



FEDERAL REGISTER

Vol. 90

Tuesday,

No. 158

August 19, 2025

Pages 40219–40528

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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Contents

Federal Register

Vol. 90, No. 158

Tuesday, August 19, 2025

Agricultural Marketing Service

NOTICES

2025/2026 Rates for Grain Inspection and Weighing
Services Under the United States Grain Standards Act,
40320–40323
Hearings, Meetings, Proceedings, etc.:
National Organic Standards Board, 40319–40320
Intent to Terminate Master Scale Program, 40318–40319

Agriculture Department

See Agricultural Marketing Service
See Farm Service Agency
See Food Safety and Inspection Service
See Forest Service

Centers for Disease Control and Prevention

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 40366

Children and Families Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Low Income Home Energy Assistance Program Carryover
and Reallotment Report, 40367

Coast Guard

RULES

Special Local Regulation:
Marine Events within the USCG East District (formerly
USCG District 5); Watermans Triathlon, 40236

NOTICES

Certificates of Alternative Compliance:
Coast Guard Heartland District, 40378–40380
Imposition of Conditions of Entry:
Vessels Arriving to the United States from the Democratic
People's Republic of Korea, 40377–40378

Commerce Department

See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Defense Department

See Engineers Corps

Education Department

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Disability Innovation Fund Evidence Building Support,
40342–40343
Prison Education Program Accreditation Requirements,
40343–40344

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Hearings, Meetings, Proceedings, etc.:
Environmental Management Site-Specific Advisory
Board, Northern New Mexico, 40345

Environmental Management Site-Specific Advisory
Board, Portsmouth, 40344–40345

Engineers Corps

NOTICES

Hearings, Meetings, Proceedings, etc.:
Western Water Cooperative Committee, 40341–40342

Environmental Protection Agency

RULES

Approval of Replacement Waste Panels 11 and 12 at the
Waste Isolation Pilot Plant, 40236–40241

PROPOSED RULES

Air Quality State Implementation Plans; Approvals and
Promulgations:
Tennessee; Second Planning Period Regional Haze Plan,
40272–40295

NOTICES

Certain New Chemicals:
Receipt and Status Information for June 2025, 40360–
40364
Receipt and Status Information for May 2025, 40355–
40359

Pesticide Product Registration:

Applications for New Active Ingredients (June 2025),
40354–40355
Applications for New Uses (June 2025), 40353–40354
Product Cancellation Order for Certain Pesticide
Registrations (July 2025), 40359–40360

Farm Service Agency

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Farm Loan Programs—Direct Loan Making, 40323–40324

Federal Aviation Administration

PROPOSED RULES

Airworthiness Directives:

Airbus Helicopters, 40262–40266
ATR—GIE Avions de Transport Regional Airplanes,
40266–40269

NOTICES

Intent to Designate as Abandoned:
John Benham Supplemental Type Certificate No.
SA3866SW, 40462–40463
Request for Membership Application:
National Parks Overflights Advisory Group, 40461–40462

Federal Communications Commission

RULES

Call Authentication Trust Anchor, 40241–40256

PROPOSED RULES

Modernizing the Commission's National Environmental
Policy Act Rules, 40295–40317

NOTICES

Radio Broadcasting Services;
Proposals to Change the Community of License, 40364–
40365

Federal Emergency Management Agency**NOTICES**

Disaster or Emergency Declaration and Related Determination, 40380–40395, 40470–40490

Federal Energy Regulatory Commission**NOTICES**

Application:

City of Albany, OR, Water Quality Certification, 40352
PacifiCorp, Water Quality Certification, 40351–40352

Authorization for Continued Project Operation:

Northern States Power Co., 40346–40347
Town of Wells, NY, 40353

Tuolumne Water District, 40352–40353

Combined Filings, 40350–40352

Environmental Assessments; Availability, etc.:

City of Nashua, 40348
Natural Gas Pipeline Company of America LLC; Gulf Coast Storage Expansion Project, 40347–40348

Licenses; Exemptions, Applications, Amendments, etc.:

Triton Power Co., 40345–40346

Permits; Applications, Issuances, etc.:

HGE Energy Storage 6, LLC, 40351

Request under Blanket Authorization:

Equitrans, L. P., 40348–40350

Federal Maritime Commission**NOTICES**

Agreements Filed, 40365

Federal Railroad Administration**NOTICES**

Request for Amendment:

Capital Metropolitan Transportation Authority, Positive Train Control Safety Plan and Positive Train Control System, 40463

Federal Reserve System**NOTICES**

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 40365

Federal Transit Administration**NOTICES**

Guidance:

Capital Investment Grants Program, 40465–40466

Request for Information:

Capital Investment Grants Program, 40463–40465

Food and Drug Administration**PROPOSED RULES**

Filing of Food Additive Petition (Animal Use):
Evonik Corp., 40269

NOTICES

Drug Products Not Withdrawn from Sale for Reasons of Safety or Effectiveness

RIFADIN (Rifampin) Capsules, 150 Milligrams and 300 Milligrams, 40373–40374

Final Debarment Order:

Doyal Kalita, 40369–40370

Guidance:

Approaches to Assessment of Overall Survival in Oncology Clinical Trials, 40367–40369
Oncology Therapeutic Radiopharmaceuticals: Dosage Optimization During Clinical Development, 40370–40371

Hearings, Meetings, Proceedings, etc.:

Lessons Learned From the Chemistry, Manufacturing, and Controls Development and Readiness Pilot Program, 40371–40373

Food Safety and Inspection Service**PROPOSED RULES**

Visual Post-Mortem Inspection in Swine Slaughter Establishments, 40257–40262

Forest Service**NOTICES**

Proposed Recreation Fee Site, 40324–40326

General Services Administration**NOTICES**

Maximum Per Diem Reimbursement Rates for the Continental United States, 40365–40366

Health and Human Services Department

See Centers for Disease Control and Prevention

See Children and Families Administration

See Food and Drug Administration

See Health Resources and Services Administration

See National Institutes of Health

Health Resources and Services Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Rural Communities Opioid Response Program Performance Measures, 40374–40375

Homeland Security Department

See Coast Guard

See Federal Emergency Management Agency

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Statewide Communication Interoperability Plan Template and Progress Report, 40395–40396

Industry and Security Bureau**NOTICES**

Adoption and Procedures of the Section 232 Steel and Aluminum Tariff Inclusions Process, 40326–40329

Hearings, Meetings, Proceedings, etc.:

Regulations and Procedures Technical Advisory Committee, 40329–40330

Transportation and Related Equipment Technical Advisory Committee, 40329

Internal Revenue Service**PROPOSED RULES**

Returns Relating to Sales or Exchanges of Certain Partnership Interests, 40269–40272

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Approval of Prototype or Employer Sponsored Individual Retirement Account, 40467

International Trade Administration**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico, 40331

Oil Country Tubular Goods from the People's Republic of China, 40336–40340

Quartz Surface Products from India and the Republic of Türkiye, 40340–40341

Sales at Less Than Fair Value; Determinations, Investigations, etc.:

Certain Monomers and Oligomers from the Republic of Korea, 40330–40331

Temporary Steel Fencing from the People's Republic of China, 40332–40336

International Trade Commission

NOTICES

Investigations; Determinations, Modifications, and Rulings, etc.:

Certain Foreign-Fabricated Semiconductor Devices, Products Containing the Same, and Components Thereof, 40398

Certain Rechargeable Batteries and Components and Packaging Thereof, 40396–40398

Joint Board for Enrollment of Actuaries

RULES

Continuing Professional Education Requirements, 40231–40236

Maritime Administration

NOTICES

Licenses; Exemptions, Applications, Amendments, etc.:

Neptune LNG LLC Deepwater Port and Temporary Suspension of Operations, 40466–40467

National Institutes of Health

NOTICES

Hearings, Meetings, Proceedings, etc.:

Center for Scientific Review, 40375–40376

National Institute of Environmental Health Sciences, 40377

National Oceanic and Atmospheric Administration

PROPOSED RULES

Taking or Importing of Marine Mammals:

Interstate Bridge Replacement Project on Interstate 5 between Portland, OR and Vancouver, WA, 40492–40528

Nuclear Regulatory Commission

NOTICES

Atomic Safety and Licensing Board:

Long Mott Energy, LLC, 40398–40399

Postal Regulatory Commission

NOTICES

New Postal Products, 40399–40400

Presidential Documents

PROCLAMATIONS

Special Observances:

90th Anniversary of the Social Security Act (Proc. 10964), 40229–40230

EXECUTIVE ORDERS

Commercial Space Industry; Enable Competition (EO 14335), 40219–40221

Ensure American Pharmaceutical Supply Chain Resilience;

Fill Strategic Active Pharmaceutical Ingredients Reserve (EO 14336), 40223–40225

Executive Order on Competition; Revocation (EO 14337), 40227

Securities and Exchange Commission

NOTICES

Self-Regulatory Organizations; Proposed Rule Changes:

Cboe BYX Exchange, Inc., 40450–40453

Cboe BZX Exchange, Inc., 40402, 40406–40409, 40428–40438, 40444–40448

Cboe C2 Exchange, Inc., 40402–40405

Cboe EDGA Exchange, Inc., 40453–40456

Nasdaq Stock Market LLC, 40438–40440

New York Stock Exchange LLC, 40400–40402

NYSE American LLC, 40448–40450

NYSE Arca, Inc., 40409–40428

The Nasdaq Stock Market LLC, 40440–40444

Small Business Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40457–40458

Disaster Declaration:

Missouri, 40456–40457

State Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Eligibility Questionnaire for HAVANA Act Payments, 40460

Law Enforcement Officers Safety Act Photographic Identification Card Application, 40459–40460

Bureau of Political-Military Affairs; Statutory Debarment under the Arms Export Control Act and the

International Traffic in Arms Regulations, 40458–40459

Surface Transportation Board

NOTICES

Exemption:

Colorado Pacific Rio Grande Railroad LLC, Rio Grande County, CO; Abandonment, 40460–40461

Transportation Department

See Federal Aviation Administration

See Federal Railroad Administration

See Federal Transit Administration

See Maritime Administration

RULES

Termination of Rulemaking Action, 40231

Treasury Department

See Internal Revenue Service

Separate Parts In This Issue

Part II

Homeland Security Department, Federal Emergency Management Agency, 40470–40490

Part III

Commerce Department, National Oceanic and Atmospheric Administration, 40492–40528

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR**Proclamations:**

10964.....40229

Executive Orders:

14036 (revoked by EO

14337) 40227

14335.....40219

14336.....40223

14337.....40227

9 CFR**Proposed Rules:**

310.....40257

14 CFR

399.....40231

Proposed Rules:

39 (2 documents) 40262,

40266

20 CFR

901.....40231

21 CFR**Proposed Rules:**

573.....40269

26 CFR**Proposed Rules:**

1.....40269

33 CFR

100.....40236

40 CFR

194.....40236

Proposed Rules:

52.....40272

47 CFR

64.....40241

Proposed Rules:

1.....40295

50 CFR**Proposed Rules:**

217.....40492

Presidential Documents

Title 3—

Executive Order 14335 of August 13, 2025

The President

Enabling Competition in the Commercial Space Industry

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. In 1969, the United States landed the first humans on the Moon. In the years since, premier space companies from around the world have been drawn to launch rockets and satellites from the United States, incentivized by its infrastructure and support for commercial space activities. Americans are more prosperous because of the space research and development occurring here.

It is imperative that we build on the far-reaching actions taken by my Administration during my first term to ensure that new space-based industries, space exploration capabilities, and cutting-edge defense systems are pioneered in America rather than by our adversaries. Ensuring that United States operators can efficiently launch, conduct missions in space, and reenter United States airspace is critical to economic growth, national security, and accomplishing Federal space exploration objectives.

Sec. 2. Policy. It is the policy of the United States to enhance American greatness in space by enabling a competitive launch marketplace and substantially increasing commercial space launch cadence and novel space activities by 2030. To accomplish this, the Federal Government will streamline commercial license and permit approvals for United States-based operators.

Sec. 3. Reforming Regulatory Barriers to Commercial Launch and Reentry.

(a) The Secretary of Transportation, in consultation with the Chair of the Council on Environmental Quality, shall, consistent with applicable law, use all available authorities to eliminate or expedite the Department of Transportation's environmental reviews for, and other obstacles to the granting of, launch and reentry licenses and permits. Such measures shall include the exercise of authority by the Secretary of Transportation under 51 U.S.C. 50905(b)(2)(C) as applicable; determining which Department of Transportation functions are not subject to the National Environmental Policy Act (NEPA); and, as appropriate, establishing categorical exclusions under NEPA (or relying on existing categorical exclusions) for launch and reentry licenses and permits within certain parameters.

(b) The Secretary of Transportation shall reevaluate, amend, or rescind, as appropriate and consistent with applicable law, the regulations at Part 450 of title 14, Code of Federal Regulations. The Secretary's evaluation, amendment, or rescission shall specifically address:

- (i) what regulatory requirements should be inapplicable for a launch or reentry vehicle that possesses a flight termination system or automated flight safety system;
- (ii) what regulatory requirements should be inapplicable or waived for hybrid launch or reentry vehicles that hold valid Federal Aviation Administration airworthiness certificates;
- (iii) whether to expand the conditions that demonstrate reliability for a reentry vehicle, sufficient to protect against a high-consequence event on reentry; and
- (iv) whether other existing requirements are too attenuated to a vehicle's actual launch or reentry to warrant retention in Part 450.

(c) Within 120 days of the date of this order, the Secretary of Transportation shall report to the Assistant to the President for Economic Policy a description of the actions that have been or will be taken pursuant to subsection (b) of this section.

Sec. 4. Reforming Regulatory Barriers to Next Generation Spaceport Infrastructure. (a) The Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration (NASA), shall, within 180 days of the date of this order, conduct an evaluation of relevant States' compliance under the Coastal Zone Management Act pursuant to 16 U.S.C. 1458, the effect of any lack of compliance on the development of spaceport infrastructure, and whether State approvals under that Act should be revoked. The Secretary of Defense, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of NASA shall also notify the Department of Justice of any State or local limitations on spaceport development on Federal lands that may be inconsistent with Federal law.

(b) Within 180 days of the date of this order, the Secretary of Defense, the Secretary of Transportation, and the Administrator of NASA shall execute a memorandum of understanding that aligns review processes for spaceport development across agencies, eliminates those that are duplicative, and preserves required Federal space-exploration and National Security Space Launch capacity.

(c) The Secretary of Defense, the Secretary of the Interior, the Secretary of Transportation, and the Administrator of NASA shall, consistent with applicable law, use all available authorities to expedite their respective environmental and administrative reviews for authorizations, permits, approval, real property leases, and any other activity relevant to spaceport infrastructure development. The Chair of the Council on Environmental Quality shall coordinate with relevant executive departments and agencies (agencies) on the establishment of new categorical exclusions under NEPA for actions related to spaceport development that normally do not have a significant effect on the quality of the human environment. Agencies shall, for purposes of establishing these categorical exclusions, rely on any sufficient basis to do so as each such agency determines.

(d) The Secretary of Defense, the Secretary of Transportation, and the Administrator of NASA shall, mindful of the significant national security imperatives inherent in commercial space advancement, consider for all spaceport development projects whether to submit an application to the Endangered Species Committee pursuant to 16 U.S.C. 1536(e).

Sec. 5. Reforming Novel Space Activity Authorization. Within 150 days of the date of this order, the Secretary of Commerce shall propose a process for individualized mission authorizations for activities that are covered by Article VI of the Outer Space Treaty of 1967, but not clearly or straightforwardly governed by existing regulatory frameworks, with the goal of expediting and streamlining authorizations to enable American space competitiveness and superiority. This proposal must solicit and consider affected agencies' feedback on the authorization process, contain a definitive timeline for the grant or denial of authorization for proposed activities, and include clear and consistent requirements for applicants. The Secretary of Commerce shall transmit the proposal to the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and the Assistant to the President for Science and Technology. Nothing in this section shall be construed to apply to human spaceflight.

Sec. 6. Reforming Regulatory Leadership and Accountability. (a) Within 60 days of the date of this order, the Secretary of Transportation shall establish a position in the Office of the Secretary with the responsibility of advising the Secretary of Transportation on fostering innovation and deregulation in the commercial space transportation industry. The Secretary of Transportation shall further direct the Administrator of the Federal Aviation Administration to take all necessary steps to appoint a senior executive

noncareer employee to be the Associate Administrator for Commercial Space Transportation.

(b) Within 60 days of the date of this order, the Secretary of Commerce shall elevate the Office of Space Commerce into the Office of the Secretary. *Sec. 7. Administrative Note.* Where applicable, the functions assigned to the Secretary of Transportation in sections 1 through 5 of this order shall be carried out by the Administrator of the Federal Aviation Administration under the direction of the Secretary of Transportation.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

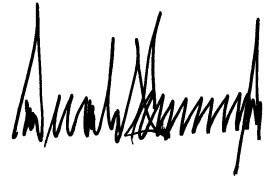
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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 Transportation.

A handwritten signature in black ink, appearing to be 'Donald Trump', located on the right side of the page.

THE WHITE HOUSE,
August 13, 2025.

Presidential Documents

Executive Order 14336 of August 13, 2025

Ensuring American Pharmaceutical Supply Chain Resilience by Filling the Strategic Active Pharmaceutical Ingredients Reserve

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. During my first term, my Administration acted to protect the health and security of the American people by restoring capacity for domestic production of essential pharmaceutical products. Executive Order 13944 of August 6, 2020 (Combatting Public Health Emergencies and Strengthening National Security by Ensuring Essential Medicines, Medical Countermeasures, and Critical Inputs Are Made in the United States), directed certain executive departments and agencies (agencies) to consider a variety of actions to increase their domestic procurement of Essential Medicines, Medical Countermeasures, and Critical Inputs, as defined in section 7 of that order, and to identify supply chain vulnerabilities. The Food and Drug Administration published a list of Essential Medicines, Medical Countermeasures, and Critical Inputs in October 2020. The Office of the Assistant Secretary for Preparedness and Response (ASPR) within the Department of Health and Human Services later reduced the list to 86 essential medicines.

Nearly two in five prescription finished drug products are made in the United States, including many of the essential medicines. However, when it comes to Active Pharmaceutical Ingredients (APIs), the biologically active components of finished drug products, only about 10 percent of the APIs by volume for the finished drug products used in the United States are made here.

During my first term, my first Administration created a Strategic Active Pharmaceutical Ingredients Reserve (SAPIR) to stockpile APIs. Stockpiling APIs is advantageous as APIs are generally lower-cost and have longer shelf lives than the finished drug products they make. Filling the SAPIR will also insulate the United States from the concentration of foreign, sometimes adversary, nations in the world-wide supply of the Key Starting Materials used to make APIs. Moreover, Government purchases of APIs to fill the SAPIR can encourage more domestic production of APIs.

Unfortunately, the Biden Administration failed to advance the goal of ensuring domestic sources for essential medicines and their precursors despite spending billions of dollars on efforts to secure supply chains. Domestic production and procurement did not increase and the SAPIR is nearly empty.

Sec. 2. Filling the SAPIR with APIs for the Most Critical Medicines. (a) Within 30 days of the date of this order, the ASPR shall develop a list, in consultation with agencies with scientific expertise, the Assistant to the President for Economic Policy (APEP), and the Assistant to the President and Homeland Security Advisor (APHSA), of approximately 26 drugs that are especially critical to the health and security interests of the Nation (the critical drugs) and an accounting of existing, available funds that can be utilized, consistent with statutory authorities, to finance the preparation and opening of the SAPIR repository and to obtain and maintain the 6-month supply of APIs for the critical drugs referenced in subsection (c) of this section shall be provided to the Director of the Office of Management and Budget (OMB). The OMB shall provide assistance to the Secretary

of Health and Human Services to facilitate the repurposing of available funds, consistent with law.

(b) Within 120 days of the date of this order and subject to the availability of funds identified pursuant to subsection (a) of this section, the ASPR shall, in coordination with such other agencies as are necessary, take all measures to ready the existing SAPIR repository so that it can begin receiving and maintaining APIs.

(c) Subject to the availability of funds identified pursuant to subsection (a) of this section, the ASPR shall obtain a 6-month supply of the APIs needed to make the critical drugs to fill the SAPIR, with a preference for obtaining domestically manufactured APIs if possible. The ASPR shall place such APIs within the SAPIR repository no later than 30 days after the repository is certified by the ASPR as ready to receive and maintain APIs.

Sec. 3. *Ensuring SAPIR Resilience.* (a) Within 90 days of the date of this order, the ASPR shall provide the APHSA, the APEP, and the OMB with an update to the ASPR's 2022 list of 86 essential medicines and medical countermeasures, along with a plan to:

(i) obtain from domestic manufacturers, where possible;

(ii) store; and

(iii) maintain a 6-month supply of APIs for drugs on the updated essential medicines list if they have not already been addressed in the list of critical drugs identified pursuant to section 2(a) of this order.

(b) The plan provided pursuant to subsection (a) of this section shall include a proposal and cost estimate for opening a second SAPIR repository in the United States within 1 year of the date of this order.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

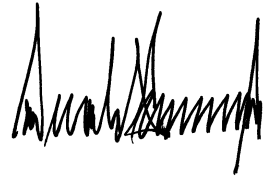
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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 Health and Human Services.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
August 13, 2025.

[FR Doc. 2025-15823
Filed 8-18-25; 8:45 am]
Billing code 4150-28-P

Presidential Documents

Executive Order 14337 of August 13, 2025

Revocation of Executive Order on Competition

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. Revocation. Executive Order 14036 of July 9, 2021 (Promoting Competition in the American Economy), is hereby revoked.

Sec. 2. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

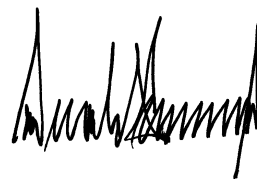
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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 Justice.



THE WHITE HOUSE,
August 13, 2025.

Presidential Documents

Proclamation 10964 of August 14, 2025

90th Anniversary of the Social Security Act

By the President of the United States of America

A Proclamation

On August 14, 1935, President Franklin D. Roosevelt signed into law the Social Security Act—a monumental legislative achievement that protects our seniors, uplifts our citizens, and sustains the livelihoods of hardworking Americans who devoted their professions to bettering our country. On the 90th anniversary of the establishment of this historic program, I recommit to always defending Social Security, rewarding the men and women who make our country prosperous, and taking care of our own workers, families, seniors, and citizens first.

