g.,* a 40–dB threshold shift approximates PTS onset (Kryter *et al.,* 1966, Miller, 1974), while a 6–dB threshold shift approximates TTS onset (Southall *et al.,* 2007, Southall *et al.,* 2019)). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis, and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.,* 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

8 Star Alaska proposes to conduct vibratory and impact pile driving activities and use AHTs to manage anchors during pipelaying. There would likely be pauses in activities during the day. Given these pauses and the fact that many marine mammals are likely to be moving through the ensonified area and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment

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.,* Moberg, 2000, Selye, 1950). 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 for both laboratory and free-ranging animals (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 (Romano *et al.,* 2002b, Fair and Becker, 2000) 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 vessel traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. In addition, Lemos *et al.* (2022) observed a correlation between higher levels of fecal glucocorticoid metabolite concentrations (indicative of a stress response) and vessel traffic in gray 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 (National Research Council, 2005); however, distress would be an unlikely result of these proposed project activities based on observations of marine mammals during previous, similar projects in the area.

In consideration of the range of potential effects (AUD INJ to behavioral disturbance), we consider the potential exposure scenarios and context in which species would be exposed to pile driving and AHT noise. CIBWs may be present in low numbers during the work; therefore, some individuals may be reasonably expected to be exposed to elevated sound levels, including briefly those that exceed the Level B harassment threshold for continuous or impulsive noise. However, CIBWs would be expected to be transiting through the area, given this work is proposed primarily in middle Cook Inlet (as described in the Description of Marine Mammals in the Area of Specified Activities section), thereby limiting exposure duration, as belugas in the area would be expected to be headed to or from the concentrated foraging areas farther north near the Susitna Delta and Knik and Turnigan Arms. Similarly, humpback whales, fin whales, minke whales, gray whales, killer whales, California sea lion, and Steller sea lions would not be expected to remain in the area of the AHTs. Dall's porpoise, harbor porpoise, and harbor seal have been sighted with more regularity than many other species during oil and gas activities in Cook Inlet, but due to the transitory nature of these species, they would be unlikely to remain at any particular site for the full duration of the noise-producing activity. In fact, during Hilcorp's jack-up rig-based monitoring efforts in 2023, only one Dall's porpoise, two harbor seals, and one harbor porpoise were observed across four different sightings, and observations only lasted 1 to 5 minutes (Horsley and Larson, 2023). Because of this and the relatively low-intensity source levels, the likelihood of AUD INJ over the course of the AHT activities is considered discountable. Harbor seals may linger or haul-out in the area, but they are not known to do so in any large number or for extended periods of time. Here we find there would be a small potential for TTS during the use of AHTs for anchor handling but again, AUD INJ would not be likely due to the nature of the activity. Potential for AUD INJ and TTS due to pile driving is discussed further in the Estimated Take of Marine Mammals section.

Given most marine mammals would likely be transiting through the area, exposure would be expected to be brief but, in combination with the actual presence of the AHTs and pile driving, could result in animals shifting pathways around the work site (*e.g.,* avoidance), increasing speed or dive times, or cessation of vocalizations. The

likelihood of no more than a short-term, localized disturbance response is supported by data indicating belugas regularly pass by industrialized areas such as the Port of Anchorage; therefore, we would not expect abandonment of their transiting route or other disruptions of their behavioral patterns. We also anticipate some animals may respond with such mild reactions to the project that the response would not be detectable.

While in some cases marine mammals have exhibited little to no obviously detectable response to certain common or routine industrialized activity (Cornick and Pinney, 2011), we conservatively assume here that exposure to received levels of sound above the Level B harassment threshold during AHT anchor-handling operations, in conjunction with the nature of AHT operations (*e.g.,* difficult to maneuver, potential need to operate at night) means it is possible that take could occur over the total estimated period of activities.

Masking

Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* pile driving, shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction) in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (*e.g.,* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked.

Airborne Acoustic Effects

Pinnipeds that occur near the project site could be exposed to airborne sounds associated with pile driving, depending on their distance from pile driving activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

There are no known pinniped haulouts near the noise producing project components. Therefore, it is unlikely that pinnipeds would be taken by exposure to in-air noise during construction. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would likely previously have been ''taken'' because of exposure to underwater sound above the behavioral harassment thresholds, which are generally 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 are not proposing to authorize incidental take solely from exposure to airborne sound for pinnipeds, and airborne sound is not discussed further.

Marine Mammal Habitat Effects

8 Star Alaska's proposed activities could have localized, temporary impacts on marine mammal habitat, including prey, by increasing in-water sound pressure levels and, for pile driving, slightly decreasing water quality. Increased noise levels may affect acoustic habitat and adversely affect marine mammal prey in the vicinity of the project area. Elevated levels of underwater noise would ensonify the project areas where both fishes and mammals occur and could affect foraging success.

The total seafloor area likely impacted by the pile driving associated with the project would be relatively small compared to the available habitat in Cook Inlet. Avoidance by potential prey (*i.e.,* fish) of the immediate area due to the temporary loss of this foraging habitat would be possible. The duration of fish and marine mammal avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. Any behavioral avoidance by fish or marine mammals of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity.

Potential Effects on Prey

Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.,* crustaceans, cephalopods, fishes, zooplankton). Marine mammal prey varies by species, season, and location and, for some, is not well documented. Studies regarding the effects of noise on known marine mammal prey are described here. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

Fishes utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (Fay, 2009, Zelick *et al.,* 1999). 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. Reactions also depend on the physiological state of the fish, past exposures, motivation (*e.g.,* feeding, spawning, migration), and other environmental factors.

Fish react to sounds that 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 are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan, 2002, Scholik and Yan, 2001, Popper and Hastings,

2009). Several studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (*e.g.,* Fewtrell and McCauley, 2012, Pearson *et al.,* 1992, Skalski *et al.,* 1992). However, some studies have shown no or slight reaction to impulse sounds (*e.g.,* Peña *et al.,* 2013, Wardle *et al.,* 2001, Jorgenson and Gyselman, 2009).

SPLs of sufficient strength have been known to cause injury to fishes and fish mortality (Popper *et al.,* 2014). However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012) showed that a TTS of 4 to 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 (Casper *et al.,* 2013, Halvorsen *et al.,* 2012).

For pile driving, the most likely impact to fishes at the project site would be temporary avoidance of the area, although alarmed responses, including an increase in swimming speed and changes in ventilation and heart rate, could occur. The duration of fish avoidance of this area or an alarm response after pile driving stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. In relation to AHT activities, fish have been observed to react when engine and propeller sounds exceed a certain level (Ona and Godø, 1990, Ona, 1988, Olsen, 1983). Avoidance reactions have been observed in fish, including cod and herring, when vessel sound levels were 110 to 130 dB re 1 µPa root-mean-squared (RMS) (Ona and Godø, 1990, Nakken, 1992, Olsen, 1979, Ona and Toresen, 1988). Vessel sound source levels in the audible range for fish are typically 150 to 170 dB re 1 µPa per Hz (Richardson et al., 1995). The AHTs used during the specified activity could be expected to produce levels in this range when in transit. However, much of the tugging would be mobile during anchor handling, and the tugging noise that occurs during anchor handling would be temporary, similar to pile driving. Therefore, based upon the reports in the literature and the predicted sound levels from these vessels, some temporary avoidance by fish in the immediate area may occur.

In addition to fish, prey sources such as marine invertebrates could potentially be impacted by noise stressors as a result of the proposed activities. However, most marine invertebrates' ability to sense sounds is limited. Invertebrates appear to be able to detect sounds (Pumphrey, 1950, Frings and Frings, 1967) and are most sensitive to low-frequency sounds (Packard *et al.,* 1990, Budelmann and Williamson, 1994, Lovell *et al.,* 2005, Mooney *et al.,* 2010). Data on response of invertebrates such as squid, another marine mammal prey species, to anthropogenic sound is more limited (de Soto, 2016, Solé *et al.,* 2017). Data suggest that cephalopods are capable of sensing the particle motion of sounds and detect low frequencies up to 1–1.5 kHz, depending on the species (Kaifu *et al.,* 2008, Hu *et al.,* 2009, Mooney *et al.,* 2010, Samson *et al.,* 2014). Sole *et al.* (2017) reported physiological injuries to cuttlefish in cages placed at-sea when exposed during a controlled exposure experiment to low-frequency sources (315 Hz, 139 to 142 dB re 1m Pascal (Pa)^2 and 400 Hz, 139 to 141 dB re 1m Pa^2). Fewtrell and McCauley (2012) reported squids maintained in cages displayed startle responses and behavioral changes when exposed to seismic airgun sonar (136–162 re 1m Pa^2·s). Jones *et al.* (2020) found that when squid (*Doryteuthis pealeii*) were exposed to impulse pile driving noise, body pattern changes, inking, jetting, and startle responses were observed, and nearly all squid exhibited at least one response. However, these responses occurred primarily during the first eight impulses and diminished quickly, indicating potential rapid, short-term habituation.

Cephalopods have a specialized sensory organ inside the head called a statocyst that may help an animal determine its position in space (orientation) and maintain balance (Budelmann, 1992). Packard *et al.* (1990) showed that cephalopods were sensitive to particle motion, not sound pressure, and Mooney *et al.* (2010) demonstrated that squid statocysts act as an accelerometer through which particle motion of the sound field can be detected (Budelmann, 1992). Auditory injuries (lesions occurring on the statocyst sensory hair cells) have been reported upon controlled exposure to low-frequency sounds, suggesting that cephalopods are particularly sensitive to low-frequency sound (André *et al.,* 2011, Solé *et al.,* 2013). Behavioral responses, such as inking and jetting, have also been reported upon exposure to low-frequency sound (McCauley *et al.,* 2000, Samson *et al.,* 2014). Squids, like most fish species, are likely more sensitive to low frequency sounds and may not perceive mid- and high-frequency sonars.

With regard to potential impacts on zooplankton, McCauley *et al.* (2017) found that exposure to airgun noise resulted in significant depletion for more than half the taxa present and that there were two to three times more dead zooplankton after airgun exposure compared with controls for all taxa, within 1 km (0.6 mi) of the airguns. However, the results of this study are inconsistent with a large body of research that generally finds limited spatial and temporal impacts to zooplankton as a result of exposure to airgun noise (*e.g.,* Dalen and Knutsen, 1987, Payne, 2004, Stanley *et al.,* 2011). Most prior research on this topic, which has focused on relatively small spatial scales, has showed minimal effects (*e.g.,* Bolle *et al.,* 2012, Booman *et al.,* 1996, Kostyuchenko, 1973, Pearson *et al.,* 1994, Saetre and Ona, 1996).

Notably, a more recent study produced results inconsistent with those of McCauley *et al.* (2017). Researchers conducted a field and laboratory study to assess if exposure to airgun noise affects mortality, predator escape response, or gene expression of the copepod *Calanus finmarchicus* (Fields *et al.,* 2019). There were no sublethal effects on the escape performance or the sensory threshold needed to initiate an escape response at any of the distances from the airgun that were tested. Whereas McCauley *et al.* (2017) reported an SEL of 156 dB at a range of 509–658 m (1,670–2,159 feet (ft)), with zooplankton mortality observed at that range, Fields *et al.* (2019) reported an SEL of 186 dB at a range of 25 m (82 ft), with no reported mortality at that distance.

In summary, given the relatively small areas potentially affected, the short duration of sound associated with individual pile driving events, and the temporary nature of the use of AHTs for anchor handling activities, any adverse effects from 8 Star Alaska's activities on any prey habitat or prey populations would be expected to be minor and temporary. The most likely impact to fishes at the project site would be temporary avoidance of the area. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. Thus, we conclude that the specified activities would not be 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 would not be 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 under the rule, 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).

Proposed takes would primarily be by Level B harassment, as exposure to sound resulting from use of the acoustic sources (*i.e.,* pile driving and AHT activities) has the potential to result in disruption of behavioral patterns for individual marine mammals. We note here that given the slow, predictable, and generally straight path of tugs towing and positioning, the likelihood of a resulting disruption of marine mammal behavioral patterns that would qualify as harassment is considered relatively low. However, in consideration of the relatively louder sound produced by these tugs and the sensitive context present in Cook Inlet, NMFS cannot consider the likelihood of take to be discountable and here consider it to be sufficiently likely that quantified exposures above the generalized harassment threshold equate to take. Therefore, we have quantified the potential exposures from this activity, assumed that these exposures would equate to take, and analyzed the impacts of the assumed takes, which we propose for authorization. There is also some potential for AUD INJ (Level A harassment) to result due to impact pile driving, primarily for mysticetes, very high frequency species, and phocids because predicted AUD INJ zones are larger than for high-frequency species and otariids. AUD INJ is unlikely to occur for high-frequency species. The proposed mitigation and monitoring measures would be 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, Southall *et al.,* 2021, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

8 Star Alaska's proposed activity includes the use of continuous (vibratory pile driving and AHTs engaged in anchor handling) and impulsive (impact pile driving) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μPa are applicable.

Level A harassment—NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess 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). 8 Star Alaska's proposed activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving and use of AHTs) 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 ($L_{p,0\text{-}pk}$) has a reference value of 1 µPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μPa^2s. In this Table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO, 2017, ISO, 2020). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.,* 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

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

The sound field in the project area is the existing background noise plus additional noise from pile driving and AHTs engaging in anchor handling from the proposed project.

Pile Driving

8 Star Alaska proposes to conduct vibratory pile installation and removal and impact pile installation. Source levels for these activities are based on reviews of measurements of the same or similar types and dimension of piles available in the literature. Source levels for each pile size and activity are presented in table 7. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

8 Star Alaska proposes to conduct concurrent pile driving during construction of the combi-wall and coffer cells in the Marine Terminal MOF. When two noise sources have overlapping sound fields, the sources are considered additive and combined using the rules of dB addition. For addition of two concurrent sources, the difference between the two sound source levels is calculated, and if that difference is between 0 and 1 dB, 3 dB are added to the higher sound source levels; if the difference is between 2 and 3 dB, 2 dB are added to the highest sound source levels; if the difference is between 4 and 9 dB, 1 db is added to the highest sound source levels; and with differences of 10 or more dB, there is no addition. For two concurrent sources of different type (*i.e.,* impact and vibratory driving), there is no sound source addition. Combinations of concurrent pile driving and the predicted source values are shown in table 8. All concurrent pile driving would consist of two vibratory hammers.

TABLE 7—SOUND SOURCE LEVELS FOR SINGLE HAMMER PILE DRIVING

Pile type	Source level (at 10 m)			Proxy	Source
	Peak (dB re 1 µPa)	SEL (dB re 1 µPa2 sec)	RMS (dB re 1 µPa)		
Impact					
Sheet Pile	205	180	190	24-inch (61-cm) AZ Sheet Pile	Caltrans (2015).
24-inch Steel Pipe Pile	203	177	190	24-inch (61-cm) Steel Pipe Pile	Caltrans (2015).
48-inch Steel Pipe Pile	213	179	192	48-inch (121.9-cm) Steel Pipe Pile	Caltrans (2020).
60-inch Steel Pipe Pile	210	185	195	60-inch (152.4 cm) Steel Pipe Pile	Caltrans (2020).
Vibratory					
Sheet Pile	N/A	N/A	160	24-inch (61-cm) AZ Sheet Pile	Caltrans (2015).
24-inch Steel Pipe Pile)	N/A	N/A	163	20- to 24-inch (50.8- to 61-cm) Steel Pipe Pile.	U.S. Navy (2012, 2013), (Miner, 2020).
66-inch Steel Pipe Pile	N/A	N/A	170	49- to 72-inch (124.5–182.9-cm) to Steel Pipe Piles (average).	Caltrans (2020), Illingworth & Rodkin (2021).

TABLE 8—CONCURRENT PILE DRIVING SCENARIOS AND PREDICTED SOURCE LEVELS

[All vibratory hammers]

Concurrent pile driving scenarios	Predicted RMS (dB re 1 µPa) at 10 m
66-inch Steel Pipe Pile × 2	173
66-inch Steel Pipe Pile with Sheet Pile	170
Sheet Pile × 2	163

TABLE 8—CONCURRENT PILE DRIVING SCENARIOS AND PREDICTED SOURCE LEVELS—Continued

[All vibratory hammers]

Concurrent pile driving scenarios	Predicted RMS (dB re 1 μPa) at 10 m
24-inch Steel Pipe Pile with Sheet Pile	165
24-inch Steel Pipe Pile × 2	166

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

$TL = B * Log10 (R_1/R_2)$,

Where:

TL = transmission loss in dB;
B = transmission loss coefficient;
R_1 = the distance of the modeled SPL from the driven pile; and
R_2 = the distance from the driven pile of the initial measurement.

Absent site-specific acoustical monitoring with differing measured transmission loss, a practical spreading value of 15 is used as the transmission loss coefficient in the above formula. Project and site-specific transmission loss data for 8 Star Alaska's project area in Cook Inlet are not available; therefore, the default coefficient of 15 is used to determine the distances to the Level A and Level B harassment thresholds for all pile driving. All Level B harassment isopleths are reported in table 10. However, as discussed in the Proposed Monitoring and Reporting section, 8 Star Alaska would conduct SSV for pile driving. Following the analysis of SSV results, 8 Star Alaska may propose revised estimated Level A and Level B harassment zones (for the purpose of monitoring and reporting) and adjusted shutdown zones accordingly for NMFS review and approval.