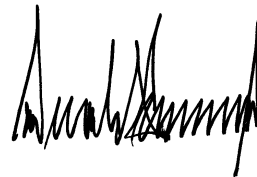
To this day, Social Security is rooted in a simple promise: those who gave their careers to building our Nation will always have the support, stability, and relief they deserve. Thanks to my Administration's efforts, Social Security now stands stronger and more resilient than ever before. Following the passage of the historic One Big Beautiful Bill last month, the vast majority of seniors who receive Social Security will pay zero tax on their Social Security benefits—the largest tax break for seniors in the history of our country.

To further strengthen Social Security, my Administration is aggressively rooting out all fraud, waste, and abuse that rob our Federal programs of resources—including stopping payments to the deceased and eliminating benefits for those who do not legally qualify. These measures will save American taxpayers billions of dollars every year and ensure that future generations receive the benefits they spent their lives paying into. At the same time, I am making the Social Security Administration more efficient, more responsive, and more effective than ever before—reducing wait times and delivering the payments the American people worked hard to earn. I am also proudly restoring strong border security policies to ensure that Medicare and Social Security are preserved for the citizens who paid into them—not abused by illegal aliens who have no right to be here.

On this 90th anniversary of the Social Security Act, we recognize the countless contributions of every American senior who has invested their time, talent, and resources into our Nation's future. On this momentous milestone, we recommit to strengthening our retirement system, protecting programs like Social Security and Medicare against fraud and abuse, and ensuring that every future generation of American citizens has the income security they need and earned.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 14, 2025, as the 90th Anniversary of the Social Security Act.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and fiftieth.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the lower right quadrant of the page.

[FR Doc. 2025-15827

Filed 8-18-25; 8:45 am]

Billing code 3395-F4-P

Rules and Regulations

Federal Register

Vol. 90, No. 158

Tuesday, August 19, 2025

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

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

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

14 CFR Part 399

RIN 2105–AE83

Notice of Termination of Rulemaking Action

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Termination of rulemaking.

SUMMARY: The Department of Transportation (DOT) is announcing its decision to terminate its rulemaking titled “Notifying Air Travelers of DOT’s Aviation Consumer Hotline” (RIN 2105–AE83), which was previously listed in DOT’s semiannual Regulatory Agenda. That rulemaking would have established a consumer complaints toll-free hotline telephone number and required airlines to display the number on their websites and at airports in accordance with 49 U.S.C. 42302, as amended by section 423 of the FAA Reauthorization Act of 2018 (Pub. L. 115–254). However, before DOT could complete a rulemaking, Congress enacted section 520 of the FAA Reauthorization Act of 2024 (Pub. L. 118–63), which eliminated the requirement from section 42302 that the Department establish the consumer complaints hotline telephone number. Consistent with the Administration’s focus on reducing regulation and Congress’ elimination of this requirement section 42302, DOT is terminating the proceeding.

FOR FURTHER INFORMATION CONTACT: Blane A. Workie, Office of the Secretary, Office of Aviation Consumer Protection (C–70), U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342 (phone), blane.workie@dot.gov (email).

DATES: This termination was made on August 19, 2025.

SUPPLEMENTARY INFORMATION: Section 415 of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95) required the Secretary of Transportation to establish a consumer complaints toll-free hotline number for the use of passengers in air transportation and to take actions to notify the public of that telephone number and the internet website of DOT’s Aviation Consumer Protection Division (ACPD), now the Office of Aviation Consumer Protection (OACP).¹ It also required air carriers and foreign air carriers that operate scheduled air transportation using any aircraft with a design seating capacity of 30 or more seats to include on their internet websites: (1) the toll-free hotline number; (2) the email address, telephone number, and mailing address of the carrier for the submission of complaints by passengers about air travel service problems; and (3) ACPD’s web and mailing addresses where passengers can submit complaints about air travel service problems to DOT. Further, it required carriers to include the hotline telephone number on prominently displayed signs of the carrier at airport ticket counters in the United States where the carrier operates and any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the carrier. Section 423 of the FAA Reauthorization Act of 2018 (2018 FAA Act) required the Secretary of Transportation to promulgate regulations to implement these requirements, which were in 49 U.S.C. 42302.

DOT responded to section 423 of the 2018 FAA Act by initiating the Notifying Air Travelers of DOT’s Aviation Consumer Hotline rulemaking (RIN 2105–AE83). However, DOT did not complete the rulemaking before Congress enacted section 520 of the FAA Reauthorization Act of 2024, which amended section 42302 by eliminating the requirement that DOT establish a consumer complaints toll-free hotline telephone number. Consistent with the Administration’s focus on reducing regulation and Congress’ elimination of the consumer complaints toll-free hotline requirements from statute, the

¹ DOT’s Aviation Consumer Protection Division no longer exists. Its functions are now part of DOT’s Office of Aviation Consumer Protection.

Department withdraws the Notifying Air Travelers of DOT’s Aviation Consumer Hotline rulemaking (RIN 2105–AE83).

With respect to the requirement remaining in section 42302 for airlines to provide contacts for the submission of complaints by passengers to the airline, the Department’s regulations in 14 CFR 259.7 already require U.S. and foreign airlines conducting scheduled service or public charter service using at least one aircraft having a designed seating capacity of 30 or more seats to make available the mailing and email or web address of the designated department in the airline with which to file a complaint about its scheduled service on their website. As such, an additional rule requiring airlines to provide contacts for the submission of complaints by passengers to the airline is unnecessary.

Termination of Proceeding

In view of the foregoing, it is hereby determined that Notifying Air Travelers of DOT’s Aviation Consumer Hotline rulemaking (RIN 2105–AE83) is terminated.

Issued in Washington, DC, under authority delegated in 49 CFR 1.27(n).

Gregory D. Cote,
Acting General Counsel.

[FR Doc. 2025–15753 Filed 8–18–25; 8:45 am]

BILLING CODE 4910–9X–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

20 CFR Part 901

[TD 10032]

RIN 1545–BQ30

Continuing Professional Education Requirements of the Joint Board for the Enrollment of Actuaries

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Final rule.

SUMMARY: This document sets forth final regulations that amend the continuing professional education requirements for actuaries enrolled by the Joint Board for the Enrollment of Actuaries (Joint Board). These final regulations remove the physical presence requirement for formal continuing professional education programs required for active

enrolled actuaries and the physical location requirement from course certifications. These final regulations also modify the continuing professional education requirement for certain actuaries who seek to return to active enrollment from inactive status due to their failure to timely satisfy the renewal requirements in the first enrollment cycle after their initial enrollment. Finally, the final regulations add a requirement that certificates of instruction for continuing professional education courses must reflect the hours credited toward the formal program requirement. These final regulations solely address the enrollment and renewal rules of the Joint Board applicable to enrolled actuaries and do not affect pension plans, plan participants, or the general public.

DATES:

Effective Date: These regulations are effective on September 18, 2025.

Applicability Date: These regulations apply to all enrollment cycles ending after the effective date of the regulations.

FOR FURTHER INFORMATION CONTACT:

Thomas Curtin, Executive Director, Joint Board for the Enrollment of Actuaries at (202) 317-3559.

SUPPLEMENTARY INFORMATION:**Authority**

This rulemaking contains final regulations, issued by the Joint Board under the authority of section 3042 of the Employee Retirement Income Security Act of 1974, Public Law 93-406, 88 Stat. 829, as amended (ERISA). Section 3042 of the ERISA authorizes the Joint Board to issue regulations that establish reasonable standards and qualifications for persons performing actuarial services with respect to plans to which ERISA applies and, upon application by any individual, shall enroll such individual if the Joint Board finds that the individual satisfies such standards and qualifications. Consistent with section 3042, the Joint Board previously has promulgated regulations at 20 CFR part 901 and has amended those regulations from time to time. The Joint Board's Executive Director and staff are located within the Internal Revenue Service's (IRS) Return Preparer Office, and accordingly, the IRS and the Department of the Treasury (Treasury Department) have assisted with the drafting of the regulations.

Background

Section 901.11 of the Joint Board regulations as most recently amended in December 2011 (the existing regulations) provides enrollment and

renewal procedures for the Joint Board, including continuing professional education requirements for enrolled actuaries. Section 901.11(d) provides that, to maintain active enrollment to perform actuarial services under ERISA, each enrolled actuary is required to periodically renew enrollment. Pursuant to section 901.11(d)(1), the process for renewing enrollment as an enrolled actuary with the Joint Board occurs on a three-year cycle. Part of the renewal process includes a certification that the actuary has satisfied a continuing professional education requirement. Pursuant to section 901.11(e)(2)(i), a minimum of 36 hours of continuing professional education credits are required within the three-year cycle for every enrolled actuary. For newly enrolled actuaries, however, the 36-hour requirement is reduced pursuant to section 901.11(e)(2)(ii) or (iii) depending on the particular year of the three-year cycle in which the actuary enrolled. Under these rules, those who initially enroll during the first year of an enrollment cycle must complete 24 hours of continuing professional education; those who enroll during the second year of an enrollment cycle must complete 12 hours of continuing professional education; and those who enroll during the third year of an enrollment cycle are exempt from the continuing professional education requirements until the next enrollment cycle.

Pursuant to section 901.11(f)(1) of the existing regulations, in order to earn their required continuing professional education credits, enrolled actuaries must attend qualifying programs (as defined in section 901.11(f)(2)) conducted by qualifying sponsors (as defined in section 901.11(f)(3)) and at least a third of the credits must be earned by attending a formal program (as defined in section 901.11(f)(2)(ii)). Formal programs under section 901.11(f)(2) are required to include an in-person element, and special rules apply depending on whether the enrolled actuary is participating in the program as a participant or as an instructor (physical presence requirement). A program participant must simultaneously participate in the program in the same physical location with at least two other participants engaged in substantive pension service, and the participants must have the opportunity to interact with a qualified individual who serves as an instructor (whether or not in the same physical location). Instructors, however, must be in the physical presence of at least three

other individuals engaged in substantive pension service.

Section 901.11(f)(3) of the existing regulations defines qualifying sponsors as organizations recognized by the Executive Director of the Joint Board whose programs offer opportunities for continuing professional education. Pursuant to section 901.11(f)(3)(iv), upon verification of successful completion of a qualifying program, the program's qualifying sponsor must furnish each attendee, who successfully completed the qualifying program, with a certificate listing certain information, including the location of the program. Section 901.11(f)(3)(v) further requires that the program's qualifying sponsor must furnish to each instructor, discussion leader, or speaker a certificate listing certain information, including the location of the program.

An actuary who fails to timely satisfy the requirements for renewal of enrollment is placed in inactive status pursuant to section 901.11(l)(4). Section 901.11(l)(7)(i) specifies the continuing professional education requirements for actuaries who seek to return to active enrollment after being placed in inactive status. Currently, under section 901.11(l)(7), all actuaries in their first inactive enrollment cycle, including newly enrolled actuaries, must complete 36 hours of qualifying continuing professional education to return to active status. That is, section 901.11(l)(7)(i) disregards the special rules under section 901.11(e)(2)(ii) or (iii) that prorate the number of hours of continuing professional education required for newly enrolled actuaries based on the year of their initial enrollment.

Prior to the commencement of the COVID-19 pandemic, some interested parties had sent comments to the Joint Board expressing the view that the physical presence requirement is outdated and imposes a burden on actuaries who are unable, for health, safety, or other reasons, to meet the physical presence requirement. Once the COVID-19 pandemic commenced, qualifying sponsors were prevented from conducting in-person continuing professional education programs. As a result, and consistent with its waiver authority under section 901.11(k), the Joint Board announced in August of 2020, via a news release (IR-2020-177, August 10, 2020), and notified all enrolled actuaries and qualifying sponsors, that the Joint Board was waiving the physical presence requirement for continuing professional education programs through the end of the enrollment cycle ending on December 31, 2022. The Joint Board

announced in March of 2024 and notified all enrolled actuaries and qualifying sponsors, that the waiver was extended and is to apply to continuing professional education credits earned for programs held during the period from January 1, 2023, through the date that is 30 days after the publication of these final regulations in the **Federal Register**.

On March 14, 2024, the Joint Board issued proposed regulations under section 3042 of ERISA (89 FR 18579), amending portions of section 901.11. Written comments on the proposed regulations were received and considered. The Treasury Department and the IRS did not receive any requests for a public hearing to address the proposed regulations, and, accordingly, no hearing was held.

Two written public comments were received on the proposed regulations; one comment was not germane to the subject matter. The other commenter was supportive of the proposed regulations and indicated that the removal of the physical presence requirement expands the ways that enrolled actuaries can earn continuing professional education credit. After consideration of the comments received, the proposed regulations are adopted by this rulemaking without modification.

Summary of Comments and Explanation of Provisions

A. Modification of Definition of Formal Program

These final regulations amend section 901.11 of the Joint Board regulations to remove the physical presence requirement from the definition of a formal program. After considering the input of interested parties and taking into account the successful operation of the continuing professional education programs that were conducted during the COVID-19 pandemic without a physical presence requirement, the final regulations permanently eliminate the physical presence requirement for formal continuing professional education programs for active enrolled actuaries and permit educational materials to be delivered in an electronic format.

In eliminating the physical presence requirement, these final regulations remove the requirement that the instructor of a qualifying program be in the physical presence of the program participants in order for the instructor to receive formal credit and the requirement that a program participant be in the same physical location as other program participants in order for the participant to receive formal credit.

These final regulations retain the requirement that participants have an opportunity for real-time interaction with an instructor to receive formal credit. These final regulations further provide that any materials (for example, outlines or textbooks) for the qualifying program need to be written (either in a paper-based form or in an electronic format) and made available to participants, and allows for additional written materials (such as slide decks or brochures). The one commenter providing germane comments supported the permanent removal of the physical presence requirement for formal continuing professional education programs.

B. Amendment to the Additional Continuing Professional Education Requirement for Return to Active Enrollment From Inactive Status

These final regulations change the requirement in section 901.11(l)(7)(i) that an enrolled actuary who fails to satisfy the renewal requirements by the deadline set forth in section 901.11(d) for the enrollment cycle immediately following the actuary's initial enrollment cycle must complete 36 hours of continuing professional education. Specifically, these final regulations add an exception to the rule regarding the number of continuing professional education hours required to renew enrollment in this case. Under this exception, the requirement to complete 36 hours of continuing professional education is adjusted in accordance with section 901.11(e)(2)(ii) or (iii), based on the year of the prior cycle in which the actuary initially enrolled. These final regulations provide a new *Example 9* in section 901.11(o) that illustrates this change. In addition, the eight pre-existing examples in section 901.11(o) are redesignated as separate paragraphs but are otherwise unchanged.

C. Amendment to the Information Requirement for Certificates of Completion and Certificates of Instruction

These final regulations eliminate the requirement that a certificate of completion and a certificate of instruction list the location of the training. These final regulations also add a requirement that the certificate of instruction include the number of hours that are counted toward the formal program requirement in section 901.11(g)(2).

D. Applicability Date

The proposed regulations did not specify an applicability date for the

proposed revisions to paragraphs (f)(2)(i)(D), (f)(2)(ii)(A), (f)(2)(ii)(B), (f)(3)(iv)(C), (f)(3)(v)(C), (f)(3)(v)(F), (l)(7)(i), and the example in paragraph (o)(9). However, since paragraph (p) of the existing regulations contains an applicability date, which continues to apply to portions of the regulations not being amended, the Treasury Department and the IRS have determined that the final regulations should clarify that the amendments to section 901.11 apply to enrollment cycles ending after the effective date of these final regulations.

Effective Date

These regulations are effective on September 18, 2025.

Special Analyses

A. Regulatory Flexibility Act

It is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities within the meaning of section 601(6) of the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Joint Board believes that these final changes primarily affect individual actuaries enrolled by the Joint Board and providers of their educational programs. These amendments update the regulations given enhanced workplace technology (including newly developed technology for delivering education and educational materials) that became more prevalent in response to the COVID-19 pandemic and that continues to develop in ways that render the physical presence requirement unnecessary. In addition, these amendments to the regulations revise the continuing professional education requirements for actuaries returning from inactive status and provide an exception to the 36-hour continuing professional education requirement for recently enrolled actuaries who fail to timely satisfy the requirements for renewal of enrollment.

B. Regulatory Planning and Review

This rule has been designated as not significant for purposes of Executive Order 12866, as amended.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) (PRA) generally requires that a Federal agency obtain the approval of the Office of Management and Budget (OMB) before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. An agency may not conduct or sponsor, and a person is not required to respond to, a

collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Any collection of information under these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545-0951. The regulations (20 CFR part 901) require that records be kept that verify satisfaction of requirements and requirements for certificates of completion of continuing education. It is estimated that this recordkeeping will take .25 hours and that there are 4,100 recordkeepers annually for a total of 1,000 burden hours. IRS received no public comments related to the recordkeeping requirements.

Drafting Information

The principal author of these regulations is Tom Morgan of the Office of Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes). Other personnel from the Treasury Department, the IRS, and the Joint Board also participated in the development of these regulations.

List of Subjects in 20 CFR Part 901

Administrative practice and procedure, Pensions.

Amendments to the Regulations

Accordingly, 20 CFR part 901 is amended as follows:

PART 901—REGULATIONS GOVERNING THE PERFORMANCE OF ACTUARIAL SERVICES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

■ **Paragraph 1.** The authority citation for part 901 continues to read as follows:

Authority: Sec. 3042, subtitle C, title 3, Employee Retirement Income Security Act of 1974. (88 Stat. 1002, 29 U.S.C. 1241, 1242)

■ **Par. 2.** Section 901.11 is amended by:

- 1. Revising paragraphs (f)(2)(i)(D) and (f)(2)(ii)(A);
- 2. In paragraph (f)(2)(ii)(B), removing “and the instructor is in the physical presence of at least three other individuals”;
- 3. In paragraph (f)(3)(iv)(C), removing “, location,”;
- 4. In paragraph (f)(3)(v)(C), removing “and location”;
- 5. Revising paragraph (f)(3)(v)(F);
- 6. Revising paragraph (l)(7)(i);
- 7. Revising paragraph (o); and
- 8. Revising paragraph (p).

The revisions read as follows:

§ 901.11 Enrollment procedures.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(D) Includes outlines, textbooks, and other written educational material;

* * * * *

(ii) * * *

(A) *Participants.* Formal programs are programs that meet all of the requirements of this paragraph (f)(2). Whether a program qualifies as a formal program is determined on a participant-by-participant basis. A qualifying program qualifies as a formal program with respect to a participant if the participant has the opportunity for real-time interaction with another individual qualified with respect to the course content who serves as an instructor, and at least three individuals engaged in substantive pension service simultaneously participate in the program in addition to the instructor. A qualifying program that is pre-recorded will qualify as a formal program with respect to a participant if the participant has the opportunity for real-time interaction immediately after the pre-recorded program with a qualified individual who serves as the instructor or discussion leader and is available to answer questions, and at least three individuals engaged in substantive pension service simultaneously participate in the entire program (including the discussion time immediately following the pre-recorded program) in addition to the instructor or discussion leader.

* * * * *

(3) * * *

(v) * * *

(F) Whether or not the program is a formal program with respect to the instructor and the number of hours counted toward the formal program requirement.

* * * * *

(l) * * *

(7) * * *

(i) During the first inactive enrollment cycle, 36 hours of qualifying continuing professional education as set forth in paragraph (e)(2) of this section, without regard to the reduction in hours provided to newly enrolled actuaries set forth in paragraph (e)(2)(ii) or (e)(2)(iii) of this section, must be completed, except with regard to actuaries whose first inactive cycle immediately follows the initial enrollment cycle, in which case, paragraph (e)(2)(ii) or (e)(2)(iii) of this section may be applied. Any hours of continuing professional education

credit earned during the immediately prior enrollment cycle may be applied in satisfying this requirement.

* * * * *

(o) *Examples.* The following examples illustrate the application of the rules of paragraph (l)(7) of this section and the effective date of an enrolled actuary's renewal:

(1) *Example 1.* Individual E, who was initially enrolled before January 1, 2008, completes 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. E files a complete application for reenrollment on February 28, 2014. E's reenrollment is effective as of April 1, 2014.

(2) *Example 2.* Individual F, who was initially enrolled before January 1, 2008, also completes 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. However, F does not file an application for reenrollment until March 20, 2014. The Joint Board notifies F that it has granted F's application on June 25, 2014. Accordingly, effective April 1, 2014, F is placed on the roster of inactive enrolled actuaries. F returns to active status as of June 25, 2014. F is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code from April 1 through June 24, 2014.

(3) *Example 3.* Individual G, who was initially enrolled before January 1, 2008, completes only 8 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. G completes another 6 hours of core continuing professional education on January 15, 2014, and files an application for return to active status on January 20, 2014. G's application shows the timely completion of 32 hours of continuing professional education plus the additional 4 hours of continuing professional education earned after the end of the enrollment cycle. The Joint Board notifies G that it has granted the application on April 20, 2014. Accordingly, effective April 1, 2014, G is placed on the roster of inactive enrolled actuaries. G returns to active status as of April 20, 2014. G is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code from April 1 through April 19, 2014. Of the 6 hours of continuing professional education earned by G on January 15,

2014, only 2 hours may be applied to the enrollment cycle that ends December 31, 2016.

(4) *Example 4.* (i) Individual H, who was initially enrolled before January 1, 2008, completes 5 hours of core continuing professional education credit and 10 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. Accordingly, effective April 1, 2014, H is placed on the roster of inactive enrolled actuaries and is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code.

(ii) H completes 7 hours of core continuing professional education credit and 14 hours of noncore continuing professional education credit between January 1, 2014, and May 24, 2016. Because H has completed 12 hours of core continuing professional education and 24 hours of non-core continuing professional education during the last active enrollment period and the initial period when on inactive status, H has satisfied the requirements for reenrollment during the first inactive cycle. Accordingly, H may file an application for return to active enrollment on May 24, 2016. If this application is approved, H will be eligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code, effective with the date of such approval.

(iii) Because H used the 21 hours of continuing professional education credit earned after January 1, 2014, for return from inactive status, H may not apply any of these 21 hours of core and non-core continuing professional education credits towards the requirements for renewed enrollment effective April 1, 2017. Accordingly, H must complete an additional 36 hours of continuing professional education (12 core and 24 non-core) prior to December 31, 2016, to be eligible for renewed enrollment effective April 1, 2017.

(5) *Example 5.* (i) The facts are the same as in paragraph (o)(4) of this section (*Example 4*), except H completes 2 hours of core continuing professional education credit and 8 hours of non-core continuing professional education credit between January 1, 2014, and December 31, 2016. Thus, because H did not fulfill the requirements for return to active status during his first inactive cycle, H must satisfy the requirements of paragraph (l)(7)(ii) of this section in order to return to active status.