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 impact and vibratory pile driving and AHTs engaged in anchor handling, 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. Inputs used in the optional User Spreadsheet tool are provided in table 9, and the resulting estimated isopleths are reported in table 10.

TABLE 9—USER SPREADSHEET INPUT PARAMETERS USED FOR CALCULATING LEVEL A HARASSMENT ISOPLETHS

[Source levels provided in Table 7]

Pile	Piles per day	Strikes per pile	Duration to drive pile (min)	Weighting factor adjustment
Impact				
Sheet Pile	30	1,000	N/A	2
24-inch Steel Pipe Pile	4	1,000	N/A	2
48-inch Steel Pipe Pile	3	1,000	N/A	2
60-inch Steel Pipe Pile	4	1,000	N/A	2
Vibratory				
Sheet Pile	30	N/A	15	2.5
24-inch Steel Pipe Pile	8	N/A	15	2.5
66-inch Steel Pipe Pile	7	N/A	15	2.5
Concurrent Pile Driving With Two Vibratory Hammers				
66-inch Steel Pipe Pile × 2	1	N/A	*105	2.5
66-inch Steel Pipe Pile with Sheet Pile	1	N/A	*450	2.5
Sheet pile × 2	1	N/A	*450	2.5
24-inch Steel Pipe Pile with Sheet Pile	1	N/A	*450	2.5
24-inch Steel Pipe Pile × 2	1	N/A	*120	2.5

*This value represents the maximum duration of concurrent activity.

TABLE 10—CALCULATED DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS FOR PILE DRIVING

Pile	Level A harassment zone (m)					Level B harassment zone (m)
	LF cetacean	HF cetacean	VHF cetacean	Phocids	Otariids	
Impact						
Sheet Pile	6,061	773	9,380	5,385	2,007	1,000
24-inch Steel Pipe Pile	998	127	1,545	887	331	1,000
48-inch Steel Pipe Pile	1,120	143	1,733	995	371	1,359
60-inch Steel Pipe Pile	3,408	435	5,274	3,028	1,120	2,154
Vibratory						
Sheet Pile	30	12	25	39	13	4,642
24-inch Steel Pipe Pile	20	8	16	26	9	7,356
66-inch Steel Pipe Pile	53	21	44	69	23	21,544
Concurrent Pile Driving With Two Vibratory Hammers						
66-inch Steel Pipe Pile × 2	85	33	69	109	37	34,146
66-inch Steel Pipe Pile With Sheet Pile	141	54	115	181	61	21,544
Sheet Pile × 2	48	19	39	62	21	7,356
24-inch Steel Pipe Pile With Sheet Pile	32	12	26	41	14	11,659
24-inch Steel Pipe Pile × 2	65	25	53	84	28	10,000

Except for Level B harassment areas of ensonification for the single hammer vibratory installation of 66-inch steel pipe pile, the concurrent vibratory installation of two 66-inch piles, and the concurrent vibratory installation of a 66-inch steel pipe pile with a sheet pile, estimated areas of ensonification were calculated for pile driving using the formula of $\frac{1}{2}\pi r^2$, where r is the respective isopleth. For the single hammer vibratory installation of 66-inch steel pipe pile, the concurrent vibratory installation of two 66-inch piles, and the concurrent vibratory installation of a 66-inch steel pipe pile with a sheet pile, the Level B harassment isopleths were truncated by land, and therefore $\frac{1}{2}\pi r^2$ was not representative of the area of ensonification. Therefore, mapping software was used to draw the estimated area of ensonification. Estimated Level A and Level B harassment areas of ensonification are in table 11.

NMFS used the following formula to estimate the area of ensonification for AHTs engaged in anchor handling, where distance traveled per day is the linear distance that the AHTs would be expected to travel over the course of a day, and r is the radial distance of the Level B harassment isopleth (3.85 km). 8 Star Alaska estimates the pipelay rate to be 2,500 feet/day (0.762 km/day), so 0.762 km was used as the distance traveled per day.

Area of ensonification = (Distance traveled per day × 2r) + πr^2

TABLE 11—CALCULATED LEVEL A AND B HARASSMENT AREAS OF ENSONIFICATION

Pile	Level A harassment areas of ensonification (km^2)					Level B harassment area of ensonification (km^2)
	LF cetacean	HF cetacean	VHF cetacean	Phocids	Otariids	
Impact						
Sheet Pile	57.7	0.94	138.21	45.47	6.33	1.57
24-inch Steel Pipe Pile	1.56	0.03	3.75	1.24	0.17	1.57
48-inch Steel Pipe Pile	1.97	0.03	4.72	1.56	0.22	2.9
60-inch Steel Pipe Pile	18.24	0.3	43.69	14.4	2.0	7.29
Vibratory						
Sheet Pile	0.00	0.00	0.00	0.00	0.00	33.85
24-inch Steel Pipe Pile	0.00	0.00	0.00	0.00	0.00	24.89
66-inch Steel Pipe Pile	0.00	0.00	0.00	0.00	0.00	62.54
66-inch Steel Pipe Pile × 2	0.01	0.00	0.01	0.02	0.00	1,426.4
66-inch Steel Pipe Pile with Sheet Pile	0.03	0.00	0.02	0.05	0.01	722.5
Sheet Pile × 2	0.00	0.00	0.00	0.01	0.00	85
24-inch Steel Pipe Pile With Sheet Pile	0.01	0.00	0.00	0.01	0.00	157.08
24-inch Steel Pipe Pile × 2	0.00	0.00	0.00	0.00	0.00	213.5
AHTs						
Anchor Handling	0.00	0.00	0.00	0.01	0.00	52.4

Level A harassment zones are typically smaller than Level B harassment zones. However, in some cases, the calculated Level A harassment isopleth is greater than the calculated Level B harassment isopleth. Calculation of Level A harassment isopleths include a duration component, which in the case of impact pile driving, is estimated through the total number of daily strikes and the associated pulse duration. For a stationary sound source, we assume here that an animal is exposed to all of the strikes expected within a 24-hour period. Calculation of

a Level B harassment zone does not include a duration component. Depending on the duration included in the calculation, the calculated Level A harassment isopleths can be larger than the calculated Level B harassment isopleth for the same activity.

Mainline Installation

8 Star Alaska intends to use AHTs to position a pipelaying barge in order to install the pipe on the seafloor for the Mainline across Cook Inlet. For the nearshore pipelay, planned for Year 3, an AHT would engage in anchor handling to moor a pull barge, and is expected to be used for two days of work, one day on the west coast near Beluga and one day on the east coast near Suneva Lake. For offshore pipelay, AHTs would be engaged in anchor handling to repeatedly position the barge during the duration of pipelay. Consistent with other tug activities, including those for tugs towing a jack-up rig (Furie Operating Alaska, LLC Natural Gas Activities, 89 FR 77836, September 24, 2024; Hilcorp Alaska, LLC, 89 FR 79529, September 30, 2024), NMFS anticipates that the AHTs would operate at approximately 50 percent power during anchor handling activities.

Because of the similarities to tugging activities planned by Hilcorp in Cook Inlet (89 FR 79529, September 30, 2024), NMFS determined it appropriate to adopt analysis provided for those activities for 8 Star Alaska's planned tugging activities. In addition, we refer here to an existing literature review of available source level data for tugs under load in varying power output scenarios (87 FR 27597, May 9, 2022). Please see that notice for the detailed analysis. While that analysis is for tugs under load towing a jack-up rig, NMFS expects the AHT power output for the proposed anchor handling is to be consistent with that assumed for tugs towing a jack-up rig (Furie Operating Alaska, LLC Natural Gas Activities, 89 FR 77836, September 24, 2024; Hilcorp Alaska, LLC, 89 FR 79529, September 30, 2024), and therefore, NMFS determined that this analysis represents the best scientific evidence available for considering the appropriate source level proxy for 8 Star Alaska's proposed AHT use during anchor handling.

In addition to the literature review referenced above, which indicates that a source level of 180 dB for a single AHT would be appropriate, we also consider other relevant information to adequately consider 8 Star Alaska's planned use of three AHTs to handle anchors. If all three tugs were operating simultaneously at 180 dB RMS, the overall source emission levels would be expected to increase by approximately 5 dB when logarithmically adding the sources (*i.e.,* to 185 dB RMS). To further support this level as an appropriate proxy, a sound source verification (SSV) study performed by JASCO Applied Sciences (JASCO) in Cook Inlet in October 2021 (Lawrence *et al.,* 2022) measured the sound source level from three tugs pulling a jack-up rig in Cook Inlet at various power outputs. Lawrence *et al.* (2022) reported a source level of 167.3 dB RMS for the 20 percent-power scenario and a source level of 205.9 dB RMS for the 85 percent-power scenario. Assuming a linear scaling of tug power, a source level of 185 dB RMS was calculated as a single point source level for three tugs operating at 50 percent power output. Therefore, the analyses presented below use a mean tug sound source level scenario of 185 dB RMS to estimate distances to the 120 dB RMS isopleth for three tugs operating at 50 percent power output. In practice, the load condition of the three tugs is unlikely to be identical at all times, so sound emissions would be dominated by the single tug in the group that is working hardest at any point in time. NMFS, therefore, has determined it appropriate to use the source level of 185 dB RMS at 1 m to represent the use of three AHTs. Modeling using this source level resulted in an estimated distance to the 120-dB isopleth of 3,850 m. Please see 89 FR 79529 (September 30, 2024) for full detail.

As noted previously, NMFS determined that Level A harassment would not be a reasonably likely outcome of the use of AHTs. In order to characterize the extent of the Level A harassment isopleths to provide additional quantitative support for this determination, NMFS used the NMFS user spreadsheet to calculate Level A harassment zones for each hearing group for AHTs conducting anchor handling. NMFS used Tab A (Non-Impulse-Stat-Cont) in the spreadsheet and used a WFA of 2, a 6 hour duration of sound production within a 24 hour period, and a propagation loss coefficient of 18.129. Weston and SLR (2022) determined the average 120 dB isopleth was 3,850 meters for a continuous noise source of 185 dB rms SPL across 25 locations in middle Cook Inlet. The coefficient is calculated as (185 dB − 120 dB)/Log10(3850/1) = 18.129 dB per decade.)). Estimated Level A and Level B harassment isopleths for AHTs engaged in anchor handling are reported in table 12.

TABLE 12—LEVEL A AND LEVEL B HARASSMENT ISOPLETHS FROM AHTS ENGAGED IN ANCHOR HANDLING

Sound source	Level A harassment isopleths (m) [1]					Level B harassment isopleth (m) [2]
	LF	HF	VHF	Phocids	Otariids	
3 AHTs	53	21	28	62	21	3,850

[1] Level A harassment isopleths calculated using NMFS User spreadsheet.
[2] Level B harassment isopleth determined using results from Hilcorp's modeling.

Marine Mammal Occurrence

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

8 Star Alaska requested take of humpback whale, killer whale, beluga whale, harbor porpoise, and harbor seal. In addition to those species, NMFS determined that minke whale, gray whale, fin whale, Dall's porpoise, Pacific white-sided dolphin, Steller sea lion, and California sea lion are likely to occur in the project area during 8 Star Alaska's activities and, accordingly, proposes to authorize take for these species.

Densities for marine mammals in Cook Inlet were derived from NMFS AFSC's Marine Mammal Laboratory (MML) aerial surveys, typically flown in June, from 2000 to 2022 (Rugh *et al.,* 2005, Shelden *et al.,* 2013, 2015b, 2017, 2022, Shelden and Wade, Goetz *et al.,* 2023) except for beluga whales, for which other density data exist, or for Steller sea lions, fin whale, Pacific white-sided dolphins, and California sea lions, which occur too rarely to support development of density estimates. Total survey area was not reported for the

2021 or 2022 survey years (Shelden *et al.,* 2022, Goetz *et al.,* 2023) so total survey area for 2021 and 2022 was estimated as 8,377.2 km² for each year based on previous reports. While the surveys are concentrated for a few days in summer annually, which may skew densities for seasonally present species, they represent the best available long-term dataset of marine mammal sightings available in Cook Inlet. To estimate the average density, the maximum number of individuals per species was divided by the area surveyed, and NMFS used the average across all survey years for each species.

CIBW densities estimated from the AFSC surveys across regions are low; however, there is a known effect of seasonality on their distribution. Thus, densities derived directly from these summer surveys might underestimate the density of CIBWs in lower Cook Inlet at other ice-free times of the year. Therefore, NMFS used the Goetz *et al.* (2012a) habitat-based model to determine CIBW density. This model is derived from sightings and incorporates depth soundings, coastal substrate type, environmental sensitivity index, anthropogenic disturbance, and anadromous fish streams to predict densities throughout Cook Inlet. The output of this model is a density map of Cook Inlet, which predicts spatially explicit density estimates for CIBW. Using the resulting grid densities, average densities were calculated for three regions applicable to 8 Star Alaska's operations (table 13). The densities applicable to the area of activity (*i.e.,* the Marine Terminal near Nikiski, the Mainline in middle Cook Inlet, and the Mainline MOF near Tyonek) are provided in table 13 and were carried forward to the exposure estimates as they were deemed to be the most representative estimates available.

Although data exists for Steller sea lions and fin whales in Cook Inlet from AFSC aerial surveys, this data is based on sightings of Steller sea lions and fin whales that were mostly observed in lower Cook Inlet and is not representative of middle Cook Inlet, where 8 Star Alaska proposes to conduct construction. Therefore, in order to calculate take of these species, NMFS proposes to use marine mammal occurrence.

For Steller sea lions, NMFS proposes to use monitoring data from the Port of Alaska (POA) in Anchorage, as these animals would be expected to pass through middle Cook Inlet and therefore be observed in 8 Star Alaska's Project Area. In 2020–2022 and 2024 (61 North Environmental, 2021, 2022a, 2022b, 2025, Easley-Appleyard and Leonard, 2022), the maximum number of Steller sea lions observed at POA was nine animals, eight during Petroleum and Cement Terminal (PCT) observations (61 North Environmental, 2022a) and one during NMFS 2021 monitoring effort (Easley-Appleyard and Leonard, 2022). Therefore, NMFS anticipates that up to nine Steller sea lions may occur in the project area per year during the course of 8 Star Alaska's proposed project.

During seismic surveys conducted in 2019 by Hilcorp in the lower Cook Inlet, fin whales were recorded in groups ranging in size from one to 15 individuals (Fairweather, 2020). During the NMFS aerial surveys in Cook Inlet from 2000 to 2018, 10 sightings of 26 estimated individual fin whales in lower Cook Inlet were observed (Shelden *et al.* 2013, 2015, 2016, 2019). Therefore, NMFS anticipates that one group of two fin whales (the lower end of the range of common group sizes) may occur in the project area per year during the course of 8 Star Alaska's proposed project.

No density estimates are available for Pacific white-sided dolphins and California sea lions, as they are so infrequently sighted. Therefore, NMFS proposes to authorize take of these species based on group number (see table 14).

Due to the paucity of data of Pacific white-sided dolphins in this region, there is no available density for Pacific white-sided dolphins. They are considered rare in most of Cook Inlet, including in the lower entrance, but their presence was documented in Iniskin Bay and mid-inlet through passive acoustic recorders in 2019 (Castellote *et al.,* 2020). In 2014, during Apache's seismic survey program, three Pacific white-sided dolphins were reported (Lomac-MacNair *et al.* 2014).

While California sea lions are uncommon in Cook Inlet, two were seen during the 2012 Apache seismic survey in Cook Inlet (Lomac-MacNair *et al.,* 2013). California sea lions in Alaska are typically alone but may be seen in small groups usually associated with Steller sea lions at their haul outs and rookeries (Maniscalco *et al., 2004).*

TABLE 13—CALCULATED DENSITIES

Species	Density (animals/km²)
Gray whale	0.00070
Humpback whale	0.00185
Minke whale	0.00003
Killer whale	0.00610
Beluga whale (Marine Terminal)	0.00016
Beluga whale (Mainline Crossing)	0.01070
Beluga whale (Mainline MOF)	0.03680
Dall's porpoise	0.00014
Harbor porpoise	0.00380
Harbor seal	0.26819

TABLE 14—MARINE MAMMAL OCCURRENCE *

Species	Expected occurrence (animals/year)
Fin whale	2
Pacific white-sided dolphin	3
California sea lion	2
Steller sea lion	9

* Marine mammal occurrence is used when density data is unavailable or not representative of the proposed project area.

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and proposed for authorization.

To estimate take by Level B harassment for all species except for fin whale, Pacific white-sided dolphin, California sea lion, and Steller sea lion, 8 Star Alaska multiplied the area (km²) estimated to be ensonified above the Level B harassment thresholds (table 11) for each activity by the duration (days) of that activity by the calculated density for each species (number of animals/km²). As described above, take of fin whale, Pacific white-sided dolphin, California sea lion, and Steller sea lion were calculated using group numbers and estimated frequency of occurrence (see table 14).

For species where calculated take by Level B harassment was less than the average group size for that species, NMFS rounded up the take estimate to the anticipated group size as displayed in table 15 and described below.

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Table 15 – Estimated Take by Level B Harassment by Species, Pile Size and Type, and Installation/Removal Method

Structure	Activity	Days	Gray whale	Fin whale	Humpback whale	Minke whale	Killer whale	Pacific white-sided dolphin	Beluga whale	Dall's porpoise	Harbor porpoise	California sea lion	Steller sea lion	Harbor seal
Year 1														
Marine Terminal MOF Combi-Wall	66-inch Steel Pipe Pile x 2 Concurrent (Vibratory)	16	1.60	N/A	42.22	0.68	13.92	N/A	3.61	3.20	86.73	N/A	N/A	6120.74
	66-inch Steel Pipe Pile with Sheet Pile Concurrent (Vibratory)	6	0.30	N/A	8.02	0.13	2.64	N/A	0.68	0.61	16.47	N/A	N/A	1162.60
Marine Terminal MOF Coffer Cell	Sheet Pile x 2 Concurrent (Vibratory)	33	0.20	N/A	5.19	0.08	1.71	N/A	0.44	0.39	10.66	N/A	N/A	752.25
	24-inch Steel Pipe Pile With Sheet Pile Concurrent (Vibratory)	23	0.25	N/A	6.68	0.11	2.20	N/A	0.57	0.51	13.73	N/A	N/A	968.93
Total Calculated Year 1		78	2.35	N/A	62.11	1.01	20.48	N/A	5.3	4.7	127.59	N/A	N/A	9004.51

Total Proposed Take by Level B Harassment Year 1		3*	2*	62	3*	20	3*	11*	6*	128	2*	9*	9,005
Year 2													
Marine Terminal MOF Coffer Cell	Sheet Pile x 2 Concurrent (Vibratory)	32	0.19	N/A	5.03	0.08	1.66	N/A	0.43	0.38	10.34	N/A	N/A	729.45
	24-inch Steel Pipe Pile with Sheet Pile Concurrent (Vibratory)	22	0.24	N/A	6.39	0.10	2.11	N/A	0.55	0.48	13.13	N/A	N/A	926.80
Marine Terminal MOF RoRo Dolphin Quads	48-inch Steel Pipe Pile (Impact)	7	0.00	N/A	0.04	0.00	0.01	N/A	0.00	0.00	0.08	N/A	N/A	5.45
	24-inch Steel Pipe Pile (Impact)	7	0.00	N/A	0.02	0.00	0.01	N/A	0.00	0.00	0.04	N/A	N/A	2.95
Mainline MOF	Sheet Pile (Vibratory)	7	0.02	N/A	0.44	0.01	0.14	N/A	8.72	0.03	0.90	N/A	N/A	63.54
	Sheet Pile (Impact)	7	0.00	N/A	0.02	0.00	0.01	N/A	0.40	0.00	0.04	N/A	N/A	2.95
Total Calculated Year 2		83	0.45	N/A	11.94	0.19	3.94	N/A	10.1	0.90	24.53	N/A	N/A	1731.14
Total Proposed Take by Level B Harassment Year 2		3*	2*	12	3*	10*	3*	11*	6*	25	2*	9*	1731
Year 3													

PLF E-W Trestle	60-inch Steel Pipe Pile (Impact)	42	0.02	N/A	0.57	0.01	0.19	N/A	0.05	0.04	1.16	N/A	N/A	82.09
PLF Berths	48-inch Steel Pipe Pile (Impact)	16	0.00	N/A	0.09	0.00	0.03	N/A	0.01	0.01	0.18	N/A	N/A	12.45
PLF N-S Trestle	48-inch Steel Pipe Pile (Impact)	16	0.00	N/A	0.09	0.00	0.03	N/A	0.01	0.01	0.18	N/A	N/A	12.45
Mainline	Anchor handling	2	0.01	N/A	0.19	0.00	0.03	N/A	1.12	0.01	0.40	N/A	N/A	28.12
Total Calculated Year 3		76	0.03	N/A	0.93	0.01	0.28	N/A	1.19	0.07	1.91	N/A	N/A	135.11
Total Proposed Take by Level B Harassment Year 3			3*	2*	3*	3*	10*	3	11*	6*	6*	2*	9*	135
Year 4														
PLF E-W Trestle	60-inch Steel Pipe Pile (Impact)	14	0.01	N/A	0.19	0.00	0.06	N/A	0.02	0.01	0.39	N/A	N/A	27.36
PLF Operations Platform	60-inch Steel Pipe Pile (Impact)	6	0.00	N/A	0.08	0.00	0.03	N/A	0.01	0.01	0.17	N/A	N/A	11.73
PLF Breasting	48-inch Steel Pipe Pile (Impact)	4	0.00	N/A	0.02	0.00	0.01	N/A	0.00	0.00	0.04	N/A	N/A	3.11

dolphin berths	60-inch Steel Pipe Pile (Impact)	12	0.01	N/A	0.16	0.00	0.05	N/A	0.01	0.01	0.33	N/A	N/A	23.45
PLF Mooring dolphin	48-inch Steel Pipe Pile (Impact)	2	0.00	N/A	0.01	0.00	0.00	N/A	0.00	0.00	0.02	N/A	N/A	1.56
	60-inch Steel Pipe Pile (Impact)	2	0.00	N/A	0.03	0.00	0.01	N/A	0.00	0.00	0.06	N/A	N/A	3.91
PLF N-S Trestle	48-inch Steel Pipe Pile (Impact)	12	0.00	N/A	0.06	0.00	0.02	N/A	0.01	0.00	0.13	N/A	N/A	9.34
Mainline	Anchor handling	53	0.19	N/A	5.14	0.08	1.70	N/A	29.74	0.39	10.56	N/A	N/A	745.30
Total Calculated Year 4		105	0.22	N/A	5.70	0.09	1.88	N/A	29.78	0.43	11.70	N/A	N/A	825.76
Total Proposed Take by Level B Harassment Year 4			3*	2*	6	3*	10*	3*	30	6*	12	2*	9*	826
Year 5														
PLF Mooring dolphin	48-inch Steel Pipe Pile (Impact)	6	0.00	N/A	0.03	0.00	0.01	N/A	0.00	0.00	0.07	N/A	N/A	4.67
	60-inch Steel Pipe Pile (Impact)	14	0.01	N/A	0.19	0.00	0.06	N/A	0.02	0.01	0.39	N/A	N/A	27.36

PLF Catwalk	60-inch Steel Pipe Pile (Impact)	16															31.27
			0.01	N/A	0.22	0.00	0.07	N/A	0.02	0.02	0.44	N/A	N/A				63.31
Total Calculated Year 5		36	0.02	N/A	0.44	0.01	0.14	N/A	0.04	0.03	0.90	N/A	N/A				N/A
Total Proposed Take by Level B Harassment Year 5			3*	2*	3*	3*	10*	3*	11*	6*	6*	2*	9*				63

*Take number adjusted for group size

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During Apache's 2012 seismic program, nine sightings of a total of nine gray whales were observed in June and July (Lomac-MacNair *et al.,* 2013). In 2014, one gray whale was observed during Apache's seismic program (Lomac-MacNair *et al.,* 2014) and in 2015, no gray whales were observed during SAExploration's seismic survey (Kendall and Cornick, 2015). No gray whales were observed during the 2018 Cook Inlet Pipeline (CIPL) Extension Project (Sitkiewicz *et al.,* 2018) or during the 2019 Hilcorp seismic survey in lower Cook Inlet (Fairweather Science, 2020). The greatest densities of gray whales in Cook Inlet occur from November through January and March through May; the former are southbound, the latter are northbound (Ferguson *et al.,* 2015). Based on this information, NMFS is proposing to authorize three takes by Level B harassment annually for gray whales. This is higher than the exposure estimate for each to allow for the potential occurrence of a group, or several individuals, per year.

During annual aerial surveys conducted in Cook Inlet from 2000 to 2016, humpback group sizes ranged from one to 12 individuals, with most groups comprised of 1 to 3 individuals (Shelden *et al.,* 2013). Three humpback whales were observed in Cook Inlet during SAExploration's seismic study in 2015: two near the Forelands and one in Kachemak Bay (Kendall and Cornick, 2015). In total, 14 sightings of 38 humpback whales (ranging in group size from 1 to 14) were recorded in the 2019 Hilcorp lower Cook Inlet seismic survey in the fall (Fairweather Science, 2020). Two sightings totaling three individual humpback whales were recorded near Ladd Landing north of the Forelands on the recent Harvest Alaska CIPL Extension Project (Sitkiewicz *et al.,* 2018). Based on documented observations from the CIPL Extension Project, which is the data closest to 8 Star Alaska's project area, NMFS is proposing to authorize three takes by Level B harassment for humpback whales for years 3 and 5. For years 1, 2, and 4, the calculated take exceeds the estimated group size.

Groups of up to three minke whales have been recorded in recent years, including one group of three southeast of Kalgin Island (Lomac-MacNair *et al.* 2014). Other recent surveys in Cook Inlet typically have documented minke whales traveling alone (Shelden *et al.* 2013, 2015, 2017; Fairweather Science 2020). As the occurrence of minke whales is expected to be lower in middle Cook Inlet than lower Cook Inlet and considering the observed group sizes, NMFS is proposing to authorize three takes of minke whale by Level B harassment for each year of 8 Star Alaska's project.

Killer whale pods typically consist of a few to 20 or more animals (NMFS, 2025b). During seismic surveys conducted in 2019 by Hilcorp in lower Cook Inlet, 21 killer whales were observed. Although also observed as single individuals, killer whales were recorded during this survey in groups ranging in size from two to five individuals (Fairweather Science, 2020). One killer whale group of two individuals was observed during the 2015 SAExploration seismic program near the North Foreland (Kendall and Cornick, 2015). Based on recent documented sightings, observed group sizes, and the established presence of killer whales in Cook Inlet, NMFS is proposing to authorize 10 takes (2 groups of 5 animals, the upper end of recently recorded group size) by Level B harassment for killer whales for years 2–5.

The 2018 MML aerial survey (Shelden and Wade 2019) estimated a median group size of approximately 11 beluga whales, although group sizes were highly variable (2 to 147 whales) as was the case in previous survey years (Boyd *et al.,* 2019). Over 3 seasons of monitoring at the Port of Alaska, 61 North reported groups of up to 53 belugas, with a median group size of 3 and a mean group size of 4.4 (61 North Environmental, 2021, 2022a, 2022b, 2022c). Additionally, vessel-based surveys in 2019 observed beluga whale groups in the Susitna River Delta that ranged from 5 to 200 animals (McGuire *et al.,* 2022). The very large groups seen in the Susitna River Delta are not expected in the areas of 8 Star Alaska's construction. However, smaller groups (*i.e.,* around the median group size) could be traveling through to access the Susitna River Delta and other nearby coastal locations, particularly in the shoulder seasons when belugas are more likely to occur in middle Cook Inlet. Therefore, NMFS is proposing to authorize 11 takes by Level B harassment of beluga whale in Years 1–3, and 5, in which calculated exposures were below the median group size. Calculated takes of beluga whales was greater than the median group size in year 4 and therefore were not adjusted for group size.

Dall's porpoises are usually found in groups averaging between 2 and 12 individuals (NMFS, 2025a). During seismic surveys conducted in 2019 by Hilcorp in lower Cook Inlet, Dall's porpoises were recorded in groups ranging from two to seven individuals (Fairweather Science, 2020). The 2012 Apache survey recorded two groups of three individual Dall's porpoises (Lomac-MacNair *et al.,* 2014). NMFS

proposes to authorize six takes by Level B harassment per year for Dall's porpoises. This is greater than the estimated exposure estimate for each year, but would allow for at least one group at the higher end of documented group size or a combination of small groups.

8 Star Alaska proposes to shut down at the Level A harassment isopleth for all vibratory pile driving activities. The largest Level A harassment isopleth during vibratory pile driving is 181 m, and NMFS anticipates that 8 Star Alaska would be able to adequately monitor these zones and shutdown appropriately. NMFS, therefore, does not expect and does not propose to authorize Level A harassment due to vibratory pile driving for any species. As discussed in the *Acoustic Impacts* section, due to the characteristics of noise produced by AHTs, *e.g.,* low-intensity source levels relative to impact pile driving, and transitory nature of occurrence of marine mammal species in this area, auditory injury is not a likely outcome of this activity. Therefore, NMFS does not expect, and does not propose to authorize, take by Level A harassment due to AHTs engaging in anchor handling.

To estimate take by Level A harassment from impact pile driving, 8 Star Alaska multiplied the area (km^2) estimated to be ensonified above the Level A harassment thresholds (table 11) for each impact pile driving activity by the duration (days) of that activity by the calculated density for each species (number of animals/km^2). Due to the infrequency of occurrence of fin whales, Pacific white-sided dolphins, California sea lions, and Steller sea lions in middle Cook Inlet, NMFS does not expect these species to enter Level A harassment zones for sufficient duration to incur injury, and is not proposing to authorize take by Level A harassment of these species.

When attributing take to respective humpback whale stocks for each year, NMFS assumed that 89 percent of calculated take would be from the Hawai'i stock, 10.7 percent would be from the Mexico-North Pacific stock, and 0.3 percent would be from the Western North Pacific stock, as described in Wade (2021) (see table 17). Although the number calculated for the Western North Pacific stock is less than 0.5 animals, NMFS is conservatively attributing one take by Level B harassment to the Western North Pacific stock of the humpback whale.

For species for which take by Level A harassment is anticipated, those estimated takes by Level A harassment were subtracted from the estimated takes by Level B harassment to avoid double-counting the same exposures as both Level A and Level B harassment. Adjustments are reflected in table 17.

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Table 16 – Estimated Take by Level A Harassment by Species, Pile Size and Type, and Installation/Removal Method*

Structure	Activity	Days	Gray whale	Fin whale	Humpback whale	Minke whale	Killer whale	Pacific white-sided dolphin	Beluga whale	Dall's porpoise	Harbor porpoise	California sea lion	Steller sea lion	Harbor seal
Year 2														
Marine Terminal MOF RoRo Dolphin Quads	48-inch Steel Pipe Pile (Impact)	7	0	N/A	0.03	0	0	N/A	0	0	0.13	N/A	N/A	2.92
	24-inch Steel Pipe Pile (Impact)	7	0	N/A	0.02	0	0	N/A	0	0	0.1	N/A	N/A	2.32
Mainline MOF	Sheet Pile (Impact)	7	0	N/A	0.75	0	0	N/A	0.02	0.14	3.68	N/A	N/A	85.35
Total Calculated Year 2		83	0	N/A	0.79	0.01	0	N/A	0	0	3.9	N/A	N/A	90.59
Total Proposed Take by Level A Harassment Year 2			0	0	1	0	0	0	0	0	4	0	0	91
Year 3														
PLF E-W Trestle	60-inch Steel Pipe Pile (Impact)	42	0.05	N/A	1.42	0.02	0.01	N/A	0	0.26	6.97	N/A	N/A	162.23

PLF Berths	48-inch Steel Pipe Pile (Impact)	16	0.00	N/A	0.06	0.00	0.00	N/A	0	0.01	0.29	N/A	N/A	6.67
PLF N-S Trestle	48-inch Steel Pipe Pile (Impact)	16	0.00	N/A	0.06	0.00	0.00	N/A	0.2	0.01	0.29	N/A	N/A	6.67
Total Calculated Year 3		75	0.06	N/A	1.53	0.02	0.01	N/A	0	0.28	7.55	N/A	N/A	175.57
Total Proposed Take by Level A Harassment Year 3		0	0	0	2	0	0	0	0	0	8	0	0	176
Year 4														
PLF E-W Trestle	60-inch Steel Pipe Pile (Impact)	14	0.02	N/A	0.47	0.01	0.00	N/A	0	0.09	2.32	N/A	N/A	54.08
PLF Operations Platform	60-inch Steel Pipe Pile (Impact)	6	0.01	N/A	0.20	0.00	0.00	N/A	0	0.04	1.00	N/A	N/A	23.18
PLF Breasting dolphin berths	48-inch Steel Pipe Pile (Impact)	4	0.00	N/A	0.01	0.00	0.00	N/A	0	0.00	0.07	N/A	N/A	1.67
	60-inch Steel Pipe	12	0.02	N/A	0.41	0.01	0.00	N/A	0	0.07	1.99	N/A	N/A	46.35

	Pile (Impact)													
PLF Mooring dolphin	48-inch Steel Pipe Pile (Impact)	2	0.00	N/A	0.01	0.00	0.00	N/A	0	0.00	0.04	N/A	N/A	0.83
	60-inch Steel Pipe Pile (Impact)	2	0.00	N/A	0.07	0.00	0.00	N/A	0	0.01	0.33	N/A	N/A	7.73
PLF N-S Trestle	48-inch Steel Pipe Pile (Impact)	12	0.00	N/A	0.04	0.00	0.00	N/A	0	0.01	0.22	N/A	N/A	5.00
Total Calculated Year 4		105	0.05	N/A	1.21	0.02	0.01	N/A	0	0.22	5.97	N/A	N/A	138.83
Total Proposed Take by Level A Harassment Year 4			0	0	1	0	0	0	0	0	6	0	0	139
Year 5														
PLF Mooring dolphin	48-inch Steel Pipe Pile (Impact)	6	0.00	N/A	0.02	0	0	N/A	0	0	0.11	N/A	N/A	2.5
	60-inch Steel Pipe Pile (Impact)	14	0.02	N/A	0.47	0.01	0	N/A	0	0	2.32	N/A	N/A	54.08

PLF Catwalk	60-inch Steel Pipe Pile (Impact)	16	0.02	N/A	0.54	0.01	0	N/A	0	0	2.66	N/A	N/A	61.8
		36												
	Total Calculated Year 5		0.04	N/A	1.03	0.02	0	N/A	0	0	5.09	N/A	N/A	118.38
	Total Proposed Takes by Level A Harassment Year 5		0	0	1	0	0	0	0	0	5	0	0	118
	Total Proposed Takes by Level A Harassment Over 5 Years		0	0	5	0	0	0	0	0	23	0	0	524

*Vibratory pile driving not included in Level A harassment take calculations because no Level A harassment is expected from vibratory pile driving due to small sizes of zones and implementation of shutdown zones to prevent Level A harassment from vibratory pile driving.