(ii) Accordingly, in order to be eligible to file an application for return to active status on or before December 31, 2019, H must complete an additional 38 hours of continuing professional education

credit (of which at least 14 hours must consist of core subject matter) between January 1, 2017, and December 31, 2019, and have 18 months of certified responsible pension actuarial experience during the period beginning on January 1, 2014.

(iii) Note that the 5 hours of core continuing professional education credit and the 10 hours of non-core continuing professional education credit that H completes between January 1, 2011, and December 31, 2013, are not counted toward H's return to active status and are also not taken into account toward the additional hours of continuing professional education credit that H must complete between January 1, 2017, and December 31, 2019, in order to apply for renewal of enrollment effective April 1, 2020.

(6) *Example 6.* (i) The facts are the same as in paragraph (o)(4) of this section (*Example 4*), except H completes 2 hours of core continuing professional education credit and 8 hours of non-core continuing professional education credit between January 1, 2014, and December 31, 2016, and 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2017, and December 31, 2019. Thus, because H did not fulfill the requirements for return to active status during his first or second inactive cycles, H must satisfy the requirements of paragraph (l)(7)(iii) of this section in order to return to active status.

(ii) Accordingly, in order to be eligible to file an application for return to active status on or before December 31, 2022, H must complete an additional 24 hours of continuing professional education credit (of which, at least 8 hours must consist of core subject matter) between January 1, 2020, and December 31, 2022, and have at least 18 months of certified responsible pension actuarial experience during the period beginning on January 1, 2017.

(iii) Note that the total of 15 hours of continuing professional education credit that H completes between January 1, 2011, and December 31, 2013, as well as the 10 hours of continuing professional education credit between January 1, 2014, and December 31, 2016, are not counted toward H's return to active status and are not taken into account toward the additional hours of continuing professional education credit that H must complete between January 1, 2020, and December 31, 2022, in order to be eligible to file an application for renewal of enrollment active status effective April 1, 2023.

(7) *Example 7.* (i) Individual J, who was initially enrolled July 1, 2012,

completes 1 hour of core continuing professional education credit and 2 hours of non-core continuing professional education credit between January 1, 2012, and December 31, 2013. Accordingly, effective April 1, 2014, J is placed on the roster of inactive enrolled actuaries and is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code.

(ii) J completes 5 hours of core continuing professional education credit and 4 hours of non-core continuing professional education credit between January 1, 2014, and October 6, 2014. Because J did not complete the required 12 hours of continuing professional education (of which at least 6 hours must consist of core subject matter) during J's initial enrollment cycle, J is not eligible to file an application for a return to active enrollment on October 6, 2014, notwithstanding the fact that had J completed such hours between January 1, 2012, and December 31, 2013, J would have satisfied the requirements for renewed enrollment effective April 1, 2014.

(iii) Accordingly, J must complete an additional 24 hours of continuing professional education (of which at least 12 hours must consist of core subject matter) during his/her first inactive enrollment cycle before applying for renewal of enrollment.

(8) *Example 8.* The facts are the same as in paragraph (o)(7) of this section (*Example 7*), except that J completes 17 hours of core continuing professional education credit and 16 hours of non-core continuing professional education credit between January 1, 2014, and February 12, 2015. Accordingly, because as of February 12, 2015, J satisfied the continuing professional education requirements as set forth in paragraph (e)(2) of this section without regard to paragraph (e)(2)(ii) of this section thereof, J may file an application for return to active enrollment status on February 12, 2015.

(9) *Example 9.* Individual K was initially enrolled on July 1, 2024, in the second year of the three-year enrollment cycle ending December 31, 2025. K satisfied all continuing professional education requirements during the cycle. K fails to timely file for renewal for the enrollment cycle beginning January 1, 2026, and instead files on May 1, 2026, which is after the March 1, 2026, deadline for filing to renew enrollment. Therefore, pursuant to paragraph (l)(4)(i) of this section, K is placed in inactive status. Under paragraph (e)(2)(ii) of this section, K, who was initially enrolled in the second year of an enrollment cycle, was

required to complete 12 hours of continuing professional education in order to satisfy the continuing professional education requirement to renew after K's initial enrollment. Under paragraph (l)(7)(i) of this section, because K was placed on inactive status for the enrollment cycle immediately following K's initial enrollment cycle, K may apply the 12 hours of continuing professional education credits that K earned during the prior enrollment cycle for the purpose of returning to active status. K does not need to earn any additional continuing professional education credits in order to return to active status. Once K returns to active status for the enrollment cycle beginning on January 1, 2026, K will be required to earn the full 36 hours of continuing professional education credits during that cycle for renewal for the enrollment cycle beginning January 1, 2029.

(p) *Applicability date.* Generally, this section applies to the enrollment cycle beginning January 1, 2011, and all subsequent enrollment cycles. Paragraphs (f)(2)(i)(D), (f)(2)(ii)(A), (f)(2)(ii)(B), (f)(3)(iv)(C), (f)(3)(v)(C), (f)(3)(v)(F), (l)(7)(i), and (o)(9) of this section apply to all enrollment cycles ending after September 18, 2025.

Joleah M. White,

Chair, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2025-15777 Filed 8-18-25; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2025-0682]

Special Local Regulations; Marine Events Within the USCG East District (Formerly USCG District 5); Waterman's Triathlon

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Waterman's Triathlon, in Rock Hall, MD from September 27 through September 28, 2025, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the USCG East District (formerly USCG District 5) identifies the regulated area for this event in Rock Hall, MD. During the enforcement periods, the

operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation in 33 CFR 100.501 for the event titled "Rock Hall and Waterman's Triathlon Swims" will be enforced from 7:45 a.m. through 4:15 p.m. on September 27, 2025, and 8:45 a.m. through 10:30 a.m. on September 28, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LCDR Kate M. Newkirk, Sector Maryland-NCR, Waterways Management Division, U.S. Coast Guard; telephone 410-576-2596, email MDNCRMarineEvents@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.501 for the regulated area associated with the event in Table 2 to Paragraph (i)(2) titled "Rock Hall and Waterman's Triathlon Swims" from 7:45 a.m. to 4:15 p.m. on September 27, 2025, and from 8:45 a.m. to 10:30 a.m. on September 28, 2025. This enforcement period differs from what is provided in the entry in Table 2 (the first weekend in October), a footnote to that table also states that the enforcement dates and times for each of the listed events in this table are subject to change and that such changes will be noticed in the **Federal Register**. Activation of the enforcement period is being taken to provide for the safety of life on navigable waterways during this 2-day event. As specified in 33 CFR 100.501, the location of the regulated area for the Waterman's Triathlon encompasses portions of Rock Hall Harbor, at Rock Hall, MD. During the enforcement periods, the operator of a vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign, as reflected in § 100.500(c).

In addition to this notification 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.

Dated: August 15, 2025.

Patrick C. Burkett,

Captain, U.S. Coast Guard, Captain of the Port, Sector Maryland-National Capital Region.

[FR Doc. 2025-15802 Filed 8-18-25; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[EPA-HQ-OAR-2024-0309, FRL 12855-01-OAR]

Approval of Replacement Waste Panels 11 and 12 at the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency.

ACTION: Notification of approval.

SUMMARY: The U.S. Environmental Protection Agency (EPA, or the Agency) has approved the U.S. Department of Energy's (DOE, or the Department) planned change request to dispose of defense transuranic (TRU) waste in replacement panels 11 and 12 in the Waste Isolation Pilot Plant (WIPP). This decision is based on a thorough review of information submitted by DOE, independent technical analyses, and public comments. EPA found that DOE demonstrated that the use of two replacement waste panels to replace lost waste disposal volume in panels 1, 7, and 9, would provide a reasonable expectation of the WIPP remaining in compliance with the 10,000-year release limits set by the "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" at 40 CFR part 191.

DATES: This decision is effective immediately.

ADDRESSES: Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. EPA has established a docket for this action under docket ID No. [EPA-HQ-OAR-2024-0309]. Publicly available docket materials related to this action (e.g., EPA review documents) are available either electronically through www.regulations.gov, on the Agency's WIPP website (<http://www.epa.gov/radiation/wipp>) or in hard copy at the Air and Radiation Docket in EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20004. EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Air

and Radiation Docket is (202) 566–1742. In accordance with EPA’s regulations at 40 CFR part 2 and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT:

Joseph Rustick, Radiation Protection Division, Mail Code 6608T, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202–343–9682; email address: rustick.joseph@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. What is the WIPP?
- II. Contents of the Planned Change Request
- III. What did EPA review?
 - A. EPA Review Process
 - B. APPA Peer Review
 - C. 19 Panel PA
 - D. 12 Panel PA
- IV. Public Comments and Responses
 - A. Question of PCR Significance
 - B. The Inclusion of Surplus Pu
 - C. Legacy Wastes
 - D. Site Characterization Data
 - E. Panels 13–19 and Related Issues
 - F. Fracking and Earthquakes
- V. Determination

Preamble Acronyms and Abbreviations

Several acronyms and terms used to describe components of the WIPP disposal system and performance assessment computer models are included in this preamble. To ease the reading of this preamble and for reference purposes, the following terms are defined here:

APPA Additional Panels Performance Assessment
 CBFO U.S. Department of Energy Carlsbad Field Office
 CCA Compliance Certification Application
 CFR Code of Federal Regulations
 CRA Compliance Recertification Application
 DOE U.S. Department of Energy
 EPA U.S. Environmental Protection Agency
 LWA Land Withdrawal Act
 NMED New Mexico Environment Department
 PA Performance Assessment
 PCR Planned Change Request
 Pu Plutonium
 RPPCR Replacement Panels Planned Change Request
 TRU Transuranic
 VOR Volume of Record
 WIPP Waste Isolation Pilot Plant

I. What is the WIPP?

The Waste Isolation Pilot Plant (WIPP) is a transuranic (TRU) radioactive waste disposal system developed by the U.S. Department of Energy (DOE) that is located near

Carlsbad in southeastern New Mexico. TRU radioactive waste is emplaced about 650 meters (2,150 feet) underground in an ancient layer of salt that will eventually “creep,” encapsulate, and isolate the waste from the surrounding environment. The 1992 WIPP Land Withdrawal Act (Pub. L. 102–579) (LWA) limits radioactive waste disposal in the WIPP to TRU radioactive wastes generated by defense-related activities. The WIPP LWA provides EPA with authority to oversee and certify the long-term performance of the WIPP. The WIPP must meet EPA’s generic radioactive waste disposal standards at 40 CFR part 191, subparts B and C. These standards limit releases of radioactive materials from disposal systems for radioactive waste and require implementation of measures to provide confidence for compliance with the radionuclide release limits. Additionally, the regulations limit radiation doses to members of the public and protect groundwater resources by establishing maximum concentrations for radionuclides in groundwater.

In 1996, the Agency issued the WIPP Compliance Certification Criteria, which are located at 40 CFR part 194, as mandated by the WIPP LWA, section 8(c). DOE submitted the initial WIPP Compliance Certification Application (CCA) in 1996. The Agency then issued a conditional certification decision on May 18, 1998, determining that the WIPP met the standards for radioactive waste disposal, but identified four conditions as part of the approval (63 FR 27354). Since the 1998 certification decision, EPA has conducted ongoing independent technical reviews, recertifications, and inspections of all WIPP activities related to compliance with the Agency’s disposal regulations. The WIPP has been recertified four times since the initial certification in 1998, with the most recent recertification decision occurring in 2022.

As part of the original design of the WIPP repository in the initial CCA, the underground waste disposal region at the WIPP is divided into ten panels. A panel is a group of rooms mined into the salt, connected by tunnels called drifts. EPA’s initial certification of the WIPP and its most recent recertification of the WIPP in 2022 were both based on a planned footprint of ten waste panels (87 FR 26126, May 3, 2022).

II. Contents of the Planned Change Request

On March 14, 2024, EPA received a planned change request (PCR) from DOE per 40 CFR 194.4(b)(3) seeking the

Agency’s approval to add two replacement waste panels west of the current repository. These two panels, 11 and 12, will be constructed to recover waste disposal volume lost in panels 7 and 9 due to a 2014 radiological release that contaminated the south end of the repository. Additionally, panel 1 was not completely filled due to ground control issues arising from being kept open so long before waste was emplaced. DOE calculated that 1.7 panels of waste volume will be needed to replace this lost volume, rounded up to two panels for construction. DOE also stated that with the addition of the two replacement panels, the WIPP will not exceed the LWA waste disposal volume limit. DOE recently recalculated the volume of waste already emplaced at WIPP by subtracting waste packages and void space from the total volume of waste. With this updated waste volume calculation, referred to as the Volume of Record (VOR), DOE would need to mine additional waste panels to fully accommodate the total authorized waste volume in the LWA. In the March 2024 PCR, DOE used the VOR approach in its analyses to support the new panels. It did not use the VOR approach in the 2019 Compliance Recertification Application (CRA–2019) but DOE notified EPA of its intent to begin using the VOR approach in 2018 and EPA subsequently concluded that the VOR approach should have no effect on DOE’s compliance with EPA’s regulations in WIPP Performance Assessment (PA) and the only consequence is to increase the total repository volume required for waste disposal at the WIPP beyond the original ten waste panels. EPA’s technical review on the VOR can be accessed under docket ID EPA–HQ–OAR–2001–0012–0772.

The PCR, which DOE refers to as the Replacement Panels Planned Change Request or RPPCR, contains a PA that DOE conducted to support a demonstration that the repository will continue to meet the numeric release limits in EPA’s disposal regulations for the WIPP. As part of the performance assessment, DOE calculated releases based on a repository design of 19 panels, which DOE anticipates will be the ultimate WIPP repository configuration at the time of closure. However, with this PCR, DOE is only seeking EPA’s approval of two replacement panels and provided documentation to address the two replacement panels within the context of the 19-panel design. This notice only addresses the Agency’s approval of panels 11 and 12. DOE would need to

submit a separate planned change request for any additional panels beyond replacement panels 11 and 12.

The Agency evaluated DOE's 19-Panel RPPCR PA and supplementary information submitted by DOE in response to information requests from EPA (see Section III for greater detail). After reviewing DOE's responses, EPA requested a PA using a 12-panel configuration to supplement the information already provided (docket ID EPA-HQ-OAR-2024-0309-0053). On February 20, 2025, DOE submitted the requested 12-panel analysis (docket ID EPA-HQ-OAR-2024-0309-0049), which includes the original ten panels and the two proposed replacement panels, to EPA, labeling it a sensitivity study.

III. What did EPA review?

A. EPA Review Process

As a part of ongoing operations at the WIPP, DOE makes periodic changes to aspects of the design and operation of the facility. Under 40 CFR 194.4(b)(3), DOE must report any planned changes in activities or conditions that differ significantly from the most recent compliance application. A PA to evaluate the impacts on long-term performance of the repository may be included with these PCRs. PCRs and accompanying documentation are reviewed by EPA to confirm the WIPP is expected to continue to perform as predicted and that the basis for the most recent compliance certification remains valid. EPA assesses whether the planned change will invalidate the terms of the certification or determination in evaluating whether approval should be given. 61 FR 5224, 5233, Feb. 9, 1996.

The goal of the Agency's technical review of the RPPCR was to determine whether, with the new design, the WIPP adequately demonstrates compliance with the requirements of 40 CFR part 194 and the release limits of 40 CFR part 191, subparts B and C. EPA conducted an extended review of the RPPCR because, if approved, it would increase the repository footprint and it presented new issues in EPA's experience of reviewing DOE planned changes. In addition, stakeholders demonstrated intense interest in DOE's activities related to the replacement panels. The process EPA applied to support review for DOE's PCR entailed (1) a review of all materials submitted by DOE, (2) requests for additional information from DOE, (3) solicitation of public comment, and (4) independent performance of additional confirmatory calculations by the Agency. This process is fully

documented in EPA's review document, "EPA Review of DOE Replacement Panels Planned Change Request, Part 1: Review of DOE 12-Panel Sensitivity Study" (docket ID EPA-HQ-OAR-2024-0309-0059) and discussed in the following sections.

B. Additional Panels Performance Assessment (APPA) Peer Review

In 2021, DOE carried out a peer review to assess changes in the conceptual WIPP performance model, focusing on new off-axis waste panels added to the existing WIPP repository footprint. The current WIPP repository consists of ten panels. Four panels are situated on each side of the main north-south access drifts, with Panels 1–4 located on the east side and Panels 5–8 on the west side. The main access drifts are further divided into Panel 9, positioned between Panels 3–4 and Panels 5–6, and Panel 10, located between Panels 1–2 and Panels 7–8.

The new "off-axis" waste panels, including Replacement Panels 11 and 12, and projected for any additional potential future panels, will be connected to the existing repository via east-west main drifts that link to the north end of the current north-south main access drifts (see docket ID EPA-HQ-OAR-2024-0309-0007 for diagrams of the waste panels). With the addition of these panels, the WIPP repository waste area will no longer maintain a geometrically symmetrical layout.

To address this change in the future WIPP PAs, DOE selected and developed three conceptual model changes: Disposal System Geometry, Repository Fluid Flow, and Direct Brine Release, which were subsequently evaluated through an independent peer review process. The peer panel concluded that the APPA model was reasonable and aligned with previous PA approaches, as long as it was assumed there would be no significant variations in the waste inventory or material properties of the halite in the off-axis panels.

EPA observed the peer review and published its evaluation in 2023 under docket ID EPA-HQ-OAR-2001-0012-0774. EPA deemed the peer panel's conclusion reasonable and suitable for the off-axis repository extension, finding that the application of the methodology to potential new panels positioned outside the main axis or central alignment of the existing repository serves as an illustrative example. Consequently, the Agency considers the methodology accepted by the peer panel appropriate for use in the 12-panel PA for this PCR, specifically regarding the off-axis repository extension involving panels 11 and 12.

C. 19 Panel PA

As mentioned previously, the Agency evaluated DOE's 19-Panel RPPCR PA and prepared comments and questions for further clarity. Seven sets of questions were sent to DOE, and these can be found in the public docket corresponding to the RPPCR. EPA received eight sets of responses from DOE. Based on the Agency's review, including these responses, EPA concluded that the 19-Panel PA provided by DOE lacked sufficient information specific to the two replacement panels to support a decision on the Department's RPPCR and therefore the Agency requested a 12-panel analysis (docket ID EPA-HQ-OAR-2024-0309-0053).

EPA's review of the 19-panel RPPCR PA will be documented separately, primarily to provide feedback to DOE on changes needed in future PAs to accommodate potential increases in the size of the WIPP repository. EPA is not currently making a determination on the overall adequacy of a 19-panel repository, nor is it approving DOE's 19-panel RPPCR PA or its comparison with disposal standards.

D. 12 Panel PA

At EPA's request, DOE performed a 12-panel sensitivity study to demonstrate the long-term performance of a 12-panel repository, which is the anticipated configuration for this PCR. DOE conducted the sensitivity study, CRA19_12P, using the waste inventory from DOE's most recent compliance application, the 2019 Compliance Recertification Application (CRA-2019), while considering the effects of a larger repository waste disposal volume and footprint. In contrast to the 19-Panel RPPCR PA, DOE did not use the VOR approach described in Section II for the CRA19_12P analysis because it was based on the CRA-2019 inventory. The 19-Panel RPPCR PA used waste inventory estimates derived subsequent to CRA-2019.

EPA evaluated updates made by DOE to the CRA-2019 PA database for the CRA19_12P sensitivity study and observed that most of DOE's updates were associated with the increased repository footprint and volume, but updates were also made in the computer codes used to perform the study. As with the result of the CRA-2019 PA, the total mean normalized releases from the 12-panel sensitivity study (CRA19_12P) were below EPA release limits.

EPA agrees with DOE's conclusion that the differences between the results for the CRA-2019 PA and the CRA19_12P sensitivity study are minor. This is

because the two calculations use similar input parameters. Also, the increases in drilling penetrations from the larger repository footprint are offset by decreases in waste concentration from the larger repository volume.

EPA conducted its own sensitivity study, similar to its CRA19_COMB analysis performed to support its 2022 recertification decision, focusing on outstanding concerns from CRA–2019, such as drilling rates, borehole plugging frequency, actinide solubility, and colloids (87 FR 26126). EPA identified several concerns with the CRA19_12P analysis, all of which were addressed in the Agency’s own sensitivity analysis. A detailed discussion of these issues and the sensitivity calculations is available in the Agency’s review report of DOE’s 12-Panel Sensitivity Study (docket ID EPA–HQ–OAR–2024–0309–0059). EPA’s calculations considered: (1) an inconsistency in the CRA19_12P analysis, where an increase in repository volume was noted, yet the reduced iron surface area concentration—affected by the repository volume in the WIPP PA—was overlooked; (2) updates to borehole drilling rates and plugging frequencies that had received EPA authorization but were excluded from the CRA19_12P study; and (3) EPA’s historical geochemical concerns regarding actinide solubilities, colloid properties, and oxidation state assumptions used in DOE’s CRA–2019 PA, which carried over into the CRA19_12P study. The mean normalized releases calculated by EPA for its sensitivity analysis, including the upper 95 percent confidence limit, remained below the regulatory thresholds under 40 CFR 191.13. With the information submitted by DOE and EPA’s own calculations, the Agency concludes that there is a reasonable expectation that the 12-panel WIPP disposal system will comply with the regulatory standards.

IV. Public Comments and Responses

EPA held an informal, virtual public meeting on Thursday, December 7th, 2023, to provide information and provide an early preview of the PCR prior to DOE’s formal submission. EPA and DOE used this opportunity to gather preliminary questions/comments/feedback from the public.

On July 16, 2024, EPA published a notice in the **Federal Register** seeking public comment on the PCR. EPA then held a series of stakeholder meetings in New Mexico (Carlsbad and Santa Fe) during the week of August 26, 2024, to meet with the public and discuss DOE’s PCR. The purpose of these meetings was to gather comments from members of

the public on the PCR and to provide a facilitated forum for clarifying questions. Staff from DOE and the New Mexico Environment Department (NMED) were also in attendance. Material presented at these meetings and video recordings have been uploaded to EPA WIPP website.¹

EPA’s initial review of the PCR was based on the 19-panel RPPCR PA submitted by DOE in February 2024. This PA was discussed at the public meetings in New Mexico in August 2024, and most of the written public comments were also based on this PA. After the Agency requested the 12-panel PA calculations on November 26, 2024, the public comment period was extended to June 2, 2025, to capture additional public comments on the updated PA. As mentioned in Section III, while EPA has reviewed all of the public comments on the RPPCR, only those relevant to the later 12-panel PA were considered within the scope of this PCR decision. Comments that pertain solely to the 19-panel RPPCR PA will be considered outside the scope of this decision but will be retained by EPA and addressed in a subsequent report relevant to future actions taken by DOE.

The Agency received 33 written comments via the public docket, and one comment received outside of the docket that the Agency committed to addressing. The comments submitted to the docket were a mix of unique comments as well as written versions of verbal comments delivered at the public meetings. All verbal comments were captured by written comments. EPA has reviewed all comments and prepared a separate response to comments document, which is available in the public docket (docket ID EPA–HQ–OAR–2024–0309–0058). More detailed responses can be found in that document. Several of the more prominent issues raised are summarized below.

A. Question of PCR Significance and Whether the Decision Requires a Rulemaking

Many commenters expressed the view that EPA’s review process for the RPPCR must take place through a notice-and-comment rulemaking because the addition of two replacement panels, coupled with other changes to repository operations and the performance assessment, “depart significantly from the previous compliance application.” In addition to individual comment submittals and statements at public meetings, a number of interested organizations jointly sent

letters directly to EPA outlining the reasons for this position. The relevant provision is located in 40 CFR 194.65(a):

If the Administrator determines that any changes in activities or conditions pertaining to the disposal system depart significantly from the most recent compliance application, the Agency will publish a Notice of Proposed Rulemaking in the **Federal Register** announcing the Administrator’s proposed decision on modification or revocation, and soliciting comments on the proposal.

The Agency disagrees that a rulemaking is necessary for this decision. The Administrator has discretion in reaching a determination regarding whether the changes described in the RPPCR “depart significantly from the previous compliance application.” After careful consideration, the Agency declines to determine that the RPPCR represents a significant departure from the previous compliance application (the 2019 Compliance Recertification Application or CRA–2019), for the following reasons:

- The two replacement panels are primarily intended to replace disposal capacity lost to the 2014 radiation release incident, which prevented the full use of Panel 7 and the planned use of Panel 9, as well as capacity in Panel 1 that was not utilized in the early phase of emplacement as a result of ground control issues stemming from scheduling of shipments, and therefore the new configuration represents a disposal capacity comparable to that analyzed for the CRA–2019;

- The two replacement panels are of a similar size and design to the existing eight panels described in the CRA–2019;

- A 1987 Time-Domain Electromagnetic (TDEM) geophysical survey of the WIPP site provided estimates of the depths of brine reservoirs that may be present beneath the ten original WIPP waste panels. DOE reexamined the existing TDEM data and found that it also adequately covers the area of replacement Panels 11 and 12. Therefore, no new data needs to be collected for these two replacement panels. DOE modeled the probability that a borehole may encounter a pressurized brine pocket in the RPPCR as being the same as in CRA–2019. Upon reviewing these data, EPA accepted DOE’s conclusion that the current site characterization data already covers the repository footprint, including panels 1–10 and 11–12, and agreed with DOE not to change the probability of encountering a pressurized brine pocket in the RPPCR;

- The types of waste that will be emplaced in the replacement panels are expected to be similar to those analyzed for the CRA–2019. A stated public

¹ <https://www.epa.gov/radiation/wipp-news>.

concern is the amount of surplus plutonium waste that gets disposed in the two replacement panels. While a limited amount of down-blended surplus plutonium is being emplaced in the repository, much of the surplus plutonium designated for the “dilute and dispose” method, as well as plutonium waste from potential new pit production, would need to go in any additional future panels beyond the two panels currently being requested by DOE;

- DOE’s performance assessment for the 12-panel repository, confirmed by EPA’s independent sensitivity study, shows limited change in releases and release paths from those described in the CRA–2019 and the total mean release is under EPA regulatory limits;

- The New Mexico Environment Department approved the two replacement panels in the site permit after an extensive review process that included public comment.

Further, EPA has provided significant opportunity for public review and comment, comparable to a rulemaking process. All submittals by DOE, including responses to questions from EPA, have been posted in the regulatory docket and on EPA’s WIPP website. The comment period was kept open more than 9 months to ensure the public’s ability to review all the relevant documentation, and a response to comments document has been prepared to show how comments were considered, as would be done for rulemaking.

B. The Inclusion of Surplus Pu

A number of commenters expressed concern for or opposition to DOE/NNSA proposal to include surplus Pu waste streams in the inventory for the new panels. They raised objections, questioning whether surplus Pu would be eligible for disposal at WIPP under the LWA and whether criticality or other issues had been properly addressed.

As noted in Section IV.A, the inventory and proportion of plutonium wastes in the 12-panel repository is expected to be more aligned with the previous CRA–2019, incorporating only limited amounts of surplus plutonium. The majority of surplus plutonium, along with any pit production wastes, would be destined for future waste panels for which DOE would have to submit a separate PCR. The WIPP Land Withdrawal Act (LWA) allows for disposal of 6.2 million cubic feet of defense related TRU waste, which is defined in Section 2.(18) of the statute. DOE establishes specific waste acceptance criteria (WAC) for the

facility. Wastes that do not meet the WAC are not allowed to be disposed of at WIPP. The surplus Pu intended for disposal in the replacement waste panels has been determined by DOE to be defense transuranic waste. EPA has conducted multiple inspections of the down-blended waste characterization process and will continue to do so. EPA has found DOE’s waste characterization system of controls for the down-blended plutonium to be adequate. Similar forms of Pu in smaller amounts have already been emplaced at WIPP in the existing waste panels.

C. Legacy Wastes

Several commenters mentioned the concept of legacy TRU wastes, and that WIPP was only approved and authorized for the disposal of legacy TRU wastes. Some commentators define legacy TRU as wastes produced during the Manhattan project and through the end of the Cold War, while other have defined legacy TRU as wastes before the opening of WIPP in 1999. All of the commenters on legacy TRU want EPA to establish a definition of legacy TRU. Several commenters also requested that EPA include provisions in its PCR approval for the prioritized emplacement of legacy TRU wastes before newer generated wastes are disposed of.

The WIPP LWA and EPA’s regulations do not explicitly use or define “legacy TRU waste.” Depending on the progress and status of waste cleanup and waste generating activities, different waste generator sites (e.g., National Labs) use and define the term “legacy TRU waste” in slightly different ways. A recent report called “Legacy TRU Waste Disposal Plan” from DOE’s Carlsbad Field Office, dated November 2024 (<https://wipp.energy.gov/Legacy-TRU-Waste-Disposal-Plan.asp>), submitted pursuant to a State of New Mexico permit condition, provides more detail and documents activities and plans to continue to prioritize the disposal of legacy wastes at WIPP. In a May 21, 2025, letter commenting on this draft submittal, the State of New Mexico requested that DOE exclude the surplus plutonium waste stream from consideration as legacy waste.²

D. Site Characterization Data

One commenter mentioned that there is inadequate site characterization data for the proposed panels 11 and 12, and that DOE needs to do more site characterization to identify potential unknown brine pockets.

As noted in Section IV.A, DOE determined that the original time domain electromagnetic induction method (TDEM) survey that supported the WIPP Compliance Certification Application and the original repository footprint of Panels 1 through 10 also covered the area over which the two replacement panels 11 and 12 are located. The TDEM survey was used to determine the probability of encountering brine in the underlying Castile Formation, which is then used to develop a parameter (PBRINE) in WIPP PA. EPA closely scrutinized the data and derivation of this parameter and found it suitable for the original repository footprint. For the RPPCR, DOE utilized the existing TDEM data covering the area of the replacement panels and prior established methods to demonstrate that extending the PBRINE parameter used in PAs from previous CRAs to the expanded 12 panel repository footprint was conservative. EPA found this approach reasonable for the RPPCR.

E. Panels 13–19 and Related Issues

A number of commenters mention the inclusion of panels 13–19 in the initial 19-panel RPPCR PA, which are not being requested at this time. There are also a number of comments that address issues pertaining solely to the 19-panel PA or to panels 13–19 and not panels 11–12.

With this PCR, DOE is only seeking EPA approval of the two replacement panels. During EPA’s review, the Agency identified that the panels 13–19 were not directly pertinent to the decision on the requested panels 11 and 12. EPA requested the separate 12-panel PA to clarify the impacts of the two proposed replacement panels, and that analysis is the basis for its approval of the RPPCR. EPA will address potential future panels beyond panels 11–12 when and if DOE submits an additional PCR. The Agency will produce a separate report on its review of the 19-panel PA later in 2025.

F. Fracking and Earthquakes

Many stakeholders and members of the public have shared concerns regarding risks to the WIPP from hydraulic fracturing (“fracking”) and earthquakes. Earthquakes, including those related to oil and gas operations, have been monitored for decades in the Permian Basin region, and the risks to the WIPP have been evaluated and reevaluated many times (see EPA’s Technical Support Document Review of Features, Events and Processes (FEPs) in the CRA–2019 docket, docket ID EPA–HQ–OAR–2019–0534–0054). Data

² <https://hwbdocs.env.nm.gov/Waste%20Isolation%20Pilot%20Plant/250514.pdf>.

continues to be collected, and the available information indicates that earthquakes, whether human-caused or natural, are not capable of generating enough shaking to impact operations at the WIPP, nor to damage facilities or the radioactive waste buried there, even far into the foreseeable future. EPA, DOE, and regulators in New Mexico and Texas are aware of and have investigated this and related issues.

Additionally, when the land for the WIPP was set aside by Congress by the LWA, surface drilling activities for resources and mining for potash were prohibited inside the 4 x 4-mile square, and will not be allowed into the foreseeable future, even after WIPP is closed. This prohibition and the designated space serves as an institutional control to protect the repository and is one element of many in the safety design of the WIPP. There are no known, active faults that reach at the ground surface within nearly 100 miles of the WIPP site, and the northern part of the Delaware Basin where WIPP is located also has few mapped faults in the deeper “basement” rocks. The general lack of clear patterns in the seismicity also suggests relatively few faults.

V. Determination

After conducting a thorough review of information submitted by DOE, independent technical analyses, and public comments, including DOE’s supporting documentation regarding its 12-panel sensitivity study, EPA generally agrees with DOE’s approach and interpretation of the PA results. While EPA had concerns about several of DOE’s input parameters, these were alleviated by the results of EPA’s independent sensitivity analysis, which showed that the total mean normalized releases remain below EPA’s regulatory limits. As a result, the Agency concluded that there is a reasonable expectation that the 12-panel disposal system represented in DOE’s Planned Change Request will comply with the standards and requirements in 40 CFR parts 191 and 194. Thus, EPA approved DOE’s Planned Change Request to use replacement Panels 11 and 12 at the WIPP repository for the disposal of defense TRU radioactive waste.

Abigale Tardif,

*Principal Deputy Assistant Administrator,
Office of Air and Radiation.*

[FR Doc. 2025–15741 Filed 8–18–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 17–97; FCC 24–120; FR ID 304848]

Call Authentication Trust Anchor

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts rules that strengthen the Commission’s caller ID authentication requirements by establishing clear practices for providers that rely on third parties to fulfill their STIR/SHAKEN implementation obligations. The rules authorize providers with a STIR/SHAKEN implementation obligation to engage third parties to perform the technological act of digitally “signing” calls consistent with the requirements of the STIR/SHAKEN technical standards so long as: the provider with the implementation obligation makes the “attestation-level” decisions for authenticating caller ID information; and all calls are signed using the certificate of the provider with the implementation obligation—not the certificate of a third party. The rules also explicitly require all providers with a STIR/SHAKEN implementation obligation to obtain a Service Provider Code (SPC) token from the STIR/SHAKEN Policy Administrator and present that token to a STIR/SHAKEN Certificate Authority to obtain a digital certificate. Additionally, the rules include recordkeeping requirements for third-party authentication arrangements to enable the Commission to monitor compliance with and enforce Commission rules.

DATES: These rules are effective September 18, 2025.

FOR FURTHER INFORMATION CONTACT: For further information about the *Notice of Proposed Rulemaking*, contact Emily Caditz, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau, at Emily.Caditz@fcc.gov. For additional information concerning the Paperwork Reduction Act proposed information collection requirements contained in this document, send an email to PRA@fcc.gov or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Report and Order in WC Docket No. 17–97, FCC 24–120, adopted on November 21, 2024 and released on November 22,

2024. The complete text of this document is available for download at <https://docs.fcc.gov/public/attachments/FCC-24-120A1.pdf>.

Synopsis

I. Discussion

In this *Report and Order*, we take a number of steps to support the STIR/SHAKEN framework and promote trust in our country’s voice networks. We do so by authorizing providers with a STIR/SHAKEN implementation obligation to work with third parties to perform the technological act of signing calls to fulfill their compliance obligations under the Commission’s rules, but establishing clear limits to ensure that such third-party arrangements neither undermine adherence to the requirements of the STIR/SHAKEN technical standards nor allow providers to avoid accountability for noncompliance. By “STIR/SHAKEN implementation obligation,” we mean the applicable requirement under the Commission’s rules that a provider implement STIR/SHAKEN in the IP portions of their networks by a date certain, subject to certain exceptions. When referencing those providers “without” a STIR/SHAKEN implementation obligation, we mean those providers that are subject to an implementation extension, such as a provider with an entirely non-IP network or one that is unable to obtain the necessary SPC token to authenticate caller ID information, or that are exempted from our caller ID authentication requirements because they lack control over the network infrastructure necessary to implement STIR/SHAKEN. First, we define “third-party authentication” for the purposes of the rules we adopt today. Next, we limit the third-party authentication arrangements authorized under the Commission’s rules to those in which the provider with the STIR/SHAKEN implementation obligation: (1) makes all attestation level decisions, consistent with the STIR/SHAKEN technical standards; and (2) ensures that all calls are signed using its own certificate obtained from a STIR/SHAKEN Certificate Authority—not the certificate of a third party. Utilizing a third party to sign traffic without complying with the requirements we adopt today will constitute a violation of the Commission’s caller ID authentication rules. We further require that any provider certifying to partial or complete STIR/SHAKEN implementation in the Robocall Mitigation Database must be registered with the STIR/SHAKEN Policy

Administrator, obtain its own SPC token from the Policy Administrator, use that token to generate a certificate with the Certificate Authority, and authenticate all its calls with that certificate, whether directly or through a third party. We also adopt recordkeeping requirements regarding third-party authentication arrangements to ensure compliance with the rules we adopt today and promote accountability in the event that any such arrangement leads to abuse of the voice network. Based on our review of the record, we find that taking these steps will enable providers to obtain the economic and other benefits of utilizing third-party technical solutions for STIR/SHAKEN implementation without compromising the integrity of the STIR/SHAKEN technical standards and governance model. This, in turn, will protect consumers by promoting more ubiquitous and accurate caller ID authentication.

A. Authorizing Third-Party Authentication Subject to Limitations To Prevent Abuse

1. Defining the Scope of Third-Party Authentication

We first define “third-party authentication” for the purposes of the rules we adopt today, and also delineate the types of providers that are covered by the rules. In the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023), we sought comment on the types of third-party arrangements being used by providers, including whether providers are entering into agreements with third parties to perform all or part of their authentication responsibilities. We sought specific comment on the solutions detailed in the 2021 Small Providers Report produced by the NANC, which described third-party solutions that providers could engage to perform the technological act of signing calls, including “hosted SHAKEN” services offered in a public or private cloud and “carrier SHAKEN” services in which calls are signed by an intermediate provider. As described in the NANC Report, in both of these scenarios, the provider with the STIR/SHAKEN implementation obligation determines the appropriate attestation level for a call and the third-party solution signs the call using the obligated provider’s token. We also sought comment on several scenarios addressed in the ATIS–1000088 Technical Report in which a provider with a STIR/SHAKEN implementation obligation lacks a direct relationship with the end user of the voice service. These scenarios involve circumstances

where the end user of the voice service is not the same as the “customer,” as defined by the ATIS–1000088 Technical Report, such as when a wholesale provider originates a call onto the public network for its reseller customer that initiated the call on behalf of an end user. ATIS–1000088 defines “customer” as “[t]ypically a service provider’s subscriber, which may or may not be the ultimate end-user of the telecommunications service.” Under this definition, a customer “may be a person, enterprise, reseller, or value-added service provider.” An “end-user” is defined as “[t]he entity ultimately consuming the VoIP-based telecommunications service,” which may be “the direct customer of [an originating] service provider or may indirectly use the VoIP-based telecommunications service through another entity such as a reseller or value-added service provider.” ATIS–1000088, therefore, makes clear that, in some cases, the “customer” and “end user” are not the same. We additionally sought comment on whether we should limit any rule authorizing third-party authentication to the scenarios discussed by the Small Providers Report or those in the ATIS–1000088 Technical Report, or take a broader approach.

Based on our review of the record, and for the purposes of the rules we adopt today, we define “third-party authentication” to refer to scenarios in which a provider with a STIR/SHAKEN implementation obligation under the Commission’s rules enters into an agreement with another party—a “third party”—to perform the technological act of signing calls on the provider’s behalf. This definition of third-party authentication includes, for example, the “hosted SHAKEN” and “carrier SHAKEN” solutions that are described in the Small Providers Report. It excludes instances in which a provider with a STIR/SHAKEN implementation obligation authenticates its own traffic, and simply has a customer that is not the end user that initiated the call. We find that this definition is consistent with the caller ID authentication roles defined by the Commission’s rules and the ATIS standards, and will establish a clear scope for the third-party authentication practices we authorize herein.

The Commission’s rules establish three categories of providers with STIR/SHAKEN caller ID authentication obligations: (1) voice service providers that originate calls; (2) non-gateway intermediate providers that carry or process the calls without originating or terminating them; and (3) gateway providers that receive calls from foreign

originating or intermediate providers at their US facilities and transmit them downstream. The Commission’s rules further state that the STIR/SHAKEN implementation obligation applies to providers with control over the network infrastructure necessary to implement STIR/SHAKEN. Providers that meet these criteria are obligated to implement STIR/SHAKEN and are thus the entities that would be the “first parties” in any third-party authentication arrangement authorized by our rules, *i.e.*, they are the parties with the ultimate compliance obligation. That compliance obligation does not change simply because the provider has an upstream customer (*e.g.*, a reseller or a value-added service provider) that is not the ultimate end user of the voice service and does not itself have a STIR/SHAKEN implementation obligation, *e.g.*, a reseller that qualifies for the STIR/SHAKEN exemption or a value-added service provider (VASP) that provides communications services that are ancillary to the voice service. A VASP may provide services such as arranging for telephone number assignments from a service provider to a particular customer of the VASP or for the VASP’s use irrespective of customer. As is often true with respect to resellers, an “originating [service provider] typically knows the VASP customer and does not have direct knowledge” of the VASP’s end users. In these scenarios, the Technical Report provides guidance on the steps a provider with STIR/SHAKEN implementation obligation must take to verify its customer’s identity and right to use a number, as required to provide an A- or B-level attestation. For instance, in the context of voice service providers, we agree with CCA that “[w]here, consistent with ATIS standards, an originating service provider provides an attestation for calls from its own reseller or [VASP] customer, it is not engaging in third party authentication[]; it is instead using its certificate to provide an appropriate attestation to traffic from its own customers.” Stated differently, the originating service provider in that example is performing its own STIR/SHAKEN implementation obligation and is not acting as a third party for its upstream customer. Thus, if a wholesale provider originates a call onto the public network on behalf of a reseller customer that lacks control over the network infrastructure necessary to implement STIR/SHAKEN, it is the wholesale provider that has the STIR/SHAKEN implementation obligation, not the reseller. In this scenario, the wholesale provider is obligated to use

STIR/SHAKEN to authenticate the caller ID pursuant to its own obligation under the Commission's rules, not as a third party for the reseller that is exempt from STIR/SHAKEN implementation requirements. Our framework authorizes all providers with a STIR/SHAKEN implementation obligation, regardless of their position in the call path, and subject to the limitations we set in place, to engage a third party for the technological act of signing calls. Therefore, where an intermediate provider (either a non-gateway intermediate provider or gateway provider) has a STIR/SHAKEN implementation obligation, it may fulfill that obligation through a third party subject to these same rules.

We find that any other interpretation would be inconsistent with the requirements for making attestation-level decisions when authenticating calls in the ATIS standards and reference documents. ATIS-1000074 only permits A- and B-level attestations to be made by providers that originate calls onto the IP-based service provider network. Although not defined in ATIS-1000074, that standard uses the term originating service provider, or OSP, consistent with related standards documents, such as ATIS-1000089, which defines originating service provider as: “[t]he service provider that handles the outgoing calls from a customer *at the point at which they are entering the public network*. The OSP performs the SHAKEN Authentication function.” Thus, when an originating service provider authenticates a call based on what it knows about its customer and its customer's right to use a telephone number, it is performing its own STIR/SHAKEN implementation obligation, not that of its upstream customer in a third-party capacity. In these circumstances, it is the responsibility of the originating service provider to utilize reasonable “Know Your Customer” (KYC) protocols to establish a credible evidentiary basis for a “direct authenticated relationship with [its] customer” and/or verification of its customer's right to use the telephone number appearing in the caller ID field, sufficient to apply an A- or B-level attestation under the ATIS standards. USTelecom, CTIA, and Numeracle urge us to adopt a definition of the term “customer” that is narrower than the one employed by the ATIS standards and reference documents. Specifically, they ask that we define “customer” to mean solely the end user that initiated the voice service, whether an individual or organizational entity. We decline to do so at this time because

it is not necessary for the purposes of the third-party authentication rules we adopt today. We make clear above that the “first party” within any third-party arrangement is the entity with a STIR/SHAKEN implementation obligation, which under our existing rules and precedent, will necessarily be a voice service provider, intermediate provider, or gateway provider with control over the network infrastructure necessary to implement STIR/SHAKEN. As explained herein, whether the provider's customer is the ultimate end user of the voice service or another upstream entity is not dispositive of whether the provider has a STIR/SHAKEN implementation obligation and whether it may enter into an agreement with a third-party to perform the technological act of signing calls in fulfillment of that obligation subject to the requirements we adopt today. Further, we agree with NCTA, CCA, INCOMPAS, and ACA Connects that narrowing the definition of “customer” to mean solely the entity that initiates the voice service would be a significant departure from a plain reading of the ATIS standards and reference documents, and could be disruptive to the use cases that those standards and reference documents clearly contemplate as functioning within the STIR/SHAKEN ecosystem. ZipDX asks us to provide clarification as to the operation of our rules, including applicable KYC requirements, in a variety of hypothetical caller ID authentication arrangements. We decline to do so at this time, and find that commenting further on any given permutation of an authentication arrangement absent a more focused record on these matters would be unproductive. As we have explained above, the guidance we provide in this Order aligns with the text of the ATIS standards, including those which contemplate more complex calling arrangements between resellers and wholesalers such as those ZipDX describes.