Table 17 – Level A Harassment and Level B Harassment Takes of Marine Mammals Proposed for Authorization Incidental to All Activities Over the Course of 8 Star Alaska's 5-Year Project

Marine Mammal species	Stock	Year 1		Year 2		Year 3		Year 4		Year 5		Five Year Total	
		Level A	Level B	Level A	Level B	Level A	Level B	Level A	Level B	Level A	Level B	Level A	Level B
Gray whale	Eastern North Pacific	0	3	0	3	0	3	0	3	0	3	0	15
Fin whale	Northeast Pacific	0	2	0	2	0	2	0	2	0	2	0	10
Humpback whale	Hawai'i	0	56	1	11	2	1	1	4	1	2	5	74
	Mexico-North Pacific	0	6	0	1	0	0	0	1	0	0	0	8
	Western North Pacific	0	1	0	0	0	0	0	0	0	0	0	1
Minke whale	Alaska	0	3	0	3	0	3	0	3	0	3	0	15
Killer whale	Eastern North Pacific Alaska Resident	0	21	0	10	0	10	0	10	0	10	0	61
	Eastern North Pacific Gulf of Alaska, Aleutian Islands, and Bering Sea Transient												
Pacific white-sided dolphin	North Pacific	0	3	0	3	0	3	0	3	0	3	0	15
Beluga whale	Cook Inlet	0	11	0	11	0	11	0	30	0	11	0	74
Dall's porpoise	Alaska	0	6	0	6	0	6	0	6	0	6	0	30
Harbor porpoise	Gulf of Alaska	0	128	4	21	8	0	6	6	5	1	23	156

California sea lion	U.S.	0	2	0	2	0	2	0	2	0	0	10
Steller sea lion	Western	0	9	0	9	0	9	0	9	0	0	45
Harbor seal	Cook Inlet/Shelikof Strait	0	9,005	91	1,641	176	0	139	687	118	524	11,333

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To inform both the negligible impact analysis and the small numbers determination, NMFS assesses the maximum number of takes of marine mammals that could occur within any given year. In this calculation, the maximum proposed number of Level A harassment takes in any one year is summed with the maximum proposed number of Level B harassment takes in any one year for each species to yield the highest number of estimated take that could occur in any year (table 18) for each stock. Table 18 also depicts the number of takes proposed relative to the abundance of each stock.

TABLE 18—MAXIMUM ANNUAL TAKE PROPOSED FOR AUTHORIZATION AND AS A PERCENTAGE OF STOCK ABUNDANCE

Species	Stock	NMFS stock abundance	Maximum annual proposed Level A harassment	Maximum annual proposed Level B harassment	Maximum annual proposed take	Maximum annual proposed take as a percentage of stock abundance
Gray whale	Eastern North Pacific	26,960	0	3	3	0.01
Fin whale	Northeast Pacific	UND	0	2	2	*N/A
Humpback whale	Hawai'i	11,278	2	56	58	0.58
	Mexico-North Pacific	N/A	0	6	6	*N/A
	Western North Pacific	1,084	0	1	1	0.09
Minke whale	Alaska	N/A	0	3	3	*N/A
Killer whale	Eastern North Pacific Alaska Resident	1,920	0	21	21	1.09
	Eastern North Pacific Gulf of Alaska, Aleutian Islands, and Bering Sea Transient.	587	.....	.....	.....	3.58
Pacific white-sided dolphin	North Pacific	26,880	0	3	3	0.01
	CA/OR/WA	34,999	.....	.....	.....	0.01
Beluga whale	Cook Inlet	331	0	30	30	9.06
Dall's porpoise	Alaska	UND	0	6	6	*N/A
Harbor porpoise	Gulf of Alaska	31,046	8	128	136	0.44
California sea lion	U.S	257,606	0	2	2	<0.01
Steller sea lion	Western	49,837	0	9	9	0.02
Harbor seal	Cook Inlet/Shelikof Strait	28,411	176	9,005	9,181	32.31

*See small numbers discussion below for additional information.

Proposed Mitigation

In order to promulgate a rulemaking under section 101(a)(5)(A) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity and other means of effecting the least practicable adverse impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

Shutdown and Clearance Zones

8 Star Alaska would establish shutdown zones for all pile driving and removal activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones vary based on the activity type and marine mammal hearing group (see table 19). A minimum shutdown zone of 10 m would be required for all in-water construction activities to avoid physical interaction with marine mammals. Activity-specific shutdown zones are based upon the estimated Level A harassment zones and distances at which 8 Star Alaska expects PSOs would be able to observe the relevant species, with the exception of CIBW.

For CIBWs, 8 Star Alaska would shut down at the estimated Level B harassment isopleth, except when that isopleth is farther than the PSOs can observe. 8 Star Alaska expects that PSOs could observe beluga whales up to 2–3 km under typical conditions. When shutdown zones are larger than the distance that PSOs would be able to observe, 8 Star Alaska would be expected to shut down if a beluga whale was observed at any distance.

TABLE 19—PROPOSED SHUTDOWN ZONES FOR PILE DRIVING (m)

Activity	LF	Non-beluga HF	Beluga whales*	VHF	Phocid	Otariids
Impact Pile Driving						
Sheet Pile at Mainline MOF	2,000	400	1,000	400	400	400
24-inch Pipe Pile at Marine Terminal MOF	1,000	130	1,000	400	400	350

TABLE 19—PROPOSED SHUTDOWN ZONES FOR PILE DRIVING (m)—Continued

Activity	LF	Non-beluga HF	Beluga whales*	VHF	Phocid	Otariids
48-inch Pipe Pile at PLF and Marine Terminal MOF	1,200	150	1,400	400	400	400
60-inch Steel Pipe Pile at PLF	2,000	400	2,160	400	400	400
Vibratory Pile Driving						
Sheet Pile at Mainline MOF and Marine Terminal MOF	30	20	4,642	30	40	20
24-inch Steel Pipe Pile at Marine Terminal MOF	20	10	7,356	20	30	10
66-inch Steel Pipe Pile at Marine Terminal MOF	60	30	21,544	50	70	30
66-inch Steel Pipe Pile × 2 at Marine Terminal MOF	90	40	34,146	70	110	40
66-inch Steel Pipe Pile with Sheet Pile at Marine Terminal MOF	150	60	21,544	120	190	70
Sheet Pile × 2 at Marine Terminal MOF	50	20	7,356	40	60	20
24-inch Steel Pipe Pile with Sheet Pile at Marine Terminal MOF	40	20	11,659	30	50	20
24-inch Steel Pipe Pile × 2 at Marine Terminal MOF	70	30	10,000	60	90	30

*When the shutdown zones for beluga whales are larger than what PSOs can observe, pile driving would be shut down when beluga whales are visible within any distance.

Pile driving would be halted upon observation of a marine mammal entering or within the shutdown zone. If pile driving is halted or delayed due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily left and has been visually confirmed beyond the shutdown zone for 30 minutes (large whales and beluga whales) or 15 minutes (pinnipeds and other cetaceans) without re-detection of the animal. If work ceases for more than 30 minutes, the shutdown zones would be cleared again for 30 minutes prior to reinitiating pile driving. A determination that the pile driving shutdown zone is clear must be made during a period of good visibility.

If a PSO(s) can no longer effectively monitor the entirety of the corresponding shutdown zone during impact pile driving, or at least 2 km during vibratory pile driving, due to environmental conditions (*e.g.,* fog, rain, wind), pile driving could continue only until the current segment of the pile is driven; no additional sections of pile or additional piles could be driven until conditions improve such that zone could be effectively monitored. If the shutdown zone cannot be monitored for more than 15 minutes, the entire zone would be cleared again for 30 minutes prior to reinitiating pile driving.

If a species for which authorization has not been granted or a species for which authorization has been granted but the authorized takes have been reached is observed approaching, entering, or within the corresponding zone, in-water work would be delayed (if during pre-clearance) or shut down (except for AHTs engaged in anchor handling). Activities would not resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown or clearance zone indicated in tables 19 and 20 for 30 minutes (for large whales and beluga whales) or 15 minutes (for pinnipeds and other cetaceans) without re-detection of the animal.

If a shutdown procedure should be initiated but human safety is at risk, as determined by the best professional judgment of the vessel operator or project engineer, the in-water activity, including pile driving, would be allowed to continue until the risk to human safety has dissipated. In this scenario, pile driving could continue only until the current segment of the pile is driven; no additional sections of pile or additional piles could be driven until the Lead PSO has determined that the shutdown zones are clear of marine mammals and for CIBW, any observed whale(s) is at least 100 meters past the shutdown zone and on a path away from the zone.

AHTs cannot shut down once they have begun positioning anchors. Prior to anchor handling, 8 Star Alaska would implement a clearance zone of 1,500 m around AHTs for all marine mammals other than CIBWs. The clearance zone for beluga whales would be equal to the Level B harassment isopleth (3,850 m). This distance is likely farther than what PSOs could reliably monitor. If visibility is less than the Level B harassment isopleth, PSOs would be expected to clear the zone around AHTs at the distance visible to PSOs.

TABLE 20—CLEARANCE ZONES FOR AHTS (m)

Activity	Non-beluga species	Beluga whales*
1,500	1,500	3,850

*When the clearance zone is larger than what PSOs can observe, PSOs would clear the observable zone.

Pre- and Post-Activity Monitoring

Monitoring would take place from 30 minutes prior to initiation of pile driving and anchor handling activities (*i.e.,* pre-clearance monitoring) through 30 minutes post-completion of pile driving and anchor handling. Prior to the start of daily in-water construction activity, or whenever a break in pile driving or anchor handling of 30 minutes or longer occurs, PSOs would observe the clearance zones (anchor handling) or shutdown zones (pile driving) for a period of 30 minutes. If a marine mammal is observed within the shutdown zone or clearance zone, pile driving, including a soft-start (described below), and anchor handling would not proceed until the animal has left the zone or has not been observed for 30 minutes (large whales and beluga whales) or 15 minutes (pinnipeds and other cetaceans)). Pre-start clearance monitoring would be conducted during periods of visibility sufficient for the PSO(s) to determine that the clearance zones are clear of marine mammals, except in cases where tugging operations occur during nighttime hours. In these circumstances, 8 Star Alaska would clear the clearance zones to the maximum extent possible.

Monitoring for Level A and Level B Harassment

8 Star Alaska would monitor for marine mammals in the Level B harassment and Level A harassment zones, to the extent practicable, and throughout the area as far as visual monitoring can occur. Monitoring enables observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone. Due to some of the large Level A and Level B harassment zones (table 10), PSOs would not be able to effectively observe the entire zones

during all activities for all species. All marine mammals observed within the visible portion of the harassment zones would be recorded. 8 Star Alaska would also conduct acoustic monitoring as described in the Proposed Monitoring and Reporting section below.

Soft Start

Soft-start procedures provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors would be required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent three-strike sets before initiating continuous driving. Soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

Vessel Transit

Operators of vessels would avoid approaching marine mammals within 100 yards (92 m). The vessel operator would avoid placing the vessel in the path of a whale and would not cut in front of the whale in a way or at a distance that causes the whale to change direction of travel or behavior (including breathing/surface pattern). If a whale's course and speed are such that it would likely cross in front of a vessel that is underway, or approach within 100 yards (92 m) of the vessel, and if maritime conditions safely allow, the engine would be put in neutral and the whale would be allowed to pass beyond the vessel. Vessel operators would reduce speed to 10 knots (18.5 km/hr) or less when weather conditions reduce visibility to 1.6 km (1 mile) or less. When within 300 yards of a whale (274 m), vessels would travel at less than 5 knots, and vessel operators should avoid changes in direction and speed within 300 yards (274 m) of a whale, unless doing so is necessary for maritime safety.

For vessels operating in the Susitna Delta Exclusion Zone (see figure 2), the following would be implemented:

- All project vessels operating within the designated Susitna Delta area would maintain a speed above ground below 4 knots. PSOs would note the numbers, date, time, coordinates, and proximity to vessels of all belugas observed during operations and report these observations to NMFS in monthly reports.
- Vessel crew would be trained to monitor for ESA-listed species prior to and during all vessel movement within the Susitna Delta Exclusion Zone. The vessel crew would report sightings to the PSO team for inclusion in the overall sighting database and reports.
- Vessel operators would not move their vessels when they are unable to adequately observe the 100-meter zone around vessels under power (in gear) due to darkness, fog, or other conditions, unless necessary for ensuring human safety.

The Susitna Delta Exclusion Zone (see figure 2) is defined as the union of the areas defined by:

(i) A 16-km (10-mile) buffer of the Beluga River thalweg seaward of the MLLW line;

(ii) A 16-km (10-mile) buffer of the Little Susitna River thalweg seaward of the MLLW line; and

(iii) A 16-km (10-mile) seaward buffer of the MLLW line between the Beluga River and Little Susitna River.

(iv) The buffer extends landward along the thalweg to include intertidal waters within rivers and streams up to their MHHW. The seaward boundary has been simplified so that it is defined by lines connecting readily discernable landmarks.

Time/Area Restriction

Pile driving associated with the Mainline MOF would not occur from June 1 to September 7.

Between April 15 and October 15, 8 Star Alaska would not conduct pile driving or AHT activities with Level B harassment isopleths that would extend shoreward of the MLLW line in the Susitna Delta (Beluga River to the Little Susitna River; see figure 2) and project vessel(s) operating in or transiting through Cook Inlet would maintain a distance of at least 1.5 nautical miles seaward of the MLLW line in the Susitna Delta (Beluga River to the Little Susitna River).

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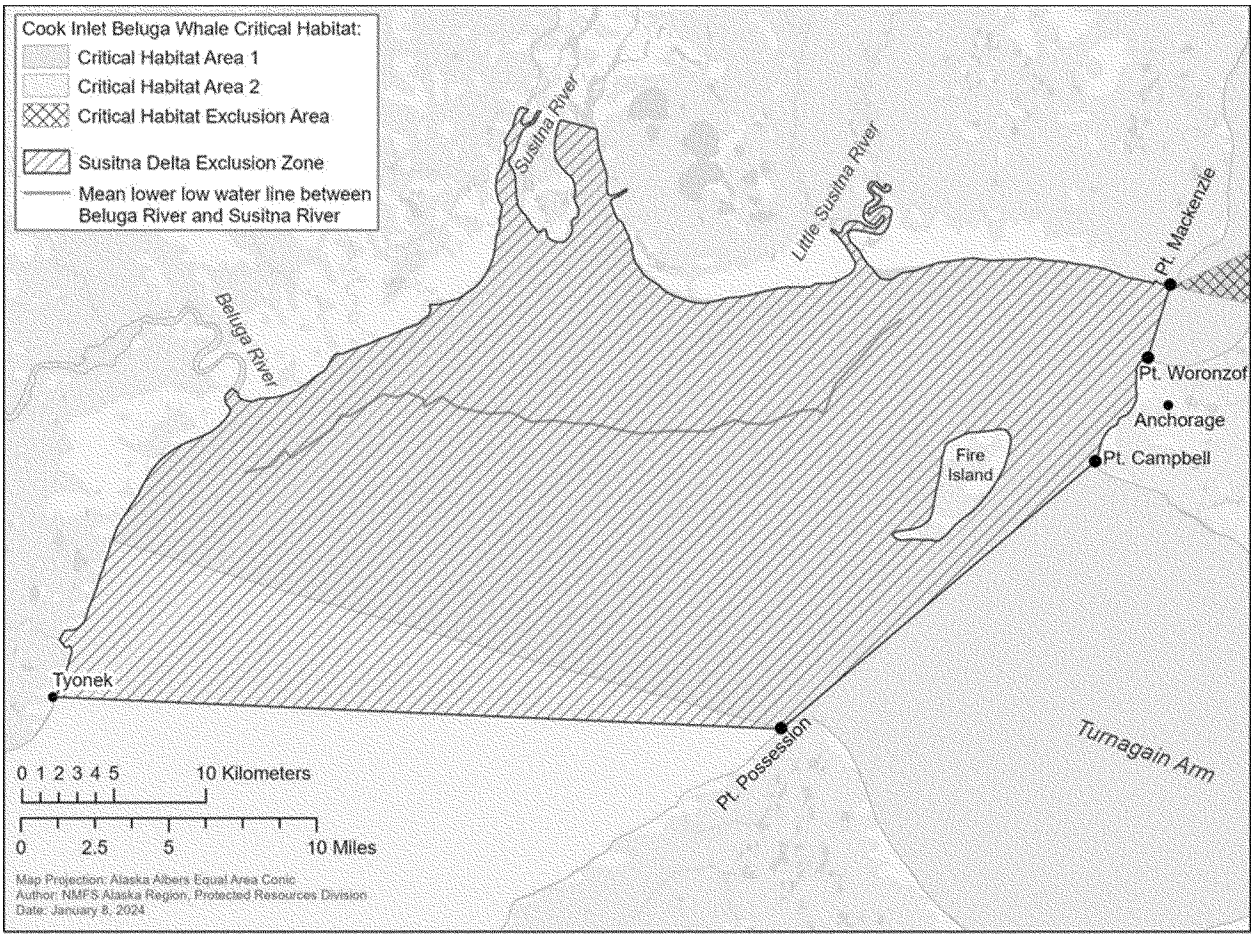

Figure 2 – Susitna Delta Exclusion Zone, showing MLLW line between the Beluga and Little Susitna Rivers

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Noise Attenuation

Each construction year, 8 Star Alaska proposes to use a noise attenuation device, such as a bubble curtain, and test it for effectiveness through Sound Source Verification (SSV) (see Proposed Monitoring section below) at the beginning of pile driving. If the results show at least a 2 dB source reduction is achieved, 8 Star Alaska would employ the use of noise attenuation, such as bubble curtains, throughout construction. Once the contractor is selected, 8 Star Alaska would work with the contractor and NMFS to identify the appropriate type of noise attenuation system for the specific hammer and equipment.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable 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 such species or stock for subsistence uses.