We thus decline ZipDX's suggestion that we incorporate providers that lack control over the network infrastructure necessary to implement STIR/SHAKEN as first parties under this framework when they “hold [themselves] out as the originating service provider (even though [they] do[] not actually ‘touch’ the call)” and “arrange for somebody (the infamous third party) to sign the calls” for them. For the reasons discussed above, such a fluid conception of “originating service provider” would conflict with the text of the Commission's rules establishing

the scope of providers subject to a STIR/SHAKEN implementation obligation and would be inconsistent with how the ATIS standards and technical reports use that term. We similarly reject other commenters' understanding of “third-party authentication” that describe scenarios in which a provider without a STIR/SHAKEN implementation obligation, such as a provider that lacks control over the network infrastructure necessary to implement STIR/SHAKEN, would be considered the “first party.” We understand that there are currently voice service resellers that are voluntarily attempting to authenticate caller ID information despite not having control over the network infrastructure necessary to implement STIR/SHAKEN and, thus, lacking a STIR/SHAKEN implementation obligation under the Commission's rules. We understand that they often do so by relying on their wholesale providers to sign their calls. As explained above, such arrangements do not fall within the definition of third-party authentication that we adopt today, except insofar as the wholesale provider with the STIR/SHAKEN implementation obligation opts to use a third party to perform the technological act of signing calls on its behalf. We nevertheless encourage voice service resellers engaged in any form of authentication arrangement with wholesalers to provide such wholesalers with enough information to enable them to determine the appropriate attestation level of the calls initiated by the resellers' end users, pursuant to the wholesaler's obligations under the Commission's rules and the STIR/SHAKEN standards.

2. Authorized Third-Party Authentication Practices

We next authorize providers with a STIR/SHAKEN implementation obligation to enlist the help of a third-party subject to certain conditions. In the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023), we sought comment on whether we should amend the Commission's rules to explicitly authorize third-party authentication and what, if any, limitations we should place on that authorization to ensure compliance with authentication requirements and the reliability of the STIR/SHAKEN framework. Based on the evidence in the record, we permit providers with a STIR/SHAKEN implementation obligation under the Commission's rules to engage third parties to perform the technological act of signing calls as required by the STIR/SHAKEN standards, subject to two conditions: (1) the provider with the implementation

obligation must make all attestation-level decisions, consistent with the requirements of the technical standards; and (2) all calls must be signed using the certificate of the provider with the implementation obligation. Relying on third parties to sign traffic without complying with these requirements will constitute a violation of the Commission's caller ID authentication rules. The rules we adopt today are not limited to arrangements based on a "Hosted SHAKEN" model or the "Carrier SHAKEN" model, or any other particular technological solution. We agree with TransNexus that limiting third-party authentication to currently existing technical solutions is unnecessary and may even inadvertently prevent innovation should new solutions be developed in the future. We will monitor any new solutions that may develop and may revisit this subject should action to address new risks be warranted. As explained below, we find that this approach will ensure the accountability necessary to maintain trust in the STIR/SHAKEN framework and will promote accurate and reliable A- and B-level attestations.

Commenters broadly agree that there are benefits to third-party authentication. Numeracle notes that third-party authentication is "necessary and beneficial for the timely and efficient implementation of STIR/SHAKEN." INCOMPAS adds that, "[e]ngaging in third-party caller ID authentication benefits the STIR/SHAKEN ecosystem by increasing the number of calls that are signed with a SHAKEN signature and by expanding the variety of signing options available to voice service providers and their customers." According to USTelecom, "for some providers, including smaller providers with limited resources, relying on third parties is essential to deploy STIR/SHAKEN in a cost-effective way. In addition, for certain equipment, including legacy IP equipment, third-party signing can be an effective and efficient means to deploy signing capabilities that otherwise would be cost-prohibitive." USTelecom's assertion accords with the NANC Small Providers Report, which concludes that third-party authentication may benefit small providers by reducing the costs associated with STIR/SHAKEN implementation.

The record also indicates, however, that certain types of third-party authentication practices can undermine confidence in the STIR/SHAKEN framework, and that guardrails are necessary. TransNexus argues that

arrangements in which a "downstream transit provider authenticates calls using its own STI certificate and its specific means to determine the attestation level" present serious problems by "undermin[ing] STIR/SHAKEN and robocall prevention," and "enabl[ing] bad actors . . . to hide illegal robocalls amidst other calls authenticated by the transit provider." ACA Connects adds that "[t]hird-party call authentication could raise serious concerns in some contexts, including in situations where a provider employs a third-party for call authentication as a ploy to avoid scrutiny and accountability." NTCA similarly argues that, "[w]hile [third-party services] are a valuable option for providers' compliance with the Commission's caller-ID authentication rules, the potential for bad actors to utilize certain variations of these arrangements in a way that could undermine the integrity of the STIR/SHAKEN ecosystem cannot be overlooked." NTCA and USTelecom agree that safeguards "are necessary to maintain trust in the STIR/SHAKEN ecosystem and allow these arrangements to function as intended for legitimate providers."

We thus balance the benefits and concerns associated with third-party authentication by adopting a rule that allows the practice subject to the two conditions specified above: (1) the provider with the STIR/SHAKEN implementation obligation must make all attestation-level decisions, consistent with the requirements of the technical standards; and (2) all calls must be signed using the certificate of the provider with the implementation obligation. We disagree with TransNexus's argument that we should simply issue a declaratory ruling to clarify that the Commission's rules already require voice service providers and intermediate providers to ensure that calls that they initiate onto the voice network are signed with their certificate, and to make all attestation-level decisions, regardless of which entity actually performs the act of signing. We instead find that codifying the rules through this *Eighth Report and Order* will not only ensure that all parties are the same page regarding their STIR/SHAKEN implementation obligations moving forward, but will also give us additional enforcement tools in the event a bad actor originating service provider attempts to hide behind a third party to obscure its identity. These key guardrails will allow providers to realize the benefits of third-party authentication without compromising the integrity of the trust

and governance structure upon which STIR/SHAKEN relies. They will ensure that responsibility for properly authenticating a call's caller ID information—including complying with the attestation requirements of the ATIS standards—remains with the party assigned the STIR/SHAKEN implementation obligation under the Commission's rules, and will prevent providers from shirking their due-diligence duties by shifting STIR/SHAKEN authentication procedures to third parties. Under this approach, originating service providers that rely on delegate certificates to establish a customer's right to use a telephone number, as required for an A-level attestation, may continue to do so to the extent permitted by the ATIS standards. These delegate certificates "provid[e] an end user or other VoIP entity with the ability to create and sign a PASSporT on its calls using a set of credentials . . . associated with [the] delegate certificate that is specific to the telephone number resources [which] that end user or other VoIP entity is authorized to use," though originating service providers may choose to "ignor[e] all PASSporTs signed with delegate certificate credentials." Because the originating service provider is ultimately responsible for making all attestation-level decisions and providing that information to a third-party performing the technological act of signing a call, the originating service provider remains responsible for vetting their customers and the criteria for applying A-level attestations, whether or not a delegate certificate is accepted. We decline SOMOS' suggestion that we should mandate acceptance of delegate certificates by providers in this *Eighth Report and Order*, as such a mandate is beyond the scope of the third-party authentication rules that we adopt today and the record in this proceeding is insufficient to weigh the benefits and burdens of imposing such a requirement. By requiring calls to be signed using the certificate of the provider with the implementation obligation, the STIR/SHAKEN governance model will be able to function as intended by making it easier to identify providers responsible for any authentication information transmitted with a call and facilitating enforcement remedies that may be needed for failures to comply with authentication requirements, including, for example, revocation of a provider's SPC token by the Secure Telephone Identity Governance Authority (STI-GA). We agree with commenters that the sharing of a provider's certificate with a third-

party authenticator for the purpose of populating the identity header of a call does not create a security risk or undermine the STIR/SHAKEN trust model. As TransNexus states, STIR/SHAKEN certificates are similar to other secure certificates used extensively on the internet: “Most certificate holders provision their certificates and private keys to be hosted by third parties. These companies are experts in securing digital assets, and they use technology best practices and systems to minimize risks.” Further, we conclude that a provider’s direction to a third-party authenticator as to which attestation level to apply to a given call does not raise concerns about privacy or confidentiality. As Numeracle confirms, “the service provider should be able to pass its direction for attestation on to systems maintained by vendors used for technical support to apply the appropriate attestation level to the service provider’s own calls without having to also supply its [third-party authenticator] with contextual data related to its decision.” NCTA states that any information that may need to be shared “is typically no more information than would be shared in connection with other robocall mitigation efforts, such as traceback or other initiatives to combat abusive calling practices” No commenter argues third-party authentication practices, or specifically the sharing of information and certificates with third parties to perform the technological act of signing calls, presents security, privacy, or confidentiality concerns. A few commenters note that the STI-GA is working on ways to address “improper attestations,” and last year published a document providing guidance regarding what it considers to be “improper attestation,” to “support STI GA processes and policies,” including its token revocation process. By adopting guardrails on third-party authentication practices and ensuring that all calls are signed with the token of the provider with the STIR/SHAKEN implementation obligation, rather than a third party that may perform the technological functions of signing a call for that provider, we assist in the STI-GA’s effort to address improper attestation by increasing transparency.

We find that this approach will also guard against improper A- and B-level attestations by parties that are not originating service providers. Under the ATIS standards, an A- or B-level attestation can only be applied if the provider authenticating the call originates it onto the public network. That ATIS criterion can be satisfied in

the context of a third-party arrangement where the originating service provider either: (1) arranges with a third party to perform the technological act of signing a call before the provider originates the call onto the public network; or (2) originates the call onto the public network with an agreement in place for a downstream intermediate provider to perform the technological act of signing the call. The second requirement of A- and B-level attestation, *i.e.*, confirmation that an originating service provider has a “direct authenticated relationship” with its customer and can identify the customer, is a determination that cannot be made by a third party with no relationship to that customer. The last requirement for an A-level attestation, *i.e.*, confirmation that the originating service provider has established that the customer has a legitimate right to use the telephone number that appears in the caller ID, also necessarily requires due diligence by the originating service provider. We thus agree with commenters in the record that it is inconsistent with the Commission’s rules and the ATIS standards to allow third parties to make such determinations. Since, as discussed above, the calls will need to be signed using the originating service provider’s certificate, the rules we adopt today will ensure that such originating service providers are held accountable for improper attestation-level decisions for the calls they originate onto the public network, even if the technological act of signing the calls is performed by a third party.

Commenters generally support our adoption of these guardrails. CTIA and Numeracle argue that this approach “is consistent with the existing [ATIS] standards and the FCC’s regulatory framework for STIR/SHAKEN implementation.” CTIA also notes that requiring the use of “an originating [service] provider’s [certificate] will better achieve the goals of the STIR/SHAKEN framework to promote a trusted voice ecosystem and increase transparency and integrity of caller ID information.” USTelecom contends that, “when calls are signed with the originating [service] provider’s token, the Commission, the provider community, and analytics providers will have the information they need to take action should an originating [service] provider prove to routinely originate and authenticate illegal robocalls” TransNexus argues that such limitations will, *inter alia*, “improve the quality of caller [ID] authentication information available to

terminating providers,” and thereby improve their call analytics.

We are not persuaded, however, by the arguments advanced by the few commenters that oppose the guardrails we adopt today. INCOMPAS argues that we should not adopt any rules governing third-party authentication, and specifically opposes requiring providers to ensure that third-party authenticators sign calls using the provider’s certificate. INCOMPAS implies that third-party authentication arrangements using the third party’s certificate, rather than the originating service provider’s, do not impede traceback efforts because “domestic originating providers . . . typically are identified to the Industry Traceback Group (‘ITG’) by the signing company” in such arrangements, and use of an origination identifier or “origID” by third-party signing providers would be sufficient to “ensure that the Commission or ITG can identify the source of any illegal robocalls.” We disagree. The origID field is an “opaque identifier” that “does not convey any [service provider] or customer information in and of itself.” Moreover, use of the origID field is permitted, but not required, by the ATIS standards, which do not establish detailed specifications regarding its use by providers. The approach described by INCOMPAS requires the ITG to obtain the cooperation of a third-party signing provider before it can identify the originator of an illegal call. In contrast, requiring third-party signers to use the originating service provider’s token will allow the ITG to directly identify the originating service provider, thereby improving the efficiency of the traceback process and accountability within the STIR/SHAKEN ecosystem. INCOMPAS argues that instead we should “rely on the authority of the Enforcement Bureau to address those instances when an illegal robocaller is attempting to evade accountability through third-party authentication[, and] . . . rely on the [STI-GA] to address any ongoing issues or gaps in the standards that lead to attestation abuse.” We are committed to enforcing the Commission’s rules against illegal robocalls and agree that the STI-GA should exercise its authority to hold providers accountable for non-compliance with the ATIS standards. That does not mean, however, that we should not proactively adopt common-sense guardrails to prevent abuse of third-party authentication arrangements. By codifying these new rules, we give more certainty to providers seeking to comply with our caller ID

authentication framework, establish clear standards that the Enforcement Bureau can apply when investigating misconduct, and enable the STIR/SHAKEN ecosystem to realize additional benefits, such as making authentication information more valuable for call analytics. We thus reject INCOMPAS's inference that it is sufficient to simply rely on providers to voluntarily establish appropriate parameters for the application of STIR/SHAKEN technical standards in commercial arrangements with third parties. As discussed below, we require all third-party authentication arrangements to be memorialized in written agreements that comport with the rules we adopt today. INCOMPAS and VON also argue that changes to the Commission's rules may risk creating regulatory conflict with foreign jurisdictions, but provide no detail as to why imposing guardrails on third-party authentication would cause such an issue. While we acknowledge that maintaining "interoperability among SHAKEN systems internationally" is certainly important in protecting domestic consumers from illegal robocalls originating abroad, our action today eliminates the risk of such regulatory conflict by remaining consistent with the ATIS standards.

B. Implementation and Compliance Requirements

In this Section, we adopt several implementation requirements for providers that utilize third-party authentication and amend certain rules to comport with those requirements. In the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023), the Commission sought comment on whether any other rules would need to be amended if it explicitly authorized third-party authentication. Specifically, and as described below, we require all providers with a STIR/SHAKEN implementation obligation to: (1) obtain an SPC Token and digital certificate; (2) certify to complete or partial implementation in the Robocall Mitigation Database *only* if they have obtained an SPC token and digital certificate and sign calls with their certificate; and (3) memorialize and maintain records of any third-party authentication agreement(s) they have entered into, subject to certain limitations.

Requirement to Obtain a Token and Digital Certificate. Consistent with the third-party authentication rule we adopt today, all providers with a STIR/SHAKEN implementation obligation under the Commission's rules will now be explicitly required to obtain an SPC

token from the Policy Administrator and present that token to a STIR/SHAKEN Certificate Authority to obtain a digital certificate. This requirement is necessary now that all calls, whether technologically signed directly by the provider with the STIR/SHAKEN implementation obligation or by a third party, must be signed with the former's certificate, thereby ensuring that accountability for compliance with our caller ID authentication rules remains with the party required to implement STIR/SHAKEN under the Commission's rules. The record indicates that requiring all providers with a STIR/SHAKEN implementation obligation to obtain their own SPC tokens and digital certificates will also result in other benefits, such as "encourag[ing] continued innovation" within the existing STIR/SHAKEN framework and ensuring that providers with STIR/SHAKEN implementation obligations under the Commission's rules "have a fair and proportionate financial stake in the STIR/SHAKEN ecosystem." We believe the positive effects of this requirement will be far-reaching, as the record indicates that many providers claiming to have implemented STIR/SHAKEN have not obtained their own tokens and certificates. Indeed, TransNexus estimates "that about 64% of providers" in the Robocall Mitigation Database that claim STIR/SHAKEN implementation are not registered with the Policy Administrator.

We disagree with INCOMPAS that "requiring all providers to obtain a token that could be used by a third-party authenticator would necessitate changes with both the industry's token access policies and the Commission's current administration of voice service providers." In support of its arguments, INCOMPAS merely lists the STI-GA's SPC token access standards, including the requirement to obtain an Operating Company Number (OCN), and states that many providers "do not operate a business model that allows them to get an OCN." INCOMPAS does not, however, explain why this would be the case for any provider with a STIR/SHAKEN implementation obligation, much less "many" providers with STIR/SHAKEN implementation obligations. In fact, in recent years, the Wireline Competition Bureau has repeatedly found that few providers are currently unable to obtain an SPC token due to revisions made to the STI-GA token access policy in May 2021. Consistent with this finding, the record in this proceeding evidences that the barriers to and costs associated with obtaining and maintaining SPC tokens and digital

certificates are low, including for small providers. Moreover, the compliance deadline we adopt below provides ample time for all sizes of providers to come into compliance with our newly adopted rules, thereby minimizing any compliance burdens. While INCOMPAS states that some providers are unable to get an OCN "from the Commission," OCNs are assigned by the National Exchange Carrier Association (NECA). INCOMPAS also states that "voice service providers are required to provide the STI Policy Administrator with all-associated IP addresses as part of acquiring a Service Provider Code token," and claims that this is a highly burdensome step. INCOMPAS does not explain why supplying IP addresses to the Policy Administrator is highly burdensome, however, or why any burden of submitting the information would outweigh the benefits of requiring providers with a STIR/SHAKEN implementation obligation to register with the Policy Administrator. We note that the Policy Administrator states that it collects IP addresses from providers for the purpose of whitelisting. According to the National Institute of Standards and Technology's Computer Security Resource Center (CSRC), a whitelist can be defined as "[a]n approved list or register of entities that are provided a particular privilege, service, mobility, access or recognition." We note that providers that cannot obtain an SPC token after diligently pursuing one from the Policy Administrator may still claim an implementation extension under the Commission's existing rules. While the Commission sought comment on whether to eliminate the SPC token extension in the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023), we decline to do so at this time. In March 2023, the Commission updated its requirements for submissions to the Robocall Mitigation Database, including a new requirement that providers claiming a STIR/SHAKEN implementation extension or exemption explicitly state the rule that excepts it from compliance and why the provider qualifies for the extension or exemption. All providers were required to file submissions to the Robocall Mitigation Database that comply with this and additional content requirements by February 26, 2024. These filings are currently under review. As part of that assessment, the Wireline Competition Bureau will determine the number of providers still relying on the SPC token extension and the merit of the justifications submitted by those claiming the extension. We

will be better able to determine whether to retain or eliminate the SPC token extension at that time.

Robocall Mitigation Database Certifications. Consistent with the foregoing requirements, we update the Commission's rules to prohibit any provider with a STIR/SHAKEN implementation obligation from certifying to complete or partial implementation in the Robocall Mitigation Database unless they have obtained an SPC token and digital certificate and sign calls with their certificate, either themselves or when working with a third party to perform the technological act of signing calls having met the necessary conditions we impose in this Order. In the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023), the Commission sought comment on whether it should "prohibit providers from certifying to having implemented STIR/SHAKEN in the Robocall Mitigation Database unless their calls are signed with their own SPC token, whether directly or through a third party." For all of the reasons discussed above, we agree with TransNexus that providers that have a STIR/SHAKEN implementation obligation but rely on third-party authentication arrangements using the third party's certificate are not in compliance with the governance model established by STIR/SHAKEN technical standards, which require providers to obtain an SPC token and digital certificate to authenticate calls. Such providers should not, therefore, claim to have implemented STIR/SHAKEN pursuant to the technical standards required by the Commission's rules in the Robocall Mitigation Database. While we recognize that some of these providers may have relied on third-party SPC tokens and certificates out of a good faith belief that such arrangements are permissible under the Commission's rules in the past, such practices will now be expressly prohibited by our rules, and providers that have relied on third-party tokens and digital certificates in the past will now need to obtain their own SPC tokens and certificates and use them to sign calls, consistent with the requirements of the STIR/SHAKEN standards and the compliance deadlines we set below. Providers that do not obtain and use an SPC token and certificate must update their Robocall Mitigation Database certifications to state that they have not fully or partially implemented STIR/SHAKEN to avoid being referred to the Enforcement Bureau for violations of the Commission's rules, including the rules

governing certifications submitted to the Robocall Mitigation Database and the obligation to submit information to the Commission that is true, accurate, and up-to-date. Providers that qualify for a STIR/SHAKEN implementation extension because they cannot satisfy the requirements to obtain an SPC token can claim the extension in their Robocall Mitigation Database submissions at this time.

We decline to adopt new content requirements for Robocall Mitigation Database certifications at this time. In the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023), the Commission sought comment on requiring providers to submit additional information to the Robocall Mitigation Database, "including the identity of the third party providing [their authentication] solution, any requirements the provider has imposed on the third party to ensure compliance with the requirements of the ATIS technical standards and the Commission's rules, and what the provider itself does to ensure compliance with those requirements under the third-party arrangement[.]" In response to the *Further Notice*, commenters suggest that we should require providers to submit a variety of additional information to the Robocall Mitigation Database, including evidence of registration with the Policy Administrator, the identity of any third-party authentication solutions they use, and information that details their Know Your Customer standards.

We conclude that any value of requiring providers to submit this information at this time is minimal, and does not warrant the additional operational and administrative burdens of requiring providers to update their Robocall Mitigation Database submissions. For instance, now that we require all providers with a STIR/SHAKEN implementation obligation to obtain their own SPC token from the Policy Administrator and a digital certificate from a Certification Authority, we conclude it unnecessary for providers to make a further showing at this time that they are registered with the Policy Administrator, as TransNexus suggests. Moreover, as Numeracle points out, the Policy Administrator's list of providers authorized to participate in STIR/SHAKEN is publicly available, allowing Commission staff to easily verify a provider's registration status without further expanding the Robocall Mitigation filing requirements. We also believe it is unnecessary to require providers to identify any third-party authentication solutions they use in their Robocall Mitigation Database

submissions, as NCTA suggests. Under the rules we adopt today, which require calls to be signed using the digital certificate of the provider with the STIR/SHAKEN implementation obligation, responsibility and accountability for compliance with the STIR/SHAKEN standards will be traced back to that provider, not a third-party entity that technologically signs the call. Further, we agree with INCOMPAS that requiring providers to identify the specific third-party solutions that they may employ to perform the technological act of signing calls could require providers to update their Robocall Mitigation Database submissions more frequently if such solutions change, thereby increasing administrative burdens for providers with minimal benefit. Lastly, providers are already required to describe in their robocall mitigation plans how they comply with their existing obligation to know their customers under the Commission's rules. We, thus, decline to further amend our requirements for Robocall Mitigation Database certifications at this time, but we will closely observe how providers comply with the requirements we adopt today to determine whether additional information would assist our compliance reviews and enforcement activities in the future. ZipDX proposes that "[n]ew [Robocall Mitigation Database] registrations should not immediately become active. Instead, FCC staff should vet the registration to ensure that the applicant has a token from the STI-PA and if not, that the filed RMP contain a thorough, credible explanation as to why not." In August 2024, we launched a separate proceeding to consider procedural measures for improving the overall quality of information submitted to the Robocall Mitigation Database. We believe that addressing ZipDX's procedural proposal would be more appropriate in the context of that proceeding, and thus decline to do so here. ACA Connects argues that the "Commission could further require reseller providers to disclose to the Commission (on a confidential basis), the identity of any wholesale provider that authenticates some or all of their calls." As discussed above, however, in the context of a wholesale provider originating a call onto the public network for a reseller which lacks control over the network infrastructure necessary to implement STIR/SHAKEN, it is the wholesale provider that has the STIR/SHAKEN implementation obligation, that must authenticate the calls using its own digital certificate.

Recordkeeping. To ensure compliance with the requirements we adopt herein for third-party authentication, and to enable the Commission to monitor such compliance and enforce its rules, we require that providers that choose to work with a third party to perform technological act of signing calls do so pursuant to a written agreement. In the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023), the Commission sought comment on the measures it would “need to implement to monitor compliance with its rules if third-party authentication arrangements are employed.” No commenter raises arguments for or against recordkeeping requirements. The required written agreement must specify the specific tasks that the third party will perform on the provider’s behalf and confirm that provider will: (1) make all attestation-level decisions for calls signed pursuant to the agreement, and (2) ensure that all calls will be signed using the provider’s certificate. Providers may be required to submit a copy of the agreement to the Commission in connection with a review of the provider’s compliance with the Commission’s rules or an investigation by the Enforcement Bureau. To the extent that an agreement between a provider with the STIR/SHAKEN implementation obligation and a third party contains confidential information, providers may seek confidential treatment for that information. We require that a current agreement be in place for as long as any third-party authentication arrangement exists, and that all copies of third-party agreements be maintained for a period of two years from the end or termination of the agreement. We emphasize that there must be a memorialized agreement between the provider with the STIR/SHAKEN implementation obligation and the third party performing the technological act of signing a call for the arrangement to be considered third-party authentication under the rules we adopt today. For example, the Commission’s rules require voice service providers to authenticate the traffic that they originate, and, if they fail to do so, non-gateway intermediate providers must themselves authenticate any unauthenticated calls they receive directly from originating providers. Consequently, an intermediate provider that receives an unauthenticated call from an originating provider does not engage in third-party authentication simply because it is the entity that uses STIR/SHAKEN to authenticate the call. In such an instance, the intermediate provider is discharging its own

authentication obligation under the Commission’s rules by signing the unsigned traffic. For this reason, we do not share ZipDX’s concern about a lack of accountability for calls in the event that a wholesale provider might claim that it should be “deemed an intermediate provider” in relation to a reseller customer. If, however, the originating service provider has executed an agreement for its immediate downstream intermediate provider to perform the technological act of signing a call on the originating provider’s behalf, subject to the conditions adopted in this *Eighth Report and Order*, that would qualify as a third-party authentication arrangement. We thus reject INCOMPAS’s argument that our definition of third-party authentication should apply when downstream providers are merely “signing calls that were not signed up-stream,” even if the downstream provider “may not be offering signing service *per se*.”

Compliance Deadline. The new third-party authentication guardrails we adopt in this *Report and Order* include recordkeeping and Robocall Mitigation Database certification requirements under 47 CFR 64.6301(b)(3)–(b)(5), 64.6302(f)(3)–(f)(5), and 64.6305(d)–(f), which may contain new or modified information collections subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). While the remaining amendments to §§ 64.6301 through 64.6305 adopted in this *Report and Order* do not themselves require OMB approval, in practice, compliance with the requirements of these provisions will likely entail compliance with the provisions of 64.6301(b)(3) through (5), 64.6302(f)(3) through (5), and 64.6305(d) through (f), respectively. Therefore, we set a compliance deadline for all our newly adopted requirements of 30 days after publication of this *Report and Order* in the **Federal Register** following OMB approval, or 210 days after release of this *Report and Order*, whichever is later.

We expect that requiring providers to comply with all of the obligations we adopt in the *Report and Order* on the same date will facilitate compliance with our rules, and consequently we elect to delay the effectiveness of the entirety of the modifications to §§ 64.6301 through 64.6305 pending OMB approval of §§ 64.6301(b)(3) through (5), 64.6302(f)(3) through (5), and 64.6305(d) through (f). Consistent with the Commission’s approach in prior rulemakings, we direct the Wireline Competition Bureau to announce effective dates for 47 CFR 64.6301 through 64.6305 through Public

Notice. Any provider with a STIR/SHAKEN implementation obligation that has failed to both: (1) obtain an SPC token from the Policy Administrator and a digital certificate from a Certificate Authority; and (2) ensure that all calls that it is required to authenticate are signed using its own digital certificate, will be required to update their certifications in the Robocall Mitigation Database to state that they have not fully or partially implemented STIR/SHAKEN by the effective date of the rules listed in this paragraph as announced by Public Notice.

The record reflects support for our adoption of a single compliance deadline for our third-party authentication obligations based on the schedule above. Commenters explain that providers using third-party authentication solutions may have to make a number of commercial and network changes to comply with the newly adopted authentication and robocall mitigation requirements, such as creating new commercial arrangements with customers or third-party vendors, taking the steps needed to obtain a token and certificate, determining the process for assigning an attestation level, and making changes to their network to sign calls with their own token. We agree with NCTA that adopting a transition period would “promote fairness and avoid exposing providers relying on good faith on non-conforming third-party solutions to the threat of immediate liability.” We also agree with INCOMPAS that “[w]hile the evolution toward broad token access should be encouraged, expecting a flash-cut” to such a change would not be practical. Therefore, we grant providers a reasonable amount of time to adjust their third-party call authentication practices to comply with the rules we adopt today, and will not require compliance with these rules sooner than 210 days after release of this *Report and Order*. Although we find that this approach will allow sufficient time for providers to adjust their third-party authentication practices, providers should comply with our new rules as soon as reasonably practicable. In this instance, we agree with INCOMPAS and CCA that a period of at least 210 days following the release of this *Report and Order* will ensure that providers have sufficient time to achieve compliance with our new rules.

C. Summary of Cost-Benefit Analysis

We find that the benefits of the third-party authentication rules we adopt today will greatly exceed the costs they will impose on providers. In the *Sixth Caller ID Authentication Report and*

Order (88 FR 29035, May 5, 2023), the Commission confirmed the conclusion that “our STIR/SHAKEN rules are likely to result in, at a minimum, \$13.5 billion in annual benefits,” and that the benefits associated with the rules will greatly outweigh the costs imposed on providers. We again affirm this conclusion, and find that “[l]imiting the ability of illegal robocallers to evade existing rules will preserve and extend the benefits of STIR/SHAKEN.”

Benefit: Preserving the Structural Integrity of the STIR/SHAKEN Regime. Establishing clear rules of the road for providers using third parties to authenticate voice service calls will increase the STIR/SHAKEN framework’s benefits. Our new third-party authentication requirements will increase compliance with the Commission’s caller ID authentication rules, promote accountability and trust within the STIR/SHAKEN framework, and improve the accuracy of A- and B-level attestations. As a result, more illegal robocalls will be identified and stopped before they can reach American consumers, helping increase confidence in the U.S. telephone network. In adopting these requirements, we strike a balance that allows providers to realize the benefits of third-party authentication while preventing abuses that could undermine the STIR/SHAKEN standards. The new rules will increase the number of calls signed with a SHAKEN signature, give providers and their customers more signing options, and make it more cost-effective for all providers to implement STIR/SHAKEN. Indeed, the record reflects that third-party authentication may “confer[] substantial benefits,” particularly for small providers, as deploying STIR/SHAKEN in the IP portion of their voice service network may otherwise be cost-prohibitive. The cost savings that make third-party authentication a worthwhile, cost-effective investment for small providers is an added benefit.

Benefit: Ensuring Reliable Access to Emergency and Healthcare Communications. In the *First Caller ID Authentication Report and Order* (85 FR 22029, Apr. 21, 2020), the Commission noted that “hospitals and 911 dispatch centers have reported that robocall surges have disabled or disrupted their communications network, and such disruptions have the potential to impede communications in life-or-death emergency situations. In one instance, Tufts Medical Center in Boston received more than 4,500 robocalls in a two-hour period. In another, the phone lines of several 911 dispatch centers in Tarrant County, Texas, were disabled because of an hourlong surge in robocalls.”

Although the Commission declined then to estimate the considerable public safety benefits of reduced robocalling, in the wake of subsequent Commission orders estimating the public safety benefits of reduced emergency response delays, we elect to do so now. In the *Location-Based Routing Report and Order* (89 FR 18488, Mar. 13, 2024), we estimated that a one-minute reduction in average emergency response times would save 13,837 lives, a mortality risk reduction worth \$173 billion annually. Based on that figure, any reduction in emergency response delays caused by robocalls could confer large benefits. For example, if unwanted and illegally spoofed robocalls caused only a one-second delay in average emergency response times, the potential mortality risk-reduction benefit would be worth \$2.88 billion annually (*i.e.*, $173/60 = 2.88$). Assuming a linear relationship between prevalence of robocalling and possible emergency response delays, a one-tenth reduction in robocalling and the accompanying tenth-of-a-second reduction in emergency response time, which could be achieved by better third-party authentication, would be worth \$288 million annually. A more modest one-twentieth reduction in robocalling and one-twentieth-of-a-second reduction emergency response times would be worth \$144 million annually. To achieve \$100 million in annual public safety benefits, our third-party authentication rules would only have to reduce unwanted and illegal robocalls such that average emergency response times were improved by a mere 0.035 seconds, or about one-thirtieth of a second. Given the prevalence of robocalls and their ability to disrupt communications and cause network congestion, it is highly likely that implementing third-party authentication rules to strengthen the STIR/SHAKEN ecosystem will reduce robocalls by at least this much, resulting in life-saving benefits.

Benefit: Reducing Network Congestion and Consumer Complaints. The Commission has noted previously that unwanted and illegal robocalls increase network congestion and the labor costs of handling numerous customer complaints. Third-party-authenticated traffic that does not currently meet STIR/SHAKEN technical standards and results in illegal or unwanted robocalls terminates on the networks of unwitting carriers, forcing them to bear the costs of unwanted call traffic in the form of increased customer complaints and network congestion. Tightening third-party authentication requirements will generate savings for voice service

providers, which may pass them on to consumers in the form of lower rates.

Costs. While some argue that limitations on third-party authentication may be costly without concomitant benefits, the record more broadly reflects that the costs of requiring providers that use third-party solutions to authenticate calls with their own token and applying their attestation level to their calls will be minimal for all providers, including small providers. As explained above, by adopting a minimum compliance period for our third-party authentication requirements of 210 days following release of this *Report and Order*, we take a balanced approach that maximizes the benefits to providers using third-party authentication solutions while minimizing its costs. And, though we acknowledge that our adopted third-party authentication requirements will have implementation and recordkeeping costs, we conclude that explicitly authorizing third-party authentication with our adopted limitations will produce significant benefits, including increased trust in the STIR/SHAKEN framework and the accuracy of A- and B-level attestations.

D. Legal Authority

Consistent with our proposals, we adopt the foregoing obligations pursuant to the legal authority that the Commission relied on in prior caller ID authentication and call blocking orders. We note that no commenter questioned our proposed legal authority.

Third-Party Authentication. We conclude that Section 251(e) of the Act and the Truth in Caller ID Act provide us with the authority to authorize providers to engage in third-party authentication practices subject to certain limits. Specifically, we find that our Section 251(e) numbering authority and the Truth in Caller ID Act each provide the Commission with independent authority to require providers that use third parties to authenticate calls to adhere to two limitations: (1) the provider with the STIR/SHAKEN implementation obligation under the Commission’s rules must be the entity that determines whether A-, B-, or C- level attestation should be applied to the call; and (2) all calls must be signed using the SPC token of the provider with the implementation obligation.

As the Commission explained in the *First Caller ID Authentication Report and Order* (85 FR 22029, Apr. 21, 2020), Section 251 provides the Commission with exclusive, independent jurisdiction over numbering issues in the United States and “enables us to act

flexibly and expeditiously with regard to important numbering matters[.]” including “[w]hen bad actors unlawfully spoof the caller ID that appears on a subscriber’s phone[.]” Further, the Truth in Caller ID Act provides us with authority to adopt rules that are “necessary to . . . protect voice service subscribers from scammers and bad actors.” As the Commission has found in several caller ID authentication and call blocking orders, we again find that Section 251(e) and the Truth in Caller ID Act provide the Commission with the authority “to prescribe rules to prevent the unlawful spoofing of caller ID and abuse of NANP resources by all voice service providers[.]” The record reflects that the limitations on third-party authentication we adopt today are necessary to ensure the integrity of and trust in the STIR/SHAKEN ecosystem and will help shield customers from the scourge of illegal robocalls. Adopting rules for third-party authentication practices will also help prevent the fraudulent exploitation of the NANP by ensuring that the parties responsible for implementing STIR/SHAKEN under the Commission’s rules remain accountable for meeting the STIR/SHAKEN standards. We thus find that Section 251(e) of the Act and the Truth in Caller ID Act provide us with the authority to adopt the foregoing third-party authentication rules.

Implementation and Compliance Measures. We conclude that the TRACED Act provides additional, independent authority to require providers to obtain an SPC token and sign their calls with their own certificate in order to satisfy a STIR/SHAKEN implementation obligation under the Commission’s rules. Congress expressly required the Commission to require voice service providers to implement the STIR/SHAKEN caller ID authentication framework in the TRACED Act. Consistent with the Commission’s prior call blocking and caller ID authentication orders, we find that Sections 201(b) and 201(a) of the Act, and the Commission’s ancillary authority in Section 4(i) of the Act, provide us with additional sources of authority to adopt these robocall mitigation requirements. Requiring providers to acquire their own SPC token from and register with the Policy Administrator, obtain a digital certificate from a STIR/SHAKEN Certificate Authority, and sign calls with their digital certificate will better ensure that providers are meeting their responsibilities to properly authenticate calls and comply with the requirements of the ATIS standards. Our third-party

authentication rules will therefore help maintain the integrity of the trust and governance structure upon which STIR/SHAKEN relies, as these rules will better ensure that providers are held accountable for properly implementing STIR/SHAKEN. Adopting these requirements will thus increase the efficacy and trust of the call authentication framework that the TRACED Act required.

We also find that Section 251(e) of the Act and the Truth in Caller ID Act also provide us with the authority to adopt the implementation and compliance measures for the third-party authentication rules that we adopt in this *Report and Order*. Specifically, we conclude that Section 251(e) of the Act and the Truth in Caller ID Act authorize us to: (1) prohibit any provider from certifying to full or partial implementation in the Robocall Mitigation Database unless they have obtained their own SPC token and sign calls with their own digital certificate; (2) require that any third-party authentication arrangement be memorialized in an agreement between the party with the STIR/SHAKEN implementation obligation under the Commission’s rules and the third-party signer; and (3) require the memorialized agreement be in place for as long as any third-party authentication arrangement exists, and that all copies of third-party agreements be maintained for a period of two years from the end or termination of the agreement. As explained above with respect to our third-party authentication rules, these measures will help providers realize the benefits of third-party authentication while providing greater mechanisms for accountability that will ensure that providers are complying with their STIR/SHAKEN implementation obligations. Consequently, we find that these requirements will also prevent the fraudulent abuse of North American Numbering Plan (NANP) resources as directed in Section 251(e) of the Act, as well as protect voice service subscribers as directed in the Truth in Caller ID Act by increasing trust in the STIR/SHAKEN standards.

II. Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Call Authentication Trust Anchor Further Notice of Proposed Rulemaking* released in March 2023 (*Sixth Caller ID Authentication Further Notice*) (88 FR 29035, May 5, 2023). The Federal Communications Commission

(Commission) sought written public comment on the proposals in the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023), including comment on the IRFA. The comments received are discussed below. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Order

The *Eighth Report and Order* takes important steps in the fight against illegal robocalls by explicitly authorizing providers to use third-party authentication solutions to comply with their existing STIR/SHAKEN implementation obligations and adopting associated implementation and compliance measures. The decisions we make here protect consumers from unwanted and illegal calls while balancing the legitimate interests of callers placing lawful calls. First, the *Eighth Report and Order* requires a provider that uses a third-party solution for signing calls to satisfy its STIR/SHAKEN implementation obligation under the Commission’s rules to make the attestation-level decisions itself, and ensure that its calls are signed with its own certificate, rather than that of a downstream provider or other third party. Second, it requires all providers with a STIR/SHAKEN implementation obligation to: (1) obtain an SPC Token and digital certificate; (2) certify to complete or partial implementation in the Robocall Mitigation Database only if they have obtained an SPC token and digital certificate and ensure their calls are signed with their own certificate; and (3) memorialize any third-party authentication arrangement in an agreement and maintain a record of such agreement(s) for two years from the end or termination of the agreement, alongside certain additional requirements. These guardrails for third-party authentication arrangements will help to ensure providers remain accountable for complying with their STIR/SHAKEN implementation requirements and are transparent regarding their caller ID authentication practices.

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

Though there were no comments raised that specifically addressed the proposed rules and policies presented in the *Sixth Caller ID Authentication Further Notice* (88 FR 29035, May 5, 2023) IRFA, the Commission did receive comments addressing the burdens on small providers. There is general agreement that the barriers to and costs

associated with obtaining and maintaining SPC tokens and digital certificates are low for small providers. A few commenters argued that a compliance period of at least 210 days following release of this *Report and Order* would give the industry time to comply with any rules limiting third-party authentication. The Commission found that the commenters provided sufficient evidence to support adoption of a minimum 210-day compliance period for purposes of these rules.

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

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

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

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

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

States, which translates to 33.2 million businesses.

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

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

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

also referred to as wireline carriers or fixed local service providers.

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

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

Incumbent Local Exchange Carriers (Incumbent LECs). Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees

as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 1,227 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 929 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

Competitive Local Exchange Carriers (LECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 3,956 providers that reported they were competitive local exchange service providers. Of these providers, the Commission estimates that 3,808 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Interexchange Carriers (IXCs). Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 151

providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 131 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

Cable System Operators (Telecom Act Standard). The Communications Act of 1934, as amended, contains a size standard for a "small cable operator," which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000. For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 677,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator based on the cable subscriber count established in a 2001 Public Notice. Based on industry data, only six cable system operators have more than 677,000 subscribers. Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. We note however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million. Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

Other Toll Carriers. Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal

Service Monitoring Report, as of December 31, 2020, there were 115 providers that reported they were engaged in the provision of other toll services. Of these providers, the Commission estimates that 113 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 797 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 715 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Satellite Telecommunications. This industry comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$35 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than \$25 million. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 71 providers that reported they were engaged in the provision of satellite telecommunications services. Of these

providers, the Commission estimates that approximately 48 providers have 1,500 or fewer employees. Consequently using the SBA's small business size standard, a little more than of these providers can be considered small entities.

Local Resellers. Neither the Commission nor the SBA have developed a small business size standard specifically for Local Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 293 providers that reported they were engaged in the provision of local resale services. Of these providers, the Commission estimates that 289 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Toll Resellers. Neither the Commission nor the SBA have developed a small business size standard specifically for Toll Resellers. Telecommunications Resellers is the closest industry with an SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size

standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 518 providers that reported they were engaged in the provision of toll services. Of these providers, the Commission estimates that 495 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

Prepaid Calling Card Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 58 providers that reported they were engaged in the provision of payphone services. Of these providers, the Commission estimates that 57 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

All Other Telecommunications. This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily

engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (e.g., dial-up ISPs) or voice over internet protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$35 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on this data, the Commission estimates that the majority of "All Other Telecommunications" firms can be considered small.

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

The *Eighth Report and Order* requires providers that choose to engage in third-party authentication to do so subject to certain limitations. These changes affect small and large companies and apply to all the classes of regulated entities identified above. Specifically, the *Eighth Report and Order* authorizes providers to engage third parties to perform the technological act of signing calls, as required by the STIR/SHAKEN standards, provided that providers with a STIR/SHAKEN implementation obligation make all attestation-level decisions for calls authenticated by third-parties, and ensure that all calls authenticated using third-party solutions are signed using the certificate of the provider with the STIR/SHAKEN implementation obligation under the Commission's rules.

The *Eighth Report and Order* also adopts implementation and compliance requirements, consistent with the above requirements for third-party authentication. First, providers with a STIR/SHAKEN implementation obligation must acquire their own SPC token and digital certificate. Second, these providers may only certify to complete or partial implementation in the Robocall Mitigation Database if they have obtained an SPC token and digital certificate and sign calls with their certificate, whether by themselves or through a third party.

Finally, the *Eighth Report and Order* also adopts a recordkeeping requirement for providers with a STIR/SHAKEN implementation obligation that enter into an arrangement with a third party to authenticate the provider's calls. It

requires that any third-party authentication arrangement be memorialized in an agreement between the party with the STIR/SHAKEN implementation obligation under the Commission's rules and the third-party signer, and include information that will help the Commission monitor compliance with our third-party authentication rules. The agreement must specify the specific tasks that the third party will perform on the behalf of the provider with the STIR/SHAKEN implementation obligation, and confirm that the provider with the STIR/SHAKEN implementation obligation will: (1) make all attestation-level decisions for calls signed pursuant to the agreement, and (2) ensure that all calls will be signed using this provider's certificate. Providers may be required to submit a copy of the agreement to the Commission in connection with a review of the provider's compliance with these requirements or an investigation by the Enforcement Bureau. Under this rule, a current agreement must be in place for as long as any third-party authentication arrangement exists, and all copies of third-party agreements must be maintained for a period of two years from the end or termination of the agreement. The record reflects that third-party authentication may particularly benefit small providers that may be burdened by the costs of deploying STIR/SHAKEN in the IP portion of their voice service network. The benefits of the third-party authentication rules adopted in the *Eighth Report and Order* will greatly exceed the minimal costs imposed on small providers.

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

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

The *Eighth Report and Order* considered alternatives that may minimize the economic impact on small providers. We authorize providers with a STIR/SHAKEN implementation obligation under the Commission's rules to engage in third-party authentication to comply with that obligation, subject

to certain limitations. Our third-party authentication rules thus impose guardrails solely on those providers choosing to make use of a third party to comply with their obligation. Given evidence in the record that third-party authentication may help to reduce costs for small providers, we find that our explicit authorization of the practice, subject to certain guardrails, will enable those providers to accrue those benefits while remaining compliant with the Commission's STIR/SHAKEN implementation obligations. We also find that our action explicitly requiring all providers, regardless of whether they choose to engage in third-party authentication, to obtain an SPC token, use that token to obtain a certificate, and ensure that all calls are signed using that certificate, will be minimally burdensome for small providers, as evidenced by the record.