Proposed Monitoring and Reporting

In order to issue an LOA for an activity, section 101(a)(5)(A) 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 would be conducted in accordance with 8 Star Alaska's NMFS-approved Marine Mammal Monitoring and Mitigation Plan, dated April 4, 2025, and included as Appendix A in its application.

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

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods.
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.
- Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization. PSOs may also substitute Alaska native traditional knowledge for experience. (NMFS recognizes that PSOs with traditional knowledge may also have prior experience and be eligible to serve as the lead PSO.).
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization.
- PSOs must be approved by NMFS prior to beginning any activity subject to this rule.

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 of 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.

For all pile driving activities, a minimum of two PSOs would be on duty at all times. In general, PSOs would be stationed on a stable land-based platform with sufficient height, such as bluffs, to provide excellent viewing conditions for marine mammals, although detection varies by species and is affected by weather conditions. For anchor handling, two PSOs would be on the barge, and one PSO would always be on duty.

PSOs would not exceed 4 consecutive watch hours, would have at least a two-hour break between watches, and would not exceed a watch schedule of more than 12 hours per 24-hour period. PSOs would have no other construction-related tasks while conducting monitoring. Monitoring would be conducted from 30 minutes prior to activity (pile driving or anchor handling), throughout the time of the activity (pile driving or anchor handling), and for 30 minutes following the conclusion of the activity (pile driving or anchor handling). PSOs would monitor using the naked eye, standard (7×) binoculars, and high-magnification (25×) binoculars. Monitoring distances would be measured with range finders, and distances to animals must be based on the best estimate of the PSO, relative to known distances to objects in the vicinity of the PSO.

Acoustic Monitoring

8 Star Alaska would conduct SSV in accordance with accepted methodology as described in the Sound Source Verification Plan, which 8 Star Alaska would develop after its contractor is selected. NMFS would review and approve the plan prior to implementation. 8 Star Alaska would conduct SSV at the beginning of pile driving to characterize the sound levels associated with different pile and hammer types and assess attenuation devices, such as bubble curtains. The SSV would be conducted in accordance with the following conditions:

- 8 Star Alaska must measure a minimum of two piles of each type and size.
- The following data, at minimum, shall be collected during acoustic monitoring and reported: (1) hydrophone equipment and methods: recording device, sampling rate, distance (m) from the pile where recordings were made; depth of water and recording device(s); (2) type and size of pile being driven, substrate type, method of driving during recordings (*e.g.,* hammer model and energy), and total pile driving duration; (3) whether a sound attenuation device is used and, if so, a detailed description of the device used and the duration of its use per pile; (4) for impact pile driving (per pile): number of strikes and strike rate; depth of substrate to penetrate; pulse duration and mean, median, and maximum sound levels (dB re: 1 μPa): root mean square sound pressure level (SPL_{rms}); cumulative sound exposure level (SEL_{cum}), peak sound pressure level (SPL_{peak}), and single-strike sound exposure level ($SEL_{s\text{-}s}$); (5) for vibratory driving/removal (per pile): duration of driving per pile; mean, median, and maximum sound levels (dB re: 1 μPa): root mean square sound pressure level (SPL_{rms}), cumulative sound exposure level (SEL_{cum}) (and timeframe over which the sound is averaged).

An SSV report would be submitted to NMFS for approval within five days after finalization of field measurements and report data. If appropriate, the results of the SSV report could be used to adjust the extent of the Level A and Level B harassment zones for in-water pile driving.

Reporting

8 Star Alaska would submit interim monthly reports for all months in which pile driving or anchor handling occurs. Monthly reports would be due 14 days after the conclusion of each calendar month, and must include a summary of marine mammal species and behavioral observations, delays, and activities completed. They would also include an assessment of the amount of work (pile driving and anchor handling) remaining to be completed, in addition to the number of CIBWs observed within estimated harassment zones to date.

8 Star Alaska would submit draft annual reports to NMFS within 90 calendar days of the completion of construction (pile driving, anchor handling) each year. Each report would include an overall description of all work completed, a narrative regarding marine mammal sightings, and associated marine mammal observation data sheets (data must be submitted

electronically in a format that can be queried such as a spreadsheet or database). Specifically, the report would include the following information:

- Date and time that monitored activity begins or ends;
- Activities occurring during each observation period, including (a) the type of activity; (b) the total duration of each type of activity; (c) when nighttime operations were required; (d) the number and type of piles that were driven and the method (*e.g.,* impact, vibratory), and (e) total duration of driving time for each pile (vibratory driving) and total number of strikes for each pile (impact driving).
- PSO locations during marine mammal monitoring;
- Environmental conditions during monitoring periods (at the beginning and end of the PSO shift and whenever conditions change significantly), including Beaufort sea state, tidal state, and any other relevant weather conditions, including cloud cover, fog, sun glare, overall visibility to the horizon, and estimated observable distance;
- Upon observation of a marine mammal, (a) name of PSO who sighted the animal(s) and PSO location and activity at time of sighting, (b) time of sighting, (c) identification of the animal(s) (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified), (d) PSO confidence in identification and the composition of the group if there is a mix of species, (e) distance and location of each observed marine mammal relative to the AHTs or pile being driven for each sighting, (f) estimated number of animals (min/max/best estimate), (g) estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*), (h) animal's closest point of approach and estimated time spent within the harassment zone, (i) 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.

If no comments are received from NMFS within 30 days of receipt of the draft report, the report would be considered final. If comments are received, 8 Star Alaska would submit a final report addressing NMFS' comments within 30 days following receipt of any NMFS comments on the draft reports.

In the event that personnel involved in 8 Star Alaska's activities discover an injured or dead marine mammal, 8 Star Alaska would report the incident to the Office of Protected Resources, NMFS, and to the Alaska Regional Stranding Coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, 8 Star Alaska 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 incidental take authorization. 8 Star Alaska would not resume their activities until notified by NMFS. The report would include the following information:

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

Negligible Impact Analysis and Determination

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

To avoid repetition, the majority of our analysis applies to all species listed in table 4, except for CIBWs, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. For CIBWs, there are meaningful differences in anticipated responses to activities, impact of expected take on the population, or impacts on habitat; therefore, we provide a separate independent detailed analysis for CIBWs following the analysis for other species for which we propose to authorize take.

NMFS has identified several key factors to assess whether potential impacts associated with a specified activity should be considered negligible. These include (but are not limited to) the type and magnitude of taking, the amount and importance of the available habitat for the species or stock that is affected, the duration of the anticipated effect on the individuals, and the status of the species or stock. The potential effects of the specified activity on humpback whales, minke whales, gray whales, fin whales, killer whales, Dall's porpoises, harbor porpoises, Pacific white-sided dolphins, Steller sea lions, harbor seals, and California sea lions are discussed below. These factors also apply to CIBWs; however, additional analysis for CIBWs is provided in a separate sub-section below.

8 Star Alaska's specified activities have the potential to disturb or displace marine mammals, and the number of takes proposed for authorization for 8 Star Alaska's activities have been identified above in the Estimated Take of Marine Mammals section. Potential takes are anticipated to occur when marine mammals are present in zones ensonified above the thresholds for Level B harassment, identified above, while activities are underway. Additionally, for impact pile driving activities, potential takes by Level A harassment could occur if marine mammals are present in zones ensonified above relevant threshold criteria for sufficient periods of time to

incur auditory injury. 8 Star Alaska's proposed activities and associated impacts would occur within a limited, confined area of the affected species or stocks' range. Pile driving is proposed to occur over a total of 324 total days over the course of 5 years, ranging from 36 days to 83 days in a single year. The use of AHTs for anchor handling would occur for only 1 day in year 2 and 53 days in year 3. The intensity and duration of take by Level A and Level B harassment would be minimized through use of mitigation measures described herein. NMFS does not anticipate that Level A harassment would occur other than in association with impact pile driving, or that serious injury or mortality would occur, as a result of 8 Star Alaska's planned activity given the nature of the activity, even in the absence of required mitigation.

Exposure to elevated sound levels produced during AHTs engaged in anchor handling and pile driving activities has the potential to cause behavioral disturbance of some individuals within the vicinity of the sound source. Behavioral responses of marine mammals to 8 Star Alaska's AHTs engaged in anchor handling activities are expected to be mild, short term, and temporary. Effects on individuals that are taken by Level B harassment, as enumerated in the Estimated Take of Marine Mammals section, on the basis of reports in the literature as well as monitoring from other similar activities (Horsley and Larson, 2023, 2024), would likely be limited to behavioral response such as increased swimming speeds, changes in directions of travel and diving and surfacing behaviors, increased respiration rates, or interrupted foraging (if such activity were occurring) (Ridgway *et al.,* 1997, Nowacek *et al.,* 2007, Thorson and Reyff, 2006, Kendall and Cornick, 2015, Goldbogen *et al.,* 2013, Blair *et al.,* 2016, Wisniewska *et al.,* 2018, Piwetz *et al.,* 2021). Marine mammals within the Level B harassment zones may not present any visual cues they are disturbed by activities, or they may become alert, avoid the area, leave the area, or have other mild responses that are not observable such as increased stress levels (*e.g.,* Rolland *et al.,* 2012, Bejder *et al.,* 2006, Rako *et al.,* 2013, Pirotta *et al.,* 2015, Pérez-Jorge *et al.,* 2016). They may also exhibit increased vocalization rates (Dahlheim, 1987, Dahlheim and Castellote, 2016), louder vocalizations (Frankel and Gabriele, 2017, Fournet *et al.,* 2018), alterations in the spectral features of vocalizations (Castellote *et al.,* 2012), or a cessation of communication signals (Tsujii *et al.,* 2018). However, as described in the Potential Effects of Specified Activities on Marine Mammals and Their Habitat section, Hilcorp's monitoring results have shown little to no observable reactions to tugging activities in a similar area to 8 Star Alaska's proposed activities (Horsley and Larson, 2023).

AHTs engaged in anchor handling are slow-moving as compared to typical recreational and commercial vessel traffic. Assuming an animal was stationary, exposure to sound above the Level B harassment threshold from the moving AHT configuration would be on the order of minutes in any particular location. The slow, predictable, and generally straight path of this activity is expected to further lower the likelihood of more than low-level responses to the sound. Also, this slow transit along a predictable path is planned in an area of routine vessel traffic where many large vessels move in slow straight-line paths, and some individuals are expected to be habituated to these sorts of sounds. While it is possible that animals may swim around the project area, avoiding closer approaches to the vessels, we do not expect them to abandon any intended path. Further, most animals present in the region would likely be transiting through the area; therefore, any potential exposure is expected to be brief. Based on the characteristics of the sound source and the other activities regularly encountered in the area, it is unlikely 8 Star Alaska's planned anchor handling activities would be of a duration or intensity expected to result in significant behavioral responses that may be more likely to result in impacts on reproduction or survival.

Effects on individuals that are taken during pile driving, on the basis of reports in the literature as well as monitoring from other similar activities, would likely be limited to reactions such as increased swimming speeds, increased surfacing time, or interrupted foraging (if such activity were occurring; *e.g.,* Thorson and Reyff, 2006, HDR Inc., 2012, Lerma, 2014, ABR, 2016, 61 North Environmental, 2021, 2022a, 2022b, 2022c, 2025). Most likely, individuals would simply move away from the sound source and be temporarily displaced from the areas of pile driving (*e.g.,* Degraer *et al.,* 2022). If sound produced by project activities is sufficiently disturbing, animals would be likely to simply avoid the area while the activity is occurring.

Further, most of the species present in the region would only be present temporarily based on seasonal patterns or during transit between other habitats. These temporarily present species would be exposed to even shorter periods of noise-generating activity, further decreasing the impacts. Most likely, individual animals would simply move away from the sound source and be temporarily displaced from the area. Takes also have the potential to occur during important feeding times. However, the project area represents a small portion of available foraging habitat and impacts on marine mammal feeding for all species should be minimal.

We anticipate that any potential reactions and behavioral changes would subside quickly when the exposures cease, and, therefore, we do not expect long-term adverse consequences from 8 Star Alaska's proposed activities for individuals of any species. The intensity of harassment events would be minimized through use of mitigation measures described herein, which were not quantitatively factored into the take estimates. 8 Star Alaska would use PSOs to monitor for marine mammals before commencing any of the specified activities, which would minimize the potential for marine mammals to be present within the estimated Level A and Level B harassment areas, further reducing the likely amount of any potential Level A or Level B harassment. Further, given the absence of any major rookeries or areas of known biological significance for marine mammals (*e.g.,* foraging hot spots) within the estimated harassment zones (other than critical habitat and a BIA for CIBWs as described below), we predict that potential takes by Level B harassment would have an inconsequential short-term effect on individuals and would not result in population-level impacts.

Theoretically, repeated, sequential exposure to elevated noise from vibratory and impact pile driving and noise from AHTs over a long duration could result in more severe impacts to individuals that could affect individual fitness or reproductive success (via sustained or repeated disruption of important behaviors such as feeding, resting, traveling, and socializing; Southall *et al.,* 2007). Alternatively, marine mammals exposed to repetitious sounds may become habituated, desensitized, or tolerant after initial exposure to these sounds (reviewed by Richardson *et al.,* 1995; Southall *et al.,* 2007). Cook Inlet is a regional hub of marine transportation and is used by various classes of vessels, including container ships, bulk cargo freighters, tankers, commercial and sport-fishing vessels, and recreational vessels. Offshore vessels, tug vessels, and tour boats represent 86 percent of the total

operating days for vessels in Cook Inlet (Bureau of Ocean Energy Management (BOEM), 2016). Given that marine mammals still frequent and use Cook Inlet despite being exposed to anthropogenic sounds such as those produced by pile driving, tug boats and other vessels across many years, and that it is unlikely that any individual would be exposed to repeated, sequential exposures or repetitious sounds from 8 Star Alaska's activities, no impacts to the reproduction or survival of any marine mammal individuals from the additional noise produced by the specified activities are anticipated.

NMFS anticipates take by Level A harassment of three species due to the potential that an animal could enter and remain within the area between a Level A harassment zone and shutdown zone during impact pile driving 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, 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 PTS or TTS potentially incurred here is not expected to adversely impact individual fitness, let alone annual rates of recruitment or survival.

Impacts to marine mammal prey species are also expected to be minor and temporary and to 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. Overall, as described above, the area anticipated to be impacted by 8 Star Alaska's planned activities is very small compared to the available surrounding habitat and does not include habitat of particular importance to marine mammals. The most likely impact to prey would be temporary behavioral avoidance of the immediate area. While AHTs are engaged in anchor handling and pile driving activities, it is expected that some fish would temporarily leave the area of disturbance (*e.g.,* Nakken, 1992; Olsen, 1979; Ona and Godo, 1990; Ona and Toresen, 1988), thus impacting marine mammals' foraging opportunities in a limited portion of their foraging range. But, because of the relatively small area of the habitat that may be affected and lack of any foraging habitat of particular importance, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. Additionally, the habitat within the estimated acoustic footprint is not known to be heavily used by marine mammals.

Finally, 8 Star Alaska would minimize potential exposure of marine mammals to elevated noise levels by implementing mitigation measures for AHTs engaged in anchor handling and pile driving activities. For anchor handling activities conducted by AHTs, 8 Star Alaska would delay anchor handling activities if marine mammals are observed in the clearance zones during the pre-clearance monitoring period. For pile driving, 8 Star Alaska would delay the start of pile driving activities if marine mammals are observed during the pre-clearance monitoring period and would implement hearing group-specific shutdown zones during the activities. 8 Star Alaska would implement soft-start procedures to provide warning and/or give marine mammals a chance to leave the area prior to the hammer operating at full capacity. If SSV shows that bubble curtains are effective to result in at least a 2 dB reduction in sound during pile driving, bubble curtains would be implemented.