We also adopt an approach to authorizing third-party authentication that will ensure that our requirements do not unduly burden all providers, including small providers. Recognizing arguments in the record that providers could be required to make a number of commercial and network changes to comply with the newly adopted authentication requirements, we grant providers a minimum of 210 days following release of this *Report and Order* to comply with our rules. Finally, we also considered and decline to require providers to submit additional information to the Robocall Mitigation Database, which should thus reduce burdens on all providers.

G. Report to Congress

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

III. Procedural Matters

Paperwork Reduction Act. This document may contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. All such new or modified information collection requirements will be submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies will be invited to comment on new or substantively

modified information collection requirements contained in this proceeding. Any non-substantive modification to a previously approved information collection will be submitted to OMB for review pursuant to OMB's process for non-substantive changes. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In this present document, we have assessed the effects of: (1) requiring that any third-party authentication arrangement be memorialized in an agreement between the party with the STIR/SHAKEN implementation obligation under the Commission's rules and the third-party signer; and (2) allowing providers to certify to complete or partial implementation in the Robocall Mitigation Database *only* if they have obtained an SPC token and digital certificate and sign calls with their certificate. We find that small providers have had ample time to develop processes to allow them to respond within the appropriate time and that providers for which this presents a significant burden, either due to their size or for some other reason, may request a waiver. With respect to any non-substantive modification to a previously approved information collection, such changes are non-substantive and do not give rise to new or substantively modified information collection burdens for small business concerns with fewer than 25 employees pursuant to the Small Business Paperwork Relief Act of 2002.

Congressional Review Act. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is "major" under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this *Eighth Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

IV. Ordering Clauses

Accordingly, pursuant to Sections 4(i), 4(j), 201, 202, 217, 227, 227b, 251(e), 303(r), 403, 501, 502, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 214, 217, 227, 227b, 251(e), 303(r), 403, 501, 502, and 503, *it is ordered that this Eighth Report and Order is adopted.*

It is further ordered that part 64 of the Commission's rules is *amended* as set forth in Appendix A.

It is further ordered that, pursuant to §§ 1.4(b)(1) and 1.103(a) of the Commission's rules, 47 CFR 1.4(b)(1), 1.103(a), this *Eighth Report and Order*, including the rule revisions and redesignations described in Appendix A, *shall be effective* 30 days after its publication in the **Federal Register** following OMB approval. The Commission directs the Wireline Competition Bureau to announce the completion of any review by the Office of Management and Budget that the Wireline Competition Bureau determines is required under the Paperwork Reduction Act and the relevant effective date by subsequent public notice.

It is further ordered that the Office of the Managing Director, Performance & Program Management, *shall send* a copy of this *Eighth Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

It is further ordered that the Commission's Office of the Secretary, *shall send* a copy of this *Eighth Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

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

Federal Communications Commission.

Marlene Dortch,
Secretary.

Final Rules

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

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Subpart HH—Caller ID Authentication

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

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

■ 2. Amend § 64.6301 by revising paragraphs (a)(1) and (2) and adding paragraph (b) to read as follows:

§ 64.6301 Caller ID Authentication.

(a) * * *

(1) Obtain an SPC token from the Secure Telephone Identity Policy Administrator and use that token to obtain a Secure Telephone Identity Certificate Authority;

(2) Using the certificate obtained pursuant to paragraph (a)(1) of this section:

(i) Authenticate and verify caller identification information for all SIP calls that exclusively transit its own network;

(ii) Authenticate caller identification information for all SIP calls it originates and that it will exchange with another voice service provider or intermediate provider and, to the extent technically feasible, transmit that call with authenticated caller identification information to the next voice service provider or intermediate provider in the call path; and

* * * * *

(b) A voice service provider may fulfill its obligations to authenticate caller identification information under paragraph (a)(2) of this section by entering into an agreement with a third-party authentication service, provided that the voice service provider.

(1) Requires the third party to sign all calls using the certificate obtained by the voice service provider in accordance with paragraph (a)(1);

(2) Makes all attestation-level decisions regarding the caller identification information of each SIP call it originates;

(3) Memorializes the agreement between it and the third party for the authentication service in writing, which:

(i) Specifies the specific tasks that the third-party authenticator will perform on the voice service provider's behalf, and

(ii) Confirms that the voice service provider shall make all attestation-level decisions for calls signed pursuant to the agreement, and that all calls shall be signed using the voice service provider's Secure Telephone Identity certificate;

(4) Maintains any agreement entered into pursuant to paragraph (b) of this section for as long as any third-party authentication arrangement exists; and

(5) Retains a copy of any agreement entered into pursuant to paragraph (b) of this section for a period of two (2) years from the end or termination of the agreement.

■ 3. Amend § 64.6302 by:

■ a. Redesignating paragraphs (a) through (d) as paragraph (b) through (e);
■ b. Adding new paragraphs (a) and (f); and

■ c. Revising newly redesignated paragraphs (c) introductory text, (d), and (e).

The additions and revisions read as follows:

§ 64.6302 Caller ID authentication by intermediate providers.

* * * * *

(a) Obtain an SPC token from the Secure Telephone Identity Policy Administrator and use that token to obtain a Secure Telephone Identity Certificate Authority;

* * * * *

(c) Authenticate caller identification information for all calls it receives for which the caller identification information has not been authenticated and which it will exchange with another provider as a SIP call using the Secure Telephone Identity certificate it received from the Secure Telephone Identity Certificate Authority pursuant to paragraph (a) of this section, except that the intermediate provider is excused from such duty to authenticate if it:

* * * * *

(d) Notwithstanding paragraph (c) of this section, a gateway provider must authenticate caller identification information using the Secure Telephone Identity certificate it received pursuant to paragraph (a) of this section for all calls it receives that use North American Numbering Plan resources that pertain to the United States in the caller ID field and for which the caller identification information has not been authenticated and which it will exchange with another provider as a SIP call, unless that gateway provider is subject to an applicable extension in § 64.6304.

(e) Notwithstanding paragraph (c) of this section, a non-gateway intermediate provider must authenticate caller identification information using the Secure Telephone Identity certificate it received pursuant to paragraph (a) of this section for all calls it receives directly from an originating provider and for which the caller identification information has not been authenticated and which it will exchange with another provider as a SIP call, unless that non-gateway intermediate provider is subject to an applicable extension in § 64.6304.

(f) An intermediate provider may fulfill its obligations to authenticate caller ID information under paragraphs (d) and (e) of this section by entering into an agreement with a third-party authentication service, provided that the intermediate provider:

(1) Requires the third party to sign all calls using the certificate obtained by

the intermediate provider in accordance with paragraph (a) of this section;

(2) Makes all attestation-level decisions regarding the caller identification information of each SIP call it originates;

(3) Memorializes the agreement between it and the third party for the authentication service in writing, which:

(i) Specifies the specific tasks that the third-party authenticator will perform on the intermediate provider's behalf, and

(ii) Confirms that the intermediate provider shall make all attestation-level decisions for calls signed pursuant to the agreement, and that all calls shall be signed using the voice service provider's Secure Telephone Identity certificate;

(4) Maintains any agreement entered into pursuant to paragraph (f) of this section for as long as any third-party authentication arrangement exists; and

(5) Retains a copy of any agreement entered into pursuant to paragraph (f) of this section for a period of two (2) years from the end or termination of the agreement.

■ 4. Amend § 64.6303 by revising paragraphs (b)(1) and (c)(1) to read as follows:

§ 64.6303 Caller ID authentication in non-IP networks.

* * * * *

(b) * * *

(1) Upgrade its entire network to allow for the processing and carrying of SIP calls and fully implement the STIR/SHAKEN framework as required in § 64.6302(d) throughout its network; or

* * * * *

(c) * * *

(1) Upgrade its entire network to allow for the processing and carrying of SIP calls and fully implement the STIR/SHAKEN framework as required in § 64.6302(e) throughout its network; or

* * * * *

■ 5. Amend § 64.6304 by revising paragraph (b) to read as follows:

§ 64.6304 Extension of implementation deadline.

* * * * *

(b) *Voice service providers, gateway providers, and non-gateway intermediate providers that cannot obtain an SPC token.* Voice service providers that are incapable of obtaining an SPC token due to Governance Authority policy are exempt from the requirements of § 64.6301 until they are capable of obtaining an SPC token. Gateway providers that are incapable of obtaining an SPC token due to Governance Authority policy are exempt from the requirements of § 64.6302(d) regarding call authentication. Non-gateway intermediate providers that are incapable of obtaining an SPC token due to Governance Authority policy are exempt from the requirements of § 64.6302(e) regarding call authentication.

* * * * *

■ 6. Amend § 64.6305 by revising paragraphs (d)(1)(i) and (ii), (e)(1)(i) and (ii), and (f)(1)(i) and (ii) to read as follows:

§ 64.6305 Robocall Mitigation and Certification.

* * * * *

(d) * * *

(1) * * *

(i) It has fully implemented the STIR/SHAKEN authentication framework across its entire network and all calls it originates are compliant with § 64.6301;

(ii) It has implemented the STIR/SHAKEN authentication framework on a portion of its network and all calls it originates on that portion of its network are compliant with § 64.6301(a) and (b); or

* * * * *

(e) * * *

(1) * * *

(i) It has fully implemented the STIR/SHAKEN authentication framework across its entire network and all calls it carries or processes are compliant with § 64.6302;

(ii) It has implemented the STIR/SHAKEN authentication framework on a portion of its network and calls it carries or processes on that portion of its network are compliant with § 64.6302; or

* * * * *

(f) * * *

(1) * * *

(i) It has fully implemented the STIR/SHAKEN authentication framework across its entire network and all calls it carries or processes are compliant with § 64.6302;

(ii) It has implemented the STIR/SHAKEN authentication framework on a portion of its network and calls it carries or processes on that portion of its network are compliant with § 64.6302; or

* * * * *

[FR Doc. 2025-15809 Filed 8-18-25; 8:45 am]

BILLING CODE 6712-01-P

Proposed Rules

Federal Register

Vol. 90, No. 158

Tuesday, August 19, 2025

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 310

[Docket No. FSIS 2024–0023]

RIN 0583–AD99

Visual Post-Mortem Inspection in Swine Slaughter Establishments

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Proposed rule.

SUMMARY: FSIS is proposing to end mandatory mandibular lymph nodes incision and viscera palpation of swine carcasses in all swine slaughter establishments (*i.e.*, establishments operating under traditional swine slaughter inspection or the New Swine Slaughter Inspection System (NSIS). Mandibular lymph nodes (“lymph nodes”) incision and viscera palpation of swine carcasses are not needed to ensure food safety, as FSIS swine condemnation rates are low and disease conditions that are condemnable defects can be detected visually through other pathological changes in the carcass and its parts. Therefore, FSIS is proposing to amend the meat inspection regulations to remove requirements for establishment sorters to “incise mandibular lymph nodes and palpate the viscera” as part of their sorting activities before FSIS post-mortem inspection in NSIS establishments. FSIS is also proposing to amend the post-mortem swine inspection staffing standards table applicable to swine slaughter establishments operating under traditional inspection. This change would allow FSIS more flexibility to assign inspection program personnel (IPP) based on the establishment’s line configuration, other establishment operations, and FSIS staffing needs.

DATES: Comments on the proposed rule must be received on or before October 20, 2025.

ADDRESSES: FSIS invites interested persons to submit comments on this proposed rule. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to <https://www.regulations.gov>. Follow the online instructions at that site for submitting comments.

- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.

- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2024–0023. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <https://www.regulations.gov>.

Docket: For in-person access to background documents or comments received, call (202) 720–5046 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT:

Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, at (202) 205–0495 or docketclerk@usda.gov with a subject line of “Docket No. FSIS 2024–0023.” 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. For a summary of the proposal, please see the rule summary document in docket FSIS–2024–0023 on www.regulations.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FSIS has been delegated the authority to exercise the functions of the Secretary of Agriculture (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*). The FMIA provides that the Secretary shall cause to be made by inspectors an examination and inspection of all amenable species, including swine, before they enter into any establishment in which they are to be slaughtered and the meat and meat food products thereof are to be used in commerce (21 U.S.C. 603(a)). All amenable species found to show symptoms of disease are to be set apart and slaughtered separately; the carcasses of such animals are to be subject to a careful inspection (21 U.S.C. 603(a)). The FMIA also requires inspectors to conduct a post-mortem examination and inspection, and any necessary reinspection, of carcasses and parts of amenable species prepared for human food (21 U.S.C. 604). The FMIA requires that all carcasses and parts found to be adulterated be condemned (21 U.S.C. 604).¹

Under traditional swine inspection, Agency inspectors inspect the head, viscera, and carcass of each animal for localized defects and direct establishment employees to remove the defects through trimming. Under current Agency instructions for examining carcasses during traditional swine post-mortem inspection, FSIS online inspectors are to perform a careful examination and inspection of the carcasses and parts of each animal to inspect for animal diseases and defects. This examination includes the incision of the mandibular lymph nodes in heads and the palpation of lymph nodes (*i.e.*, mesenteric, portal, and bronchial lymph nodes) in the viscera. FSIS online inspectors identify and retain carcasses and parts with lesions or conditions that might render the meat unfit for human consumption and require subsequent inspection by an FSIS veterinarian. The FSIS veterinarian next thoroughly examines carcasses and

¹ Under the FMIA, a meat or meat food product is adulterated, among other circumstances, if it bears or contains any poisonous or deleterious substance that may render it injurious to health; it is unhealthful, unwholesome, or otherwise unfit for human consumption; it was prepared, packaged, or held under insanitary conditions whereby it may have been rendered injurious to health; or if damage or inferiority has been concealed in any manner (21 U.S.C. 601(m)(1),(3),(4), and (8)).

parts retained for this reason to determine whether they should be condemned. Establishment personnel then dispose of condemned carcasses and their parts under FSIS supervision in accordance with 9 CFR part 314.

The meat post-mortem inspection regulations for establishments operating under traditional inspection set forth swine inspection staffing standards based on several factors. Under the current staffing standards, FSIS assigns a certain number of online post-mortem inspectors per line per shift to perform post-mortem inspection of the head, viscera, and carcass at inspection stations at fixed points along the line (see Table 4, 9 CFR 310.1(b)(3)(ii)). FSIS assigns up to seven online post-mortem inspectors per line per shift to cover these head, viscera, and carcass inspection stations. In some establishments, one inspector may perform all the post-mortem inspection procedures on each carcass and its parts (see Table 1, 9 CFR 310.1(b)(3)(ii)).

In 2019, the Agency published a final rule to modernize swine slaughter inspection (84 FR 52300, October 1, 2019). The rule established an optional new swine slaughter inspection system, the NSIS, for market hog slaughter establishments. In establishments operating under the NSIS, establishment sorters are required to identify any condemnable conditions or defects before carcasses are presented to the FSIS online post-mortem inspectors. Establishment sorters are also required to “incise mandibular lymph nodes and palpate the viscera” to detect the presence of animal diseases as part of their sorting activities before FSIS post-mortem inspection (9 CFR 310.26(b)). FSIS stated in the 2019 final rule that it would evaluate ending mandatory lymph nodes incision and viscera palpation (84 FR 52300, 52313–52314). FSIS intended to allow NSIS establishments to apply for waivers from the lymph nodes incision and viscera palpation regulatory requirements, provided establishments submitted documentation supporting that the presence of animal diseases is not reasonably likely to occur. Waivers would then be used to gather information on the public health impact of such sorting activities to support potential future rulemaking (84 FR 52300, 52314). However, after reviewing FSIS condemnation data (discussed below), the Agency has more recently decided that waivers are unnecessary, as FSIS has sufficient data and information to move forward with rulemaking.

A. Visual Post-Mortem Inspection as an Effective Measure To Ensure Food Safety

FSIS swine carcass condemnation data demonstrate that removing the requirement for lymph nodes incision and viscera palpation (to detect possible abnormality in the lymph nodes) during post-mortem swine inspection may improve food safety by reducing opportunities for introduction of contamination. FSIS condemnation data supports that lymph node incision and viscera palpation are not needed to identify the conditions of condemnable swine carcasses at post-mortem inspection.² Swine disease conditions for which a carcass may be condemned (e.g., arthritis, pyometra, and splenic torsion) are primarily identified during the visual observation component of post-mortem swine inspection. Historically, incision of lymph nodes and palpation of the viscera during post-mortem swine inspection have aided in the detection of these disease conditions. However, based on FSIS’ experience with post-mortem inspection, swine carcasses affected with animal diseases that would result in condemnation often exhibit multiple pathological changes in the same carcass. These changes can be observed visually, allowing FSIS online inspectors to visually identify and retain those carcasses for disposition by an FSIS veterinarian without needing to incise lymph nodes in swine heads or palpate the viscera.

Lymph nodes incision and viscera palpation are not needed to identify defects and disease conditions in swine carcasses, and ending the mandatory use of these procedures may also reduce the probability of carcass cross-contamination by microbial food safety hazards. Other countries, including France, the Netherlands, and Denmark,³ conduct alternative post-mortem market hog inspection to allow establishments to use discretion when determining whether to incise mandibular lymph nodes and palpate the viscera. These alternative procedures are supported by research demonstrating that lymph nodes incision and viscera palpation are risk factors for cross-contamination. For example, a risk assessment Denmark conducted in 2009 found, in part, that the food safety risks associated with *Salmonella* and *Yersinia* cross-contamination can be significantly

reduced through the implementation of visual only inspection.⁴ France’s alternative procedure is supported by a European Food Safety Authority (EFSA) scientific opinion that found, in part, the risk of microbial cross-contamination from incision and palpation is higher than the risk associated with potentially reduced detection of conditions targeted by these two traditional procedures.⁵

Under the FMIA and the regulations that implement the statute, meat and meat products imported into the United States must be produced under standards for safety, wholesomeness, and labeling accuracy that are equivalent to those of the United States (21 U.S.C. 620).⁶ As of the publication of this proposed rule, FSIS has determined that France, the Netherlands, and Denmark have met FSIS equivalence criteria for the use of discretionary lymph nodes incision and viscera palpation during post-mortem swine inspection.⁷ Should the rule become final, FSIS would use the Agency’s equivalence procedures to similarly evaluate any future requests from foreign countries to determine whether a visual post-mortem swine inspection procedure achieves an appropriate level of public health protection as applied domestically by FSIS in the United States.

FSIS condemnation rates for swine carcasses during post-mortem inspection are low, condemnable defects and disease conditions in swine carcasses can be detected visually through other pathological changes, and lymph nodes incision may increase risk of food safety hazard cross-contamination. Therefore, removing the requirements for lymph nodes incision and viscera palpation during post-mortem NSIS sorting activities and traditional swine inspection may improve food safety.

⁴ Alban, Lis, et al., *Risk Assessment for Supply Chain Meat Inspection of Danish Finisher Pigs*, Jan. 1, 2009, available at: <https://dr.lib.iastate.edu/entities/publication/0d33993b-6af9-4b42-a155-5f04c74b4607>.

⁵ EFSA Journal 2011;9(10):2351, *Scientific Opinion on the Public Health Hazards to be Covered by Inspection of Meat (Swine)*, available at: <https://efsa.onlinelibrary.wiley.com/doi/pdfdirect/10.2903/j.efsa.2011.2351>.

⁶ Information about the FSIS equivalence process, including a list of countries that have been determined to have equivalent meat, poultry, or egg product food safety inspection systems, can be found at: <https://www.fsis.usda.gov/inspection/import-export/equivalence>.

⁷ See FSIS Individual Sanitary Measure (ISM) Equivalence Determinations Table, available at: https://www.fsis.usda.gov/sites/default/files/media_file/2022-06/ism-equivalence-determination-table.pdf.

² FSIS post-mortem swine condemnation data available at: <https://www.regulations.gov/docket/FSIS-2024-0023>.

³ These countries’ food safety systems for raw and processed pork products have been found to be equivalent to FSIS’ inspection system.

B. Visual Inspection as an Efficient, Effective Use of Agency and Industry Resources

Ending mandatory lymph nodes incision and viscera palpation in swine slaughter establishments would improve FSIS inspection efficiency, make better use of FSIS inspection resources, and provide flexibility to industry. In traditional swine slaughter establishments, under this proposed rule, FSIS inspectors would focus more on observing the carcass and parts during post-mortem inspection procedures. FSIS inspectors would also maintain authority to incise and palpate lymph nodes and examine the viscera for defects, if needed. This approach would result in a more efficient examination of each carcass presented to online post-mortem inspectors without affecting an inspector's ability to detect defects and animal diseases and ensure proper disposition of those affected. Removing the lymph nodes incision and palpation requirements for NSIS establishments may also reduce establishments' costs to operate under the NSIS because they may be able to reduce the number of employees required to make carcasses ready for inspection before the head and viscera stations.

Under current staffing standards for establishments operating under traditional swine inspection, FSIS assigns up to seven online inspectors per line per shift to cover post-mortem inspection stations for the head, viscera, and carcass. Although the regulations do not specifically require FSIS inspectors in traditional establishments to incise lymph nodes and palpate the viscera of every swine carcass inspected, FSIS instructs its inspectors to perform these duties in FSIS *Directive 6100.2, Post-Mortem Livestock Inspection*.⁸ Because FSIS is proposing to remove unnecessary inspection procedures, the Agency may be able to assign fewer online inspectors at the head and viscera inspection stations in traditional swine slaughter establishments. Should the Agency implement the primarily visual inspection of heads and viscera, FSIS would assign up to three online post-mortem inspectors at the head inspection station and up to three inspectors at the viscera station, based on the establishment's line configuration, other establishment operations, and FSIS staffing needs.⁹

FSIS would continue to inspect every head, viscera, and carcass as required by the FMIA. However, this change would allow FSIS IPP to efficiently inspect each carcass presented for FSIS post-mortem inspection, thereby also providing the Agency more flexibility to assign inspectors at the head and viscera stations.

FSIS is not proposing any changes to its staffing in NSIS establishments. Establishment sorters rather than FSIS inspectors incise lymph nodes and palpate the viscera in NSIS establishments. FSIS inspectors already conduct a primarily visual post-mortem inspection of the head, viscera, and carcass. Eliminating the requirement for establishment sorters to incise lymph nodes and palpate the viscera should not impact the workload of FSIS inspectors in NSIS establishments.

Additionally, ending mandatory lymph nodes incision and viscera palpation under the proposed rule would have no impact on line speed requirements for traditional or NSIS swine slaughter establishments.