In summary and as described above, the following factors (with additional analyses for CIBWs included below) primarily support our preliminary determination that the impacts resulting from 8 Star Alaska's activities are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or proposed for authorization;
- Take by Level A harassment is proposed for only three species, and the Level A harassment is expected to be of a lower degree that would not impact the fitness of any animals;
- The intensity of anticipated takes by Level B harassment is low for all stocks consisting of, at worst, temporary modifications in behavior, and would not be of a duration or intensity expected to result in impacts on reproduction or survival;
- Take would not occur in places and/or times where take is more likely to impact reproduction or survival, such as within ESA-designated or proposed critical habitat or BIAs (other than for CIBWS as described below) or other habitats critical to recruitment or survival (*e.g.,* rookery);
- The project area represents a very small portion of the available foraging area for all potentially impacted marine mammal species;
- Take would occur only within middle Cook Inlet, a limited, confined area of any given stock's home range;
- Monitoring reports from previous projects with pile driving and/or tugging activities in Cook Inlet have documented little to no observable effect on individuals of the same species impacted by the specified activities; and
- The required mitigation measures are expected to be effective in reducing the effects of the specified activity by minimizing the numbers of marine mammals exposed to sound and the intensity of the exposures.

Cook Inlet Beluga Whales

For CIBWs, we further discuss our preliminary negligible impact findings in addition to the findings discussed above for all species in the context of potential impacts to the endangered stock based on our evaluation of the take proposed (table 17).

All of 8 Star Alaska's activities would be conducted in a manner implementing best management practices to preserve water quality, and no work would occur around creek mouths or river systems leading to prey abundance reductions. In addition, no physical structures would restrict passage, though impacts to the acoustic habitat are relevant and discussed here. While the specified activities would occur within CIBW Critical Habitat Area 2, and the CIBW small and resident BIA (see the Description of Marine Mammals in the Area of Specified Activities section), monitoring data from similar regional activities suggest that the presence of tugs under load do not discourage CIBWs from transiting throughout Cook Inlet and between critical habitat areas and that the whales do not abandon critical habitat areas (*e.g.,* Horsley and Larson, 2023, 2024). In addition, large numbers of CIBWs have continued to use Cook Inlet and pass through the area, likely traveling to critical foraging grounds in upper Cook Inlet, while noise-producing anthropogenic activities, including vessel use, have taken place during the past 2 decades (*e.g.,* Shelden *et al.,* 2013, 2015b, 2017, 2022; Shelden and Wade, 2019; Goetz *et al.,* 2023). These findings are not surprising as food is a strong motivation for marine mammals. As described in Forney *et al.* (2017), animals typically favor particular areas because of their importance for survival (*e.g.,* feeding or breeding), and leaving may have significant costs to fitness (reduced foraging success, increased predation risk, increased exposure to other anthropogenic threats). Consequently,

animals may be highly motivated to maintain foraging behavior in historical foraging areas despite negative impacts (*e.g.,* Rolland *et al.,* 2012).

Generation of sound may result in avoidance behaviors that would be limited in time and space relative to the larger availability of important habitat areas in Cook Inlet; however, the area ensonified by sound from the specified activity is anticipated to be small compared to the overall available critical habitat for CIBWs to feed and travel. Therefore, the specified activity would not create a barrier to movement through or within important areas. We anticipate that disturbance to CIBWs would manifest in the same manner as other marine mammals described above (*i.e.,* increased swimming speeds, changes in the direction of travel and dive behaviors, increased respiration rates, decreased foraging (if such activity were occurring), or alterations to communication signals). We do not believe exposure to elevated noise levels during transit past 8 Star Alaska's activities would have adverse effects on individuals' fitness for reproduction or survival.

Although data demonstrate that CIBWs are not abandoning the planned project area during anthropogenic activities, results of an expert elicitation (EE) at a 2016 workshop, which predicted the impacts of noise on CIBW survival and reproduction given a specific amount of lost foraging opportunities, helped to inform our assessment of impacts on this stock. The 2016 EE workshop used conceptual models of an interim population consequences of disturbance (PCoD) for marine mammals (National Research Council (NRC), 2005, New *et al.,* 2014, Tollit *et al.,* 2016) to help in understanding how noise-related stressors might affect vital rates (survival, birth rate and growth) for CIBW (King *et al.,* 2015). NMFS (2016) suggests that the main direct effects of noise on CIBWs are likely to be through masking of vocalizations used for communication and prey location and habitat degradation. The 2016 workshop on CIBWs was specifically designed to provide regulators with a tool to help understand whether chronic and acute anthropogenic noise from various sources and projects are likely to be limiting recovery of the CIBW population. The full report can be found at *https://www.smruconsulting.com/publications/* with a summary of the expert elicitation portion of the workshop below.

For each of the noise effect mechanisms chosen for the EE, the experts provided a set of parameters and values that determined the forms of a relationship between the number of days of disturbance a female CIBW experiences in a particular period and the effect of that disturbance on her energy reserves. Examples included the number of days of disturbance during the period April, May, and June that would be predicted to reduce the energy reserves of a pregnant CIBW to such a level that she is certain to terminate the pregnancy or abandon the calf soon after birth, the number of days of disturbance in the period April-September required to reduce the energy reserves of a lactating CIBW to a level where she is certain to abandon her calf, and the number of days of disturbance where a female fails to gain sufficient energy by the end of summer to maintain herself and her calf during the subsequent winter. Overall, median values ranged from 16 to 69 days of disturbance depending on the question. However, for this elicitation, a ''day of disturbance'' was defined as any day on which an animal loses the ability to forage for at least one tidal cycle (*i.e.,* it forgoes 50–100 percent of its energy intake on that day). The day of disturbance considered in the context of the report is notably more severe than any Level B harassment expected to result from these activities, which as described is expected to be comprised predominantly of temporary modifications in the behavior of individual CIBWs (*e.g.,* faster swim speeds, longer dives, decreased sighting durations, alterations in communication). Also, NMFS is proposing to authorize a maximum of 30 instances of take in one year (with 11 instances of take proposed for each of the other four years of the rule), with the instances representing disturbance events within a day—this means that either 30 different individual CIBWs are disturbed on no more than 1 day each, or some lesser number of individuals may be disturbed on more than 1 day, but with the product of individuals and days not exceeding 30. Given the overall take proposed for authorization, it is unlikely that any one CIBW would be disturbed on more than a couple of days.

Further, 8 Star Alaska would implement mitigation measures specific to CIBWs. 8 Star Alaska would not begin anchor handling activities should a CIBW be observed within the Level B harassment zone. In addition, 8 Star Alaska would implement shutdown zones for pile driving for beluga whales that extend to the Level B harassment isopleth, or in cases where the Level B harassment zones are too large to fully observe, to the extent that PSOs can observe, minimizing Level B harassment of beluga whales. While Level B harassment is proposed for authorization, these measures, along with other mitigation measures described herein, would limit the severity of the effects of that Level B harassment to behavioral changes such as increased swim speeds, changes in diving and surfacing behaviors, and alterations to communication signals, not the loss of foraging capabilities. NMFS is also proposing time/area restrictions, such that noise would be restricted in the Susitna delta during critical foraging times and high CIBW density. Finally, take by mortality, serious injury, or Level A harassment of CIBWs is not anticipated or proposed for authorization.

In summary, and as described above, the additional following factors primarily support our preliminary determination that the impacts resulting from 8 Star Alaska's proposed activities are not expected to adversely affect the CIBWs through effects on annual rates or recruitment or survival:

- The area of exposure would be limited to habitat primarily used for transiting and not areas known to be of particular importance for feeding or reproduction;
- The activities are not expected to result in CIBWs abandoning critical habitat nor are they expected to restrict passage of CIBWs within or between critical habitat areas; and
- Any disturbance to CIBWs is expected to be limited to temporary modifications in behavior and would not be of a duration or intensity expected to result in impacts on reproduction or survival.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity would 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 section 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 maximum number of individual taken in any year 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 maximum annual 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 (see 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

For all stocks whose abundance estimate is known the amount of taking is less than one-third of the best available population abundance estimate (see table 18). The number of animals proposed for authorization to be taken from these stocks, therefore, would be considered small relative to the relevant stock abundance even if each estimated take occurred to a new individual.

There is no stock-wide abundance estimate for Northeast Pacific fin whales. However, Muto *et al.* (2021) estimate the minimum stock size for the areas surveyed is 2,554. NMFS is proposing to authorize an annual maximum of two takes of this stock. Comparison to the minimum population estimate shows, at most, less than 1 percent of the stock would be expected to be impacted.

Abundance estimates for the Mexico-North Pacific stock of humpback whales are based upon data collected more than 8 years ago and, therefore, current estimates are considered unknown (Young *et al.,* 2024). The most recent minimum population estimates (N_{MIN}) for this population include an estimate of 2,241 individuals between 2003 and 2006 (Martínez-Aguilar, 2011) and 766 individuals between 2004 and 2006 (Wade, 2021). NMFS' Guidelines for Assessing Marine Mammal Stocks suggest that the N_{MIN} estimate of the stock should be adjusted to account for potential abundance changes that may have occurred since the last survey and provide reasonable assurance that the stock size is at least as large as the estimate (NMFS, 2023). The abundance trend for this stock is unclear; therefore, there is no basis for adjusting these estimates (Young *et al.,* 2024). NMFS is proposing to authorize an annual maximum of 6 takes of the Mexico-North Pacific stock of humpback whale. This represents small numbers of this stock (less than 1 percent of the stock assuming a N_{MIN} of 766 individuals).

A lack of an accepted stock abundance value for the Alaska stock of minke whale did not allow for the calculation of an expected percentage of the population that may be affected. The most relevant estimate of partial stock abundance is 1,233 minke whales in coastal waters of the Alaska Peninsula and Aleutian Islands (Zerbini *et al.,* 2006). NMFS is proposing to authorize an annual maximum of three takes of this stock. Comparison to the best estimate of stock abundance shows that, at most, less than one percent of the stock would expected to be impacted.

The Alaska stock of Dall's porpoise has no official NMFS abundance estimate for this area, as the most recent estimate is greater than 8 years old. As described in the 2021 Alaska SAR (Muto *et al.,* 2022) the minimum population estimate is assumed to correspond to the point estimate of the 2015 vessel-based abundance computed by Rone *et al.* (2017) in the Gulf of Alaska (N = 13,110; CV = 0.22). NMFS is proposing to authorize an annual maximum of 6 takes of the stock. Comparison to the minimum population estimate shows that, at most, 0.05 percent of the stock would be expected to be impacted.

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

Unmitigable Adverse Impact Analysis and Determination

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

The proposed Marine Terminal construction activities on the east side of Cook Inlet would occur closest to the subsistence area used by residents of Nikiski, while the offshore pipeline and Mainline MOF would occur closest to the subsistence use area used by residents of Tyonek. Subsistence hunting in Cook Inlet consists mostly of opportunistic hunting of seals. Subsistence hunting of whales is not known to currently occur in Cook Inlet.

Residents of Nikiski, a small community located on the northwestern end of the Kenai Peninsula on the eastern side of Cook Inlet and just north of the proposed Marine Terminal, conduct minimal subsistence harvesting of marine mammals. In a 2014 survey conducted by Alaska Department of Fish & Game (ADF&G) (the most recent subsistence survey conducted here) 0.4 percent of the population reported hunting marine mammals and less than 3 percent reported using harvested marine mammals (Jones and Kostick, 2016). Marine mammal species used included bowhead whales (1 percent of households), harbor seals (2 percent of households), and unknown seal species (1 percent of households) (Jones and Kostick, 2016). The bowhead whales were likely received from hunters that harvested elsewhere, as bowhead whales are a circumpolar species that do not occupy Cook Inlet.

The construction of the Mainline MOF is proposed to occur approximately 5 miles (8 km) north of Tyonek. According to a 2013 survey (the last known survey of Tyonek subsistence harvesting), 6.1 percent of households reported harvesting marine mammals, all harbor seals, between June and September (Jones *et al.,* 2015). The search areas encompassed an area stretching approximately 20 miles along the Cook Inlet coast, from the McArthur Flats north to the Beluga River (Jones *et al.,* 2015). Seals were searched for or harvested in the Trading Bay area as well as from the beach adjacent to Tyonek.

8 Star Alaska's pile driving and anchor handling may overlap with subsistence hunting of seals. Subsistence hunting occurs mostly nearshore and near river mouths. The majority of anchor handling activities are expected to occur offshore and are therefore expected to have little overlap with subsistence hunting. Any harassment to harbor seals due to pile driving is anticipated to be short-term, mild, and not result in any abandonment or behaviors that would make the animals unavailable for harvest.

To further minimize any potential effects of their action on subsistence activities, 8 Star Alaska has prepared a stakeholder engagement plan outlining previous meetings with stakeholders, including subsistence users, throughout the planning process and plans to continue to meet with them throughout the construction process. 8 Star Alaska would coordinate with local Tribes as

described in its stakeholder engagement plan, notify the communities of any changes in operation, and work with communities to avoid or mitigate impacts to subsistence harvest through pre-construction planning, communication, or other actions. In addition, in-water mitigation measures to minimize effects on behavior of marine mammals are also expected to minimize effects on opportunities for harvest by subsistence communities.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there would not be an unmitigable adverse impact on subsistence uses from 8 Star Alaska's proposed activities.

Adaptive Management

These proposed regulations contain an adaptive management component. Our understanding of the effects of pile driving and AHTs engaged in anchor handling (*e.g.,* acoustic stressors) on marine mammals continues to evolve, which makes the inclusion of an adaptive management component both valuable and necessary within the context of 5-year regulations.

The monitoring and reporting requirements in this proposed rule would provide NMFS with information that helps us to better understand the impacts of the project's activities on marine mammals and informs our consideration of whether any changes to mitigation and monitoring are appropriate. The use of adaptive management would allow NMFS to consider new information and modify mitigation, monitoring, or reporting requirements, as appropriate, with input from 8 Star Alaska regarding practicability, if such modifications will have a reasonable likelihood of more effectively accomplishing the goals of the measures.

The following are some of the possible sources of applicable data that would be considered through the adaptive management process: (1) results from monitoring reports, including the monthly and annual reports required; (2) results from research on marine mammals, noise impacts, or other related topics; and (3) any information which reveals that marine mammals may have been taken in a manner, extent, or number not authorized by these regulations or LOAs issued pursuant to these regulations. Adaptive management decisions could be made at any time as new information warrants. NMFS could consult with 8 Star Alaska regarding the practicability of the modifications.

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 promulgation of regulations, 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 fin whale, humpback whale (Northeast Pacific and Mexico-North Pacific), beluga whale (Cook Inlet), and Steller sea lion (Western), which are listed under the ESA.

NMFS issued a Biological Opinion on June 3, 2020, concluding that the issuance of an LOA for the same project activities in Cook Inlet was not likely to jeopardize the continued existence of the threatened and endangered species under NMFS' jurisdiction and is not likely to destroy or adversely modify Cook Inlet beluga whale critical habitat.

NMFS' Office of Protected Resources is currently consulting with NMFS' Alaska Regional Office pursuant to section 7 of the ESA for the promulgation of these regulations and issuance of an LOA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Classification

Executive Order 12866

The Office of Management and Budget has determined that this proposed rule is not significant for purposes of Executive Order 12866.

Executive Order 14192

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

Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. NOAA has determined that the economic impact of this proposed action is expected to be positive. Therefore, this action, if approved, would not have a significant adverse impact on a substantial number of small businesses. Because of this certification, a regulatory flexibility analysis is not required and none has been prepared.

Paperwork Reduction Act (PRA)

This proposed rule contains collection-of-information requirements subject to the provisions of the PRA. These requirements have been approved by OMB under control number 0648–0151 and include the applications for regulations, subsequent LOAs, and reports. Submit comments regarding any aspect of this data collection, including suggestion for reducing the burden, to NMFS (see **ADDRESSES** section) and through the Regulatory Dashboard at: *https://www.reginfo.gov.* Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

Proposed Promulgation

As a result of these preliminary determinations, NMFS proposes to promulgate regulations that would allow for the authorization of take, by Level A harassment and Level B harassment, incidental to 8 Star Alaska's pile driving and AHT activities in Cook Inlet, Alaska for a 5-year period from January 1, 2026, through December 31, 2030, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Request for Additional Information and Public Comments

NMFS requests interested persons to submit comments, information, and suggestions concerning 8 Star Alaska's request and the proposed regulations (see **ADDRESSES**). All comments will be reviewed and evaluated as we prepare a final rule and make final determinations on whether to issue the requested authorization. This proposed rule and referenced documents provide all environmental information relating to our proposed action for public review.

List of Subjects in 50 CFR Part 217

Administrative practice and procedure, Acoustics, Endangered and threatened species, Fish, Fisheries, Marine mammals, Penalties, Reporting

and recordkeeping requirements, Wildlife.

Dated: July 22, 2025.

Samuel D. Rauch III,

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

For reasons set forth in the preamble, NMFS proposes to revise 50 CFR part 217 as follows:

PART 217—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C 1361 *et seq.*

■ 2. Revise subpart E, consisting of §§ 217.40 through 217.49, to read as follows

Subpart E—Taking Marine Mammals Incidental to 8 Star Alaska LNG Facilities Construction in Cook Inlet, Alaska

Sec.

217.40 Specified activity and specified geographical region.
217.41 Effective dates.
217.42 Permissible methods of taking.
217.43 Prohibitions.
217.44 Mitigation requirements.
217.45 Requirements for monitoring and reporting.
217.46 Letters of Authorization.
217.47 Modifications of Letters of Authorization.
217.48–217.49 [Reserved]

Subpart E—Taking Marine Mammals Incidental to 8 Star Alaska Liquefied Natural Gas Facilities Construction in Cook Inlet, Alaska

§ 217.40 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to 8 Star Alaska or successor entities and those persons it authorizes or funds to conduct activities on its behalf for the taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occurs incidental to the activities described in paragraph (c) of this section. Requirements imposed on 8 Star Alaska must be implemented by those persons it authorizes or funds to conduct activities on its behalf.

(b) The taking of marine mammals by 8 Star Alaska may be authorized in a Letter of Authorization (LOA) only if it occurs within 8 Star Alaska's Alaska liquefied natural gas (LNG) facilities' construction areas, which are located between the Beluga Landing shoreline crossing on the north and the Kenai River south of Nikiski on the south in Cook Inlet, Alaska.

(c) The taking of marine mammals during this project is only authorized if it occurs incidental to activities associated with 8 Star Alaska's construction of LNG facilities.

§ 217.41 Effective dates.

Regulations in this subpart are effective January 1, 2026, through December 31, 2030.

§ 217.42 Permissible methods of taking.

(a) Under LOAs issued pursuant to § 216.106 of this chapter and this subpart, the holder of the LOAs and those persons it authorizes or funds to conduct activities on its behalf (hereinafter ''8 Star Alaska'') may incidentally, but not intentionally, take marine mammals within the area described in § 217.40(b) by Level A harassment and Level B harassment associated with construction of LNG facilities, provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the appropriate LOA.

§ 217.43 Prohibitions.

Except for the taking permitted in § 217.42 and authorized by the LOA issued under § 216.106 of this chapter and this subpart, it is unlawful for any person to do any of the following in connection with the specified activities:

(a) Violate or fail to comply with the terms, conditions, and requirements of this subpart or the LOA issued under this subpart;

(b) Take any marine mammal not specified in § 217.42;

(c) Take any marine mammal specified in the LOA in any manner other than as specified in the LOA;

(d) Take any marine mammal specified in § 217.42 after NMFS determines such taking results in more than a negligible impact on the species or stock of such marine mammal; or

(e) Take any marine mammal specified in § 217.42 after NMFS determines such taking results in an unmitigable adverse impact on the species or stock of such marine mammal for taking for subsistence uses.

§ 217.44 Mitigation requirements.

When conducting the activities identified in § 217.40(c), the mitigation measures contained in this section and any LOAs issued under § 216.106 of this chapter and this subpart must be implemented. These mitigation measures include:

(a) A copy of any issued LOA must be in the possession of 8 Star Alaska, its designees, and work crew personnel operating under the authority of the issued LOA.

(b) 8 Star Alaska must employ protected species observers (PSOs) and establish monitoring locations pursuant to § 217.45.

(c) 8 Star Alaska must implement shutdown zones for pile driving and clearance zones for anchor handling with radial distances as identified in any LOA issued under §§ 216.106 of this chapter and 217.46.

(1) Monitoring of shutdown or clearance zones must take place from 30 minutes prior to commencing impact and vibratory pile driving or use of tugs for anchor-handling (AHTs), or if there is a 30-minute lapse in such activities, and must continue for 30 minutes following conclusion of the activity.

(i) Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the PSO(s) to determine that the clearance zones are clear of marine mammals, except in cases where tugging operations occur during nighttime hours. In these circumstances, 8 Star Alaska must ensure the clearance zones are clear of marine mammals to the maximum extent possible.

(ii) The specified activities identified in § 217.40(c) may only commence following 30 minutes of observation when PSOs determine that the shutdown or clearance zones are clear of marine mammals.

(iii) If the activity is delayed or halted due to the presence of a marine mammal, the activity must not commence until either the animal(s) has voluntarily exited and been visually confirmed beyond the shutdown zone for 30 minutes (large whales and beluga whales) or 15 minutes (pinnipeds and other cetaceans).

(2) Pile driving must be halted upon observation of a marine mammal entering or within the shutdown zone. If pile driving is halted or delayed due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily left and has been visually confirmed beyond the shutdown zone or 15 minutes (pinnipeds) or 30 minutes (cetaceans) have passed without re-detection of the animal.

(i) If work ceases for more than 30 minutes, the shutdown zones must be cleared again for 30 minutes prior to reinitiating pile driving. A determination that the pile driving shutdown zone is clear must be made during a period of good visibility.

(ii) If a shutdown procedure should be initiated but human safety is at risk as determined by the best professional judgment of the vessel operator or project engineer, the in-water activity, including pile driving, is allowed to

continue until the risk to human safety has dissipated. In this scenario, pile driving may continue only until the current segment of the pile is driven; no additional sections of pile or additional piles may be driven until the Lead PSO has determined that the shutdown zones are clear of marine mammals and for Cook Inlet beluga whales (CIBW), any observed whale(s) is at least 100 meters (m) past the shutdown zone and on a path away from the zone.

(3) If a PSO(s) can no longer effectively monitor the entirety of the corresponding shutdown zone during impact pile driving, or at least 2 km during vibratory pile driving, due to environmental conditions (*e.g.,* fog, rain, wind), pile driving may continue only until the current segment of the pile is driven; no additional sections of pile or additional piles may be driven until conditions improve such that the zone can be effectively monitored. If the shutdown zone cannot be monitored for more than 15 minutes, the entire zone must be cleared again for 30 minutes prior to reinitiating pile driving.

(4) If a species for which authorization has not been granted or a species for which authorization has been granted but the authorized takes have been reached is observed approaching, entering, or within the corresponding zone, in-water work must be delayed (if during pre-clearance) or shut down (except for AHTs engaged in anchor handling). Activities must not resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown or clearance zone for 30 minutes (large whales and beluga whales) or 15 minutes (pinnipeds and other cetaceans) without re-detection of the animal.

(d) 8 Star Alaska must use soft start techniques when impact pile driving. Soft start requires contractors to conduct three sets of strikes (three strikes per set) at reduced hammer energy with a one-minute waiting period between each set. 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.

(e) 8 Star Alaska must coordinate with local subsistence communities as described in their Stakeholder Engagement Plan, notify the communities of any changes in operation, and work with communities to avoid or mitigate impacts to subsistence harvest through pre-construction planning, communication, or other actions.

(f) Between April 15 and October 15, 8 Star Alaska must not conduct pile driving or AHT activities with Level B harassment isopleths that would extend shoreward of the MLLW line in the Susitna Delta (Beluga River to the Little Susitna River) and project vessel(s) operating in or transiting through Cook Inlet must maintain a distance of at least 1.5 miles nautical miles seaward of the MLLW line in the Susitna Delta (Beluga River to the Little Susitna River).

(g) Operators of vessels must avoid approaching within 100 yards (92 m) of marine mammals.

(h) If a whale's course and speed are such that it would likely cross in front of a vessel that is underway or approach within 100 yards (92 m) of the vessel, if maritime conditions safely allow, and if practicable, the engine must be put in neutral and the whale must be allowed to pass beyond the vessel.

(i) Vessel operators must avoid placing the vessel in the path of a whale and must not cut in front of the whale in a way or at a distance the causes the whale to change direction of travel or behavior (including breathing/surface pattern).

(j) When within 300 yards (274 m) of a whale, vessels must travel at less than 5 knots (9 km/hour), and vessel operators must avoid changes in direction and speed unless doing so is necessary for maritime safety.

(k) Vessel operators must reduce speed to 10 knots (18.5 km/hour) or less when weather conditions reduce visibility to 1.6 km (1 mile) or less.

(l) For vessels operating in the Susitna Delta Exclusion Zone, the following must be implemented:

(1) All project vessels operating within the designated Susitna Delta Exclusion Area must maintain a speed over ground below 4 knots (7.4 km/hour). PSOs must note the numbers, date, time, coordinates, and proximity to vessels of all belugas observed during operations and report these observations to NMFS in monthly PSO reports.

(2) Vessel crew must be trained to monitor for Endangered Species Act (ESA)-listed species prior to and during all vessel movements within the Susitna Delta Exclusion Zone. The vessel crew must report sightings to the PSO team for inclusion in the overall sighting database and reports.

(3) Vessel operators must not move their vessels when they are unable to adequately observe the 100-m zone around vessels under power (in gear) due to darkness, fog, or other conditions, unless necessary for ensuring human safety.

(4) The Susitna Delta Exclusion Zones is defined as the union of the areas defined by:

(i) A 16-km (10-mile) buffer of the Beluga River thalweg seaward of the mean lower low water (MLLW) line;

(ii) A 16-km (10-mile) buffer of the Little Susitna River thalweg seaward of the MLLW line; and

(iii) A 16-km (10-mile) seaward buffer of the MLLW line between the Beluga River and Little Susitna River.

(iv) The buffer extends landward along the thalweg to include intertidal waters within rivers and streams up to their mean higher high water line (MHHW).

(m) 8 Star Alaska must conduct sound source verification (SSV) measurements prior to the start of all pile driving activities at each location. During SSV, a sound attenuation device must be tested for effectiveness. If the results show that a sound source reduction of at least 2 dB is achieved, 8 Star Alaska must employ the use of the sound attenuation device.

(n) 8 Star Alaska must abide by the reasonable and prudent measures and terms and conditions of the Biological Opinion and Incidental Take Statement issued by NMFS pursuant to section 7 of the Endangered Species Act.

§ 217.45 Requirements for monitoring and reporting.

(a) *Visual Monitoring.* Monitoring must be conducted by qualified, NMFS-approved PSOs, in accordance with the following conditions:

(1) PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;

(2) At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;

(3) Other PSOs may substitute other relevant experience, education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization. PSOs may also substitute Alaska native traditional knowledge for experience;

(4) Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;

(5) PSOs must be approved by NMFS prior to beginning any activity subject to a NMFS-issued incidental take authorization; and

(6) 8 Star Alaska must adhere to the following marine mammal monitoring protocols:

(i) For all pile driving activities, a minimum of two PSOs must be on duty at all times.

(ii) For anchor handling, two PSOs must be on the barge, and one PSO must be on duty at all times.

(iii) PSOs must monitor for marine mammals from the best available vantage point to allow for an unobstructed view of the water.

(iv) When conducting observations from the barge during anchor handling, PSOs must have an unobstructed 360-degree view of the water.

(v) PSO(s) must use a combination of equipment to scan the appropriate monitoring area and to verify the required monitoring distance from the project site, including the naked eye, standard (7×) binoculars, and high-magnification (25×) binoculars.

(vi) Monitoring distances must be measured with range finders, and distances to animals must be based on the best estimate of the PSO, relative to known distances to objects in the vicinity of the PSO.

(vii) PSOs must not exceed 4 consecutive watch hours; must have a minimum two-hour break between watches; and may not exceed a combined watch schedule of more than 12 hours in a 24-hour period.

(viii) PSOs must have no other construction-related tasks while conducting monitoring.

(ix) Monitoring must take place from 30 minutes prior to initiation of pile driving or anchor handling activity, through 30 minutes post completion of pile driving activity or anchor handling activity.

(b) *Acoustic Monitoring.* Acoustic monitoring must be conducted in accordance with the following conditions:

(1) 8 Star Alaska must conduct SSV at the beginning of pile driving to characterize the sound source levels associated with different pile and hammer types and assess attenuation devices. The SSV must be conducted in accordance with the following conditions:

(i) NMFS must approve the SSV plan.

(ii) 8 Star Alaska must measure a minimum of two piles of each type and size.

(iii) The following data, at minimum, shall be collected during acoustic monitoring and reported:

(A) Hydrophone equipment and methods: recording device, sampling rate, distance (m) from the pile where recordings were made; depth of water and recording device(s);

(B) Type and size of pile being driven, substrate type, method of driving during recordings (*e.g.,* hammer model and energy), and total pile driving duration;

(C) Whether a sound attenuation device is used and, if so, a detailed description of the device used and the duration of its use per pile;

(D) For impact pile driving (per pile): Number of strikes and strike rate; depth of substrate to penetrate; pulse duration and mean, median, and maximum sound levels (dB re: 1 µPa): root mean square sound pressure level (SPL_{rms}); cumulative sound exposure level (SEL_{cum}), peak sound pressure level (SPL_{peak}), and single-strike sound exposure level (SEL_{s-s});

(E) For vibratory driving/removal (per pile): Duration of driving per pile; mean, median, and maximum sound levels (dB re: 1 µPa): root mean square sound pressure level (SPL_{rms}), cumulative sound exposure level (SEL_{cum}) (and timeframe over which the sound is averaged);

(iv) An SSV report must be submitted to NMFS for approval within five days after the finalization of field measurements and report data.

(v) If appropriate, the results of the SSV report may be used to adjust the extent of the Level A and Level B harassment zones for in-water pile driving. NMFS must approve any such adjustments.

(c) *Reporting.* 8 Star Alaska must adhere to the following reporting requirements:

(1) 8 Star Alaska must submit interim monthly reports for all months in which pile driving or anchor handling occurs. Monthly reports are due 14 days after the conclusion of each calendar month. The monthly reports must include the following:

(i) Summary of marine mammal species and behavioral observation, delays, and activities completed.

(ii) Assessment of the amount of work (pile driving and anchor handling) remaining to be completed.

(iii) Number of Cook Inlet beluga whales observed within estimated harassment zones to date.

(2) 8 Star Alaska must submit a draft annual report to NMFS within 90 calendar days of the completion of construction (pile driving and anchor handling) each year. Each report must include an overall description of all work completed, a narrative regarding marine mammal sightings, and associated marine mammal observation data sheets (data must be submitted electronically in a format that can be queried such as a spreadsheet or database). Specifically, the report must include the following information:

(i) Date and time that monitored activity begins and ends;

(ii) Activities occurring during each observation period, including:

(A) The type of activity,

(B) The total duration of each type of activity,

(C) When nighttime operations were required,

(D) The number and type of piles that were driven and the method (*e.g.,* impact, vibratory), and

(E) Total duration of driving time for each pile (vibratory driving) and total number of strikes for each pile (impact driving);

(iii) PSO locations during marine mammal monitoring;

(iv) Environmental conditions during monitoring periods (at the beginning and end of the PSO shift and whenever conditions change significantly), including Beaufort sea state, tidal state, and any other relevant weather conditions, including cloud cover, fog, sun glare, overall visibility to the horizon, and estimated observable distance;

(v) Upon observation of a marine mammal:

(A) Name of PSO who sighted the animal(s);

(B) PSO location and activity at time of sighting;

(C) Time of sighting;

(D) Identification of the animal(s) (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified);

(E) PSO confidence in identification and the composition of the group if there is a mix of species;

(F) Distance and location of each observed marine mammal relative to the tugs or pile being driven for each sighting;

(G) Estimated number of animals (min/max/best estimate);

(H) Estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*);

(I) Animal's closest point of approach and estimated time spent within the harassment zone;

(J) 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);

(vi) Number of marine mammals detected within the harassment zones, by species; and

(vii) 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.

(3) If no comments are received from NMFS within 30 days of receipt of the draft annual report, the report shall be considered final. If comments are received, 8 Star Alaska must submit a final report addressing NMFS' comments within 30 days following receipt of any NMFS comments on the draft reports.

(4) In the event that personnel involved in 8 Star Alaska's activities discover an injured or dead marine mammal, 8 Star Alaska must report the incident to NMFS Office of Protected Resources (OPR) and to the Alaska Regional Stranding Coordinator no later than 24 hours after the initial observation. If the death or injury was caused by the specified activity, 8 Star Alaska must immediately cease the specified activities until NMFS OPR is able to review the circumstances of the incident. 8 Star Alaska must not resume their activities until notified by NMFS. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

(ii) Species identification (if known) or description of the animal(s) involved;

(iii) Condition of the animal(s) (including carcass condition if the animal is dead);

(iv) Observed behaviors of the animal(s), if alive;

(v) If available, photographs or video footage of the animal(s); and

(vi) General circumstances under which the animal was discovered.

§ 217.46 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, 8 Star Alaska must apply for and obtain an LOA;

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed December 31, 2030, the expiration date of this subpart;

(c) In the event of projected changes to the activity or to mitigation and monitoring measures required by the LOA, 8 Star Alaska must apply for and obtain a modification of the LOA as described in § 217.47;

(d) The LOA must set forth:

(1) Permissible methods of incidental taking;

(2) Means of effecting the least practicable adverse impact (*i.e.,* mitigation) on the species, its habitat, and on the availability of the species for subsistence uses; and

(3) Requirements for monitoring and reporting.

(e) Issuance of the LOA must be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under the regulations of this subpart; and

(f) Notice of issuance or denial of the LOA must be published in the **Federal Register** within 30 days of a determination.

§ 217.47 Modifications of Letters of Authorization.

(a) An LOA issued under §§ 216.106 of this chapter and 217.46 for the specified activities may be modified upon request by 8 Star Alaska, provided that:

(1) The specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for this subpart (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section); and

(2) NMFS' Office of Protected Resources determines that the mitigation, monitoring, and reporting measures required by the previous LOA under this subpart were implemented.

(b) For an LOA modification request by 8 Star Alaska that includes changes to the specified activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section), the LOA shall be modified, provided that:

(1) NMFS' Office of Protected Resources determines that the changes to the activity or the mitigation, monitoring, or reporting do not change the findings made for the regulations in this subpart and do not result in more than a minor change in the total estimated number of takes (or distribution by species or years); and

(2) NMFS' Office of Protected Resources may, if appropriate, publish a notice of proposed LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under §§ 216.106 and 217.46 of this chapter for the specified activity may be modified by NMFS Office of Protected Resources under the following circumstances:

(1) Through adaptive management, NMFS' Office of Protected Resources may modify (including delete, modify, or add to) the existing mitigation, monitoring, or reporting measures (after consulting with 8 Star Alaska regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring;

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA include, but are not limited to:

(A) Results from the 8 Star Alaska's monitoring;

(B) Results from other marine mammal and/or sound research or studies; and

(C) Any information that reveals marine mammals may have been taken in a manner, extent or number not authorized by this subpart or subsequent LOA.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS' Office of Protected Resources shall publish a notice of proposed LOA in the **Federal Register** and solicit public comment.

(2) If NMFS' Office of Protected Resources determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in the LOA issued pursuant to §§ 216.106 of this chapter and 217.46, the LOA may be modified without prior notice or opportunity for public comment. Notice would be published in the **Federal Register** within 30 days of the action.

§§ 217.48–217.49 [Reserved]

[FR Doc. 2025–14342 Filed 7–28–25; 8:45 am]

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FEDERAL REGISTER

Vol. 90 Tuesday,
No. 143 July 29, 2025

Part III

The President

Executive Order 14321—Ending Crime and Disorder on America's Streets
Executive Order 14322—Saving College Sports
Notice of July 25, 2025—Continuation of the National Emergency With Respect to Lebanon

Federal Register
Vol. 90, No. 143
Tuesday, July 29, 2025

Presidential Documents

Title 3—

The President

Executive Order 14321 of July 24, 2025

Ending Crime and Disorder on America's Streets

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose and Policy.* Endemic vagrancy, disorderly behavior, sudden confrontations, and violent attacks have made our cities unsafe. The number of individuals living on the streets in the United States on a single night during the last year of the previous administration—274,224—was the highest ever recorded. The overwhelming majority of these individuals are addicted to drugs, have a mental health condition, or both. Nearly two-thirds of homeless individuals report having regularly used hard drugs like methamphetamines, cocaine, or opioids in their lifetimes. An equally large share of homeless individuals reported suffering from mental health conditions. The Federal Government and the States have spent tens of billions of dollars on failed programs that address homelessness but not its root causes, leaving other citizens vulnerable to public safety threats.

Shifting homeless individuals into long-term institutional settings for humane treatment through the appropriate use of civil commitment will restore public order. Surrendering our cities and citizens to disorder and fear is neither compassionate to the homeless nor other citizens. My Administration will take a new approach focused on protecting public safety.

Sec. 2. *Restoring Civil Commitment.* (a) The Attorney General, in consultation with the Secretary of Health and Human Services, shall take appropriate action to:

(i) seek, in appropriate cases, the reversal of Federal or State judicial precedents and the termination of consent decrees that impede the United States' policy of encouraging civil commitment of individuals with mental illness who pose risks to themselves or the public or are living on the streets and cannot care for themselves in appropriate facilities for appropriate periods of time; and

(ii) provide assistance to State and local governments, through technical guidance, grants, or other legally available means, for the identification, adoption, and implementation of maximally flexible civil commitment, institutional treatment, and ''step-down'' treatment standards that allow for the appropriate commitment and treatment of individuals with mental illness who pose a danger to others or are living on the streets and cannot care for themselves.

Sec. 3. *Fighting Vagrancy on America's Streets.* (a) The Attorney General, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, and the Secretary of Transportation shall take immediate steps to assess their discretionary grant programs and determine whether priority for those grants may be given to grantees in States and municipalities that actively meet the below criteria, to the maximum extent permitted by law:

(i) enforce prohibitions on open illicit drug use;

(ii) enforce prohibitions on urban camping and loitering;

(iii) enforce prohibitions on urban squatting;

(iv) enforce, and where necessary, adopt, standards that address individuals who are a danger to themselves or others and suffer from serious mental illness or substance use disorder, or who are living on the streets and

cannot care for themselves, through assisted outpatient treatment or by moving them into treatment centers or other appropriate facilities via civil commitment or other available means, to the maximum extent permitted by law; or

(v) substantially implement and comply with, to the extent required, the registration and notification obligations of the Sex Offender Registry and Notification Act, particularly in the case of registered sex offenders with no fixed address, including by adequately mapping and checking the location of homeless sex offenders.

(b) The Attorney General shall:

(i) ensure that homeless individuals arrested for Federal crimes are evaluated, consistent with 18 U.S.C. 4248, to determine whether they are sexually dangerous persons and certified accordingly for civil commitment;

(ii) take all necessary steps to ensure the availability of funds under the Emergency Federal Law Enforcement Assistance program to support, as consistent with 34 U.S.C. 50101 *et seq.,* encampment removal efforts in areas for which public safety is at risk and State and local resources are inadequate;

(iii) assess Federal resources to determine whether they may be directed toward ensuring, to the extent permitted by law, that detainees with serious mental illness are not released into the public because of a lack of forensic bed capacity at appropriate local, State, and Federal jails or hospitals; and

(iv) enhance requirements that prisons and residential reentry centers that are under the authority of the Attorney General or receive funding from the Attorney General require in-custody housing release plans and, to the maximum extent practicable, require individuals to comply.

Sec. 4. *Redirecting Federal Resources Toward Effective Methods of Addressing Homelessness.* (a) The Secretary of Health and Human Services shall take appropriate action to:

(i) ensure that discretionary grants issued by the Substance Abuse and Mental Health Services Administration for substance use disorder prevention, treatment, and recovery fund evidence-based programs and do not fund programs that fail to achieve adequate outcomes, including so-called ''harm reduction'' or ''safe consumption'' efforts that only facilitate illegal drug use and its attendant harm;

(ii) provide technical assistance to assisted outpatient treatment programs for individuals with serious mental illness or addiction during and after the civil commitment process focused on shifting such individuals off of the streets and public programs and into private housing and support networks; and

(iii) ensure that Federal funds for Federally Qualified Health Centers and Certified Community Behavioral Health Clinics reduce rather than promote homelessness by supporting, to the maximum extent permitted by law, comprehensive services for individuals with serious mental illness and substance use disorder, including crisis intervention services.

(b) The Attorney General shall prioritize available funding to support the expansion of drug courts and mental health courts for individuals for which such diversion serves public safety.

Sec. 5. *Increasing Accountability and Safety in America's Homelessness Programs.* (a) The Secretary of Health and Human Services and the Secretary of Housing and Urban Development shall take appropriate actions to increase accountability in their provision of, and grants awarded for, homelessness assistance and transitional living programs. These actions shall include, to the extent permitted by law, ending support for ''housing first'' policies that deprioritize accountability and fail to promote treatment, recovery, and self-sufficiency; increasing competition among grantees through broadening the applicant pool; and holding grantees to higher standards of effectiveness in reducing homelessness and increasing public safety.

(b) The Secretary of Housing and Urban Development shall, as appropriate, take steps to require recipients of Federal housing and homelessness assistance to increase requirements that persons participating in the recipients' programs who suffer from substance use disorder or serious mental illness use substance abuse treatment or mental health services as a condition of participation.

(c) With respect to recipients of Federal housing and homelessness assistance that operate drug injection sites or ''safe consumption sites,'' knowingly distribute drug paraphernalia, or permit the use or distribution of illicit drugs on property under their control:

(i) the Attorney General shall review whether such recipients are in violation of Federal law, including 21 U.S.C. 856, and bring civil or criminal actions in appropriate cases; and

(ii) the Secretary of Housing and Urban Development, in coordination with the Attorney General, shall review whether such recipients are in violation of the terms of the programs pursuant to which they receive Federal housing and homelessness assistance and freeze their assistance as appropriate.

(d) The Secretary of Housing and Urban Development shall take appropriate measures and revise regulations as necessary to allow, where permissible under applicable law, federally funded programs to exclusively house women and children and to stop sex offenders who receive homelessness assistance through such programs from being housed with unrelated children.

(e) The Secretary of Housing and Urban Development, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as appropriate and to the extent permitted by law:

(i) allow or require the recipients of Federal funding for homelessness assistance to collect health-related information that the Secretary of Housing and Urban Development identifies as necessary to the effective and efficient operation of the funding program from all persons to whom such assistance is provided; and

(ii) require those funding recipients to share such data with law enforcement authorities in circumstances permitted by law and to use the collected health data to provide appropriate medical care to individuals with mental health diagnoses or to connect individuals to public health resources.

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

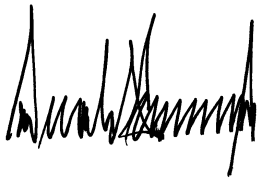
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Housing and Urban Development.



THE WHITE HOUSE,
July 24, 2025.

[FR Doc. 2025–14391
Filed 7–28–25; 11:15 am]
Billing code 4210–67–P

Presidential Documents

Executive Order 14322 of July 24, 2025

Saving College Sports

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose and Policy.* College sports are a uniquely American institution that provide life-changing educational and leadership-development opportunities to more than 500,000 student-athletes through almost $4 billion in scholarships each year. College athletics also provide substantial support to local economies and form an indelible part of family activities, pastimes, and culture in many communities.

While major college football games can draw tens of millions of television viewers and attendees, they feature only a very small sample of the many athletes who benefit from the transformational opportunities that college athletics provide. Sixty-five percent of the 2024 United States Olympic Team members were current or former National Collegiate Athletic Association (NCAA) varsity athletes, and approximately seventy-five percent were collegiate athletes. The 2024 United States Olympic Team earned 126 total medals, leading the overall medal count for the eighth consecutive Summer Olympic Games.

Beyond driving our unrivaled success in international competition, college athletes are more likely to report better outcomes in important respects during college and after graduation. A substantial majority of female executives at the largest American companies participated in sports during adolescence, many at the high school or collegiate level, and examples of business leaders and former Presidents who played college sports are legion. It is no exaggeration to say that America's system of collegiate athletics plays an integral role in forging the leaders that drive our Nation's success.

Yet the future of college sports is under unprecedented threat. Waves of recent litigation against collegiate athletics governing rules have eliminated limits on athlete compensation, pay-for-play recruiting inducements, and transfers between universities, unleashing a sea change that threatens the viability of college sports. While changes providing some increased benefits and flexibility to student-athletes were overdue and should be maintained, the inability to maintain reasonable rules and guardrails is a mortal threat to most college sports.

To illustrate, following a 2021 antitrust ruling from the United States Supreme Court striking down NCAA restrictions, the NCAA changed its rules to permit players to receive compensation for their name, image, and likeness (NIL) from third parties. But guardrails designed to ensure that these were legitimate, market-value NIL payments for endorsements or similar services, rather than simply pay-for-play inducements, were eliminated through litigation. Other limits on player transfers among schools were also taken down through litigation.

This has created an out-of-control, rudderless system in which competing university donors engage in bidding wars for the best players, who can change teams each season. Meanwhile, more than 30 States have passed their own NIL laws in a chaotic race to the bottom, sometimes to gain temporary competitive advantages for their major collegiate teams. As a result, players at some universities will receive more than $50 million per year, mostly for the revenue-generating sports like football. Entering the 2024 season, players on the eventual college football national champion

team were being paid around $20 million annually. By the 2025 season, football players at one university will reportedly be paid $35–40 million, with revenue-sharing included.

This not only reduces competition and parity by creating an oligarchy of teams that can simply buy the best players—including the best players from less-wealthy programs at the end of each season—but the imperative that university donors must devote ever-escalating resources to compete in the revenue-generating sports like football and basketball siphons away the resources necessary to support the panoply of non-revenue sports. Absent guardrails to stop the madness and ensure a reasonable, balanced use of resources across collegiate athletic programs that preserves their educational and developmental benefits, many college sports will soon cease to exist.

A national solution is urgently needed to prevent this situation from deteriorating beyond repair and to protect non-revenue sports, including many women's sports, that comprise the backbone of intercollegiate athletics, drive American superiority at the Olympics and other international competitions, and catalyze hundreds of thousands of student-athletes to fuel American success in myriad ways.

Attempting to create some guardrails and shelter from litigation, colleges have adopted a new regime, deciding to pay athletes directly and simultaneously limit the total number of athletes on their campuses. Given that the new roster limits, by exceeding the scholarship limits they replace, will increase the potential number of scholarships available in many sports, this opportunity must be utilized to strengthen and expand non-revenue sports. Simultaneously, the third-party market of pay-for-play inducements must be eliminated before its insatiable demand for resources dries up support for non-revenue sports. Otherwise, a crucial American asset will be lost.

It is the policy of my Administration that all college sports should be preserved and, where possible, expanded. My Administration will therefore provide the stability, fairness, and balance necessary to protect student-athletes, collegiate athletic scholarships and opportunities, and the special American institution of college sports. It is common sense that college sports are not, and should not be, professional sports, and my Administration will take action accordingly.

Sec. 2. *Protecting and Expanding Women's and Non-Revenue Sports and Prohibiting Third-Party Pay-for-Play Payments.* (a) It is the policy of the executive branch that opportunities for scholarships and collegiate athletic competition in women's and non-revenue sports must be preserved and, where possible, expanded, including specifically as follows with respect to the 2025–2026 athletic season and future athletic seasons:

(i) collegiate athletic departments with greater than $125,000,000 in revenue during the 2024–2025 athletic season should provide more scholarship opportunities in non-revenue sports than during the 2024–2025 athletic season and should provide the maximum number of roster spots for non-revenue sports permitted under the applicable collegiate athletic rules;

(ii) college athletic departments with greater than $50,000,000 in revenue during the 2024–2025 athletic season should provide at least as many scholarship opportunities in non-revenue sports as provided during the 2024–2025 athletic season and should provide the maximum number of roster spots for non-revenue sports permitted under the applicable collegiate athletic rules; and

(iii) college athletic departments with $50,000,000 or less in revenue during the 2024–2025 athletic season or that do not have any revenue-generating sports should not disproportionately reduce scholarship opportunities or roster spots for sports based on the revenue that the sport generates.

(b) It is the policy of the executive branch that any revenue-sharing permitted between universities and collegiate athletes should be designed and

implemented in a manner that preserves or expands scholarships and collegiate athletic opportunities in women's and non-revenue sports.

(c) To preserve the critical educational and developmental benefits of collegiate athletics for our Nation, it is the policy of the executive branch that third-party, pay-for-play payments to collegiate athletes are improper and should not be permitted by universities. This policy does not apply to compensation provided to an athlete for the fair market value that the athlete provides to a third party, such as for a brand endorsement.

(d) Within 30 days of the date of this order, the Secretary of Education, in consultation with the Attorney General, the Secretary of Health and Human Services, the Secretary of Education, and the Chairman of the Federal Trade Commission, shall develop a plan to advance the policies set forth in subsections (a)–(c) of this section through all available and appropriate regulatory, enforcement, and litigation mechanisms, including Federal funding decisions, enforcement of Title IX of the Education Amendments Act of 1972, prohibiting unconstitutional actions by States to regulate interstate commerce, and enforcement of other constitutional and statutory protections, and by working with the Congress and State governments, as appropriate.

Sec. 3. *Student-Athlete Status.* The Secretary of Labor and the National Labor Relations Board shall determine and implement the appropriate measures with respect to clarifying the status of collegiate athletes, including through guidance, rules, or other appropriate actions, that will maximize the educational benefits and opportunities provided by higher education institutions through athletics.

Sec. 4. *Legal Protections for College Athletics from Lawsuits.* (a) The Attorney General and the Chairman of the Federal Trade Commission shall work to stabilize and preserve college athletics through litigation, guidelines, policies, or other actions, as appropriate, by protecting the rights and interests of student-athletes and the long-term availability of collegiate athletic scholarships and opportunities when such elements are unreasonably challenged under antitrust or other legal theories.

(b) Within 60 days of the date of this order, to advance the purposes of subsection (a) of this section, the Attorney General and the Chairman of the Federal Trade Commission shall:

(i) review, and as necessary revise, litigation positions, guidelines, policies, or other actions; and

(ii) develop a plan to implement appropriate future litigation positions, guidelines, policies, or other actions.

Sec. 5. *Protecting Development of the United States Olympic Team.* The Assistant to the President for Domestic Policy and the Director of the White House Office of Public Liaison shall consult the United States Olympic and Paralympic Committee and other appropriate organizations of American athletes about safeguarding the integral role and competitive advantage that American collegiate athletics provide in developing athletes to represent our Nation in international athletic competitions.

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

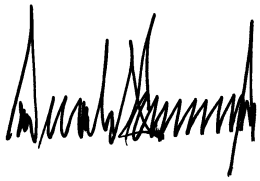
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Education.



THE WHITE HOUSE,
July 24, 2025.

[FR Doc. 2025–14392
Filed 7–28–25; 11:15 am]
Billing code 4000–01–P

Presidential Documents

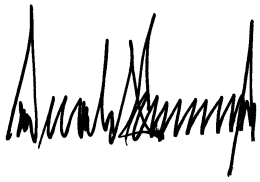
Notice of July 25, 2025

Continuation of the National Emergency With Respect to Lebanon

On August 1, 2007, by Executive Order 13441, the President declared a national emergency with respect to Lebanon pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions; to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation; to reassert Syrian control or contribute to Syrian interference in Lebanon; or to infringe upon or undermine Lebanese sovereignty. Such actions contribute to political and economic instability in that country and the region.

Certain ongoing activities, such as Iran's continuing arms transfers to Hizballah—which include increasingly sophisticated weapons systems—serve to undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13441 of August 1, 2007, must continue in effect beyond August 1, 2025. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Lebanon declared in Executive Order 13441.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
July 25, 2025.

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