As discussed above, should the proposed rule become final, FSIS would update its instructions to FSIS IPP on the primarily visual inspection of lymph nodes and viscera during post-mortem traditional swine inspection. FSIS would also update guidance to establishments¹⁰ operating under the NSIS to reflect the procedures for the primarily visual observation and check of lymph nodes and viscera as part of establishment sorting activities before FSIS post-mortem inspection.

II. Proposed Rule

Under the proposed rule, FSIS would revise 9 CFR 310.26(b) to remove requirements for establishment sorters to incise lymph nodes and palpate the viscera in swine slaughter establishments operating under the NSIS. Establishment sorters would continue to conduct carcass sorting activities and identify any condemnable conditions or defects before carcasses are presented to online post-mortem inspectors, as currently required under these regulations. For example, establishments sorters would still be

inspector, so that there is no separate head inspection station. In other establishments with a different layout, the head and viscera stations are combined. In such cases, FSIS may not need to assign more than one inspector to inspect both the head and viscera.

¹⁰ Current Agency guidance on NSIS establishment sorting procedures are described in FSIS *Guideline for Training Sorters under the New Swine Slaughter Inspection System* (September 2019), available at: <https://www.fsis.usda.gov/sites/default/files/import/training-establishment-sorters-nsis.pdf>.

required to visually examine all surfaces of viscera to detect condemnable conditions or defects.

The proposed rule also would revise the post-mortem inspection staffing standards applicable to swine slaughter establishments operating under traditional inspection in 9 CFR 310.1(b)(3)(ii). Specifically, the heading of Table 4 in 9 CFR 310.1(b)(3)(ii) would be revised to state that the listed number of inspectors per station (*i.e.*, the head, viscera, and carcass stations) would be the maximum number of inspectors required. Under the revised staffing standards, FSIS would assign up to three inspectors at the head inspection station and up to three inspectors at viscera station, based on the establishment's operations (including inspection line configurations) and FSIS staffing needs.

III. Executive Orders 12866, as Amended by 13563 and 14192

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA has determined that this rule is not significant as defined by E.O. 12866. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. FSIS has developed the proposed rule consistent with E.O. 13563. E.O. 14192, "Unleashing Prosperity Through Deregulation," announced the Administration policy to significantly reduce the private expenditures required to comply with Federal regulations to secure America's economic prosperity and national security and the highest possible quality of life for each citizen and to alleviate unnecessary regulatory burdens placed on the American people. This proposed rule, if finalized as proposed, is considered an E.O. 14192 deregulatory action.

Economic Impact Analysis

Baseline and Need for the Rule

FSIS is proposing to end mandatory lymph nodes incision and viscera palpation in both traditional and NSIS swine slaughter establishments. Ending mandatory lymph nodes incision and viscera palpation in swine slaughter establishments would improve

⁸ Available at: https://www.fsis.usda.gov/sites/default/files/media_file/2020-07/6100.2.pdf.

⁹ FSIS notes that, in some establishments, the carcass is inspected with the head attached to the carcass and both are inspected by the same

inspection efficiency, make a more efficient allocation of FSIS inspection resources, and provide flexibility to industry.

In 2024, there were 751 swine slaughter establishments that slaughtered approximately 127.8 million swine.¹¹ If finalized, this change would apply to inspection at all swine slaughter establishments. As of February 2025, there were 17 NSIS establishments, and 14 traditional establishments at which FSIS assigns four to seven online inspectors per line and at which the proposed changes may change the number of FSIS staff. For this analysis, FSIS assumed potential changes to Agency staffing at traditional establishments with 2 to 3 inspectors staffed at the viscera station or 2 to 3 inspectors staffed at the head station.¹² The 17 NSIS establishments may also change their establishment employee staffing in response to this proposed rule. FSIS does not anticipate any changes to the Agency's staffing at NSIS establishments.

Expected Costs and Benefits of the Proposed Rule

FSIS does not expect the proposed changes would impose any costs on the Agency, industry, or consumers. The proposed changes may improve the safety or quality of the product. While the proposed changes do not require industry to implement any changes, they will likely stop lymph nodes incision and viscera palpation prior to post-mortem inspection.

Benefits Associated With the Proposed Rule

Benefits for FSIS

In traditional establishments, the proposed rule would allow FSIS IPP to more efficiently inspect each carcass presented for FSIS post-mortem inspection without affecting IPP's ability to detect animal diseases and conditions or ensure proper disposition of those affected. The proposed changes would improve the use of FSIS IPP time during inspection by removing unnecessary inspection duties for incising lymph nodes and palpating viscera.

As described above, the proposed rule would allow FSIS IPP to focus more on observing the carcass and parts during post-mortem inspection. FSIS inspectors would also maintain authority to incise lymph nodes and palpate viscera to look

for defects, if needed. The increased inspection efficiency would allow FSIS to improve the use of FSIS inspection resources and to more effectively assign inspection verification responsibilities for IPP at all swine slaughter establishments, including offline verification activities to ensure that establishments comply with regulatory requirements critical to food safety (e.g., Hazard Analysis and Critical Control Points verification tasks).

Because FSIS online IPP would no longer be spending time incising lymph nodes and palpating the viscera, the Agency may reduce the number of online post-mortem inspectors in some traditional swine slaughter establishments resulting in a more efficient allocation of FSIS inspection resources. However, these reductions would be made over time through attrition and reassignment to other positions. If the proposed changes are finalized, FSIS IPP at traditional establishments would focus on observing the swine carcass and parts during post-mortem inspection procedures without being required to incise the lymph nodes and palpate the viscera. The traditional swine slaughter establishments that may experience changes to assigned FSIS online inspection personnel typically have five to seven inspectors per line. The Agency estimates that there could be a reduction equivalent to one to two online inspector positions at the head station and one to two online inspector positions at the viscera station in 14 traditional establishments because of the reduced workload, depending on establishment line configurations.¹³

For this analysis, FSIS quantified the cost savings associated with this reduction in online post-mortem inspection positions. The Agency assumed an FSIS online inspector is paid between \$111,124 and \$135,922, which is the Office of Personnel Management's (OPM), Rest of the U.S. (RUS) General Schedule (GS) 07 step 5 to GS-09 step 5 salary with a benefits factor of two.¹⁴ If the proposed rule is

¹³ FSIS used PHIS data to identify establishments and lines eligible for staffing changes. These establishments are large with at least two to three inspectors at the head or two to three inspectors at the viscera stations. These establishments had a total of 20 lines across all shifts. For this analysis, FSIS multiplied the number of lines by the number of daily shifts at each establishment to estimate the total number of lines. For example, an establishment operating two lines over two daily shifts would have a total of four lines.

¹⁴ FSIS Office of the Chief Financial Officer provided these salary estimates and benefit factor. In addition, the 2024 OPM RUS, Salary Table can be found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/RUS.aspx>.

finalized, the Agency estimates a range of possible savings depending on how the resulting online inspection stations are staffed. These annualized savings range between \$2.0 to \$8.4 million over 10 years discounted at 7 percent.¹⁵ As mentioned above, any reductions to FSIS personnel would happen over time through attrition and reassignment to other positions.

Benefits for the Industry

If the proposed rule is finalized, FSIS would no longer require establishment sorters at NSIS establishments to incise lymph nodes and palpate the viscera. This change may result in NSIS establishments voluntarily reducing the number of employees needed to make carcasses and parts ready for inspection because the workload for sorters may be reduced. FSIS estimates that this change would result in a reduction of five to eight sorters per line at each NSIS establishment.

As of February 2025, there were 17 large NSIS establishments with 31 slaughter lines across all shifts.¹⁶ FSIS assumed these establishments staff up to 11 sorters per line.¹⁷ Sorters are paid higher wages than other production employees, because sorters trim and identify defects, such as dressing defects, contamination, and pathology defects, on carcasses and parts before FSIS post-mortem inspection.¹⁸ FSIS estimates these sorters are paid as production employees, with labor costs of \$44.16 to \$47.56 per hour.¹⁹ These

¹⁵ FSIS estimated a wide range of savings to provide flexibility for the resulting staffing of lines. To approximate the high estimate, FSIS assumed that one inspector would be staffed at the head station and one inspector would be staffed at the viscera station, reducing online inspector positions by 62 online inspector positions paid at the GS-9, step 5, OPM RUS salary. For the low estimate, FSIS assumed only the head station would have a reduction by one inspector per line paid at the GS-07, step 5, OPM RUS salary, reducing total inspector positions by 18.

¹⁶ FSIS used 2025 PHIS data to identify establishments. For this analysis, FSIS multiplied the number of lines by the number of daily shifts at each establishment to estimate the total number of lines. For example, an establishment operating two lines over two daily shifts would have a total of four lines.

¹⁷ The 11 sorters per line assumption is based on FSIS' experience on how NSIS establishments staff slaughter lines. 84 FR 52324. Modernization of Swine Slaughter Inspection Final Rule as informed by the Hazard Analysis and Critical Control Point (HACCP)-Based Inspection Models Project (HIMP) and a commenter on the Modernization of Swine Slaughter Inspection Proposed Rule. https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/2016-0017F.pdf.

¹⁸ 84 FR 52324. Modernization of Swine Slaughter Inspection Final Rule https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/2016-0017F.pdf.

¹⁹ U.S. Bureau of Labor Statistics, Occupational Employment and Wage Estimates, May 2024: 51–

¹¹ FSIS, Public Health Information System (PHIS) database, accessed February 2025.

¹² These 14 establishments also have 1 inspector at the carcass station; however, the proposed changes would not affect this position.

labor costs are higher than the average production employee and include the 75th percentile wage rate of \$22.08 to the 90th percentile wage rate of \$23.78, multiplied by a benefits and overhead factor of two. Under these assumptions, FSIS estimates the annual industry cost savings for the reduction in sorters at NSIS establishments ranges from approximately \$14.7 to \$25.4 million over 10 years discounted at 7 percent.²⁰ However, industry may offset these cost savings by assigning personnel to other areas of the establishment, as relevant. These changes may incentivize additional swine slaughter establishments to convert to the NSIS.

IV. Regulatory Flexibility Act

The FSIS Administrator has made a preliminary determination that this proposed rule, if finalized, would not have a significant economic impact on a substantial number of small entities in the U.S., as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). FSIS does not estimate any costs or benefits to small entities because of FSIS ending mandatory lymph nodes incision and viscera palpation in both traditional swine slaughter and NSIS establishments. The quantified industry benefits due to potential industry staffing changes would occur at the 17 NSIS establishments. Swine slaughter establishments are classified in the 311611-animal (except Poultry) Slaughter sector of the North American Industry Classification System (NAICS).²¹ The U.S. Small Business Administration (SBA) size standard for small businesses in this sector is 1,150 employees or less.²² Under the SBA definition, the 17 NSIS establishments are not considered small entities.

3023 Slaughterers and Meat Packers, <https://data.bls.gov/oes/#/industry/000000>.

²⁰ For the low estimate, FSIS multiplied the hourly labor cost of \$44.16 by the likely reduction of five sorters per line, multiplied by the total number of lines, 31, multiplied by the total estimated hours per year of 2,152 (or 269 production days multiplied by 8 hours per day). For the high estimate, FSIS multiplied the hourly labor cost of \$47.56 by the likely reduction at the high estimate of eight sorters per line, multiplied by 31 lines, multiplied by the total estimated hours per year of 2,152 (or 269 production days multiplied by 8 hours per day).

²¹ U.S. Census Bureau North American Industry Classification System (NAICS). Available online at <https://www.census.gov/naics/?input=31&chart=2022&details=311615> (last accessed in April 2025).

²² United States Small Business Administration (SBA), Table of Small Business Standards Matched to North American Industry Classification System Codes. Effective January 1, 2022. Available at https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), FSIS has reviewed the proposed rule. The Administrator has determined that this rulemaking would not create additional information collection or recordkeeping burdens.

VI. E-Government Act

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

VII. Executive Order 12988, Civil Justice Reform

This proposed rule has been reviewed under E.O. 12988, Civil Justice Reform. Under this rule: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) no administrative proceedings will be required before parties may file suit in court challenging this rule.

VIII. Executive Order 13175

This rule has been reviewed in accordance with the requirements of E.O. 13175, “Consultation and Coordination with Indian Tribal Governments”. E.O. 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

FSIS has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a tribe requests consultation, FSIS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions, and modifications identified herein are not expressly mandated by Congress.

IX. Environmental Impact

Pursuant to the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) (NEPA), Federal agencies

must prepare an environmental impact statement (EIS) for any “major Federal actions significantly affecting the quality of the human environment” (42 U.S.C. 4332 (C)). USDA’s NEPA implementing regulations establish a categorical exclusion for specified categories of actions and the actions of certain USDA agencies and agency units (7 CFR 1b.3, 1b.4). USDA has determined that the listed agencies, including FSIS (7 CFR 1b.4(b)(6)), “conduct programs and activities that have been found to have no individual or cumulative effect on the human environment” (7 CFR 1b.4(a)). Accordingly, all FSIS actions are categorically excluded from preparation of an EA or EIS unless the Agency head determines that a particular action may have a significant environmental effect (Id.). The action thus is categorically excluded unless FSIS anticipates that extraordinary circumstances from this rule may have a significant environmental effect.

Expected sales of pork products rather than NSIS establishment sorting activity requirements or Agency traditional inspection system staffing standards, would determine production levels in establishments. Ending mandatory lymph nodes incision and viscera palpation may allow swine slaughter establishments to slaughter more efficiently but would not affect consumer demand for the establishments’ products. Moreover, all establishments are required to meet applicable local, state, and Federal environmental requirements. FSIS does not anticipate that amending the NSIS establishment sorting requirements or revising Agency traditional inspection system staffing standards would have a significant environmental effect (7 CFR 1b.4(a)). Therefore, this action is appropriately subject to the categorical exclusion from the preparation of an environmental assessment or environmental impact statement provided under 7 CFR 1b.4(6) of the USDA regulations.

X. Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: <https://www.fsis.usda.gov/federal-register>. FSIS will also announce and provide a link through the FSIS *Constituent Update*, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would

be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <https://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

XI. USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 9410, Washington, DC 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

List of Subjects in 9 CFR Part 310

Animal diseases, Blood, Meat inspection.

For the reasons set forth in the preamble, FSIS proposes to amend 9 CFR Chapter III as follows:

PART 310—POST-MORTEM INSPECTION

- 1. The authority citation for part 310 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

- 2. Amend § 310.1 by revising the righthand top header statement of Table 4 in paragraph (b)(3)(ii) to read as follows: Maximum number of inspectors per station.

- 3. Amend § 310.26 by removing the second sentence of paragraph (b).

Done in Washington, DC.

Justin Ransom,
Administrator.

[FR Doc. 2025–15749 Filed 8–18–25; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1736; Project Identifier MCAI–2024–00435–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–06–12, which applies to certain Airbus Helicopters Model AS 332L2 and EC 225LP helicopters. AD 2020–06–12 requires determining the accumulated hours time-in-service (TIS) of certain part-numbered main gearbox (MGB) suspension bar attachment bolts (bolt) and certain part-numbered MGB suspension bar attachment fittings (fitting), applying a life limit add-on factor, and inspecting the torque of certain MGB suspension bar attachment nuts (nuts). Since the FAA issued AD 2020–06–12, the manufacturer developed a design improvement, and the FAA determined modifying the helicopter is necessary. This proposed

AD would retain the actions required by AD 2020–06–12 and would also require modification of the MGB suspension bar, inspection of the torque, and corrective actions. This proposed AD would also allow credit for the initial service life calculations if certain requirements are met and would prohibit installing a certain bolt after the modification is accomplished on any helicopter. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by October 3, 2025.

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

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

- *Fax:* (202) 493–2251.

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

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–1736; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Airbus Helicopters material identified in this proposed AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; website: airbus.com/en/products-services/helicopters/hcare-services/airbusworld. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–1736.

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

FOR FURTHER INFORMATION CONTACT: Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7244; email: william.mccully@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2025–1736; Project Identifier MCAI–2024–00435–R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–06–12, Amendment 39–19881 (85 FR 19077, April 6, 2020) (AD 2020–06–12), for Airbus Helicopters Model AS 332L2 and EC 225LP helicopters with a MGB suspension bar front bolt part number (P/N) 332A22–1613–21 or 332A22–1613–20, MGB suspension bar rear bolt P/N 332A22–1614–20, MGB suspension bar front fitting P/N 332A22–1623–01,

MGB suspension bar rear left-hand fitting P/N 332A22–1624–02 or 332A22–1624–04, or MGB suspension bar rear right-hand fitting P/N 332A22–1624–03 or 332A22–1624–05 installed. AD 2020–06–12 was prompted by MCAI originated by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD 2017–0189, dated September 22, 2017 (EASA AD 2017–0189), after finding the installation of the MGB upper deck fittings of the three MGB suspension bars could lead to tightening torque loss on the fittings’ attachment bolts. EASA determined the life limits in the Airworthiness Limitations Sections for the bolts and fittings are valid if an “add-on penalty factor” is applied.

AD 2020–06–12 requires determining the accumulated hours TIS of the affected bolts and fittings, applying a life limit add-on factor, and inspecting the torque of the MGB suspension bar attachment nuts. The FAA issued AD 2020–06–12 to address MGB suspension bar bolts and fittings remaining in service beyond their fatigue life and loose MGB suspension bar bolts and fittings, which could result in structural failure of the MGB suspension bar and loss of helicopter control.

Actions Since AD 2020–06–12 Was Issued

Since the FAA issued AD 2020–06–12, EASA issued a series of ADs related to this unsafe condition. EASA AD 2022–0021, dated February 1, 2022 (EASA AD 2022–0021), superseded EASA AD 2017–0189 due to Airbus Helicopters developing a design improvement consisting of installing new links on the fittings of the MGB suspension bars through modifications 0728521, 0728904, 0728496 and 0729044. EASA AD 2022–0021 introduced new service life limits (SLL) for certain post-modification parts and a new tightening torque check.

EASA AD 2022–0021 was subsequently superseded by EASA AD 2023–0147, dated July 19, 2023 (EASA AD 2023–0147), after EASA determined that, for helicopters modified with the new links on the fittings of the MGB suspension bars using earlier revisions of the service information, installing shims on the rear cooling rails of the MGB compartment was necessary. EASA revised AD 2023–0147 and issued EASA AD 2023–0147R1, dated March 12, 2025 (EASA AD 2023–0147R1) (also referred to as “the MCAI”) to address a difficulty with the installation of modification kits for EC 225LP helicopters. This condition, if not

addressed, could lead to structural failure of the bolts or fittings, and consequent loss of control of the helicopter.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–1736.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 01.00.86, Revision 4, dated January 6, 2022 (EASB 01.00.86 Rev 4), for Model AS 332L2 helicopters and Airbus Helicopters EASB No. 04A013, Revision 4, dated January 6, 2022 (EASB 04A013 Rev 4), for Model EC 225LP helicopters. This material specifies procedures for applying an add-on factor to the flying hours logged by the pins (bolts) and fittings and replacing them if the SLL is exceeded.

The FAA also reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–53.02.03, Revision 2, dated June 15, 2023, for Model AS 332LP helicopters and Airbus Helicopters ASB No. EC225–53A065, Revision 4, dated May 28, 2024 (ASB EC225–53A065 Rev 4), for Model EC 225LP helicopters. This material specifies procedures to install new links on the attachment brackets of the MGB suspension bars and corresponds to Airbus Helicopters modification 0728496, 0728521, 0728904, and 0729044.

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

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain the following actions of AD 2020–06–12, using updated service information: determining the accumulated hours TIS of certain part-numbered bolts and certain part-numbered fittings; applying a life limit add-on penalty factor; removing any bolt that has reached or exceeded its life limit; inspecting the

torque of certain nuts and, depending on the inspection, removing the bolt and nut from service. This proposed AD would also require modification of the MGB suspension bar, additional life limit calculations, a tightening torque inspection with new torque values, and removal and replacement of certain affected parts. Modification of the MGB suspension bar is considered terminating action for the proposed life limit calculations if certain requirements are met. This proposed AD would also prohibit installing a certain bolt after the modification is accomplished on any helicopter.

Differences Between This Proposed AD and the MCAI

The MCAI allows a 150-hour extension to the life limit of a fitting for Model AS 332L2 helicopters if a dye-penetrant inspection is performed on the fitting and no cracks are found. This proposed AD would not allow this option.

For Model AS 332L2 helicopters, the MCAI requires replacing bolts installed with an incorrect torque value applied before the effective date of the MCAI. This proposed AD would require inspecting the torque of each nut instead, and depending on the outcome, removing the nut and its bolt from service.

The MCAI refers to the front and rear attachment bolts as “pins,” whereas this proposed AD would not.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 30 helicopters (2 Model AS 332L2 helicopters and 28 Model EC 225LP helicopters) of U.S. registry. The FAA estimates the following costs to comply with this proposed AD. Labor costs are estimated at \$85 per hour.

For Model AS 332L2 helicopters only: Determining the adjusted life limit for the fittings would take 0.5 work-hour for an estimated cost of \$43 per helicopter and \$86 for the U.S. fleet.

If required, replacing a fitting (including associated hardware) and applying torque would take 8 work-hours and parts would cost \$7,000 for an estimated cost of \$7,680 per helicopter.

For all applicable helicopters:

Determining the adjusted life limit for the bolts would take 0.5 work-hour for an estimated cost of \$43 per helicopter and \$1,290 for the U.S. fleet.

If required, replacing a bolt (including associated hardware) would take 4 work-hours and parts would cost about \$89 for an estimated cost of \$429 per bolt.

Modifying each MGB suspension bar would take up to 40 work-hours and parts would cost up to \$54,445 for an estimated cost of up to \$57,845 (depending on helicopter configuration) per modification (up to four modifications per helicopter).

Performing a tightening torque inspection would take 4 hours for an estimated cost of \$340 per inspection.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive 2020–06–12, Amendment 39–19881 (85 FR 19077, April 6, 2020); and
 - b. Adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA–2025–1736; Project Identifier MCAI–2024–00435–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 3, 2025.DOA

(b) Affected ADs

This AD replaces AD 2020–06–12, Amendment 39–19881 (85 FR 19077, April 6, 2020).

(c) Applicability

This AD applies to Airbus Helicopters, certificated in any category, identified in paragraphs (c)(1) and (2) of this AD.

(1) Model AS 332L2 helicopters with a main gearbox (MGB) suspension bar front attachment bolt part number (P/N) 332A22–1613–20 or 332A22–1613–21, MGB suspension bar rear attachment bolt P/N 332A22–1614–20, MGB suspension bar front attachment fitting P/N 332A22–1623–01, MGB suspension bar rear left-hand attachment fitting P/N 332A22–1624–02 or 332A22–1624–04, or MGB suspension bar rear right-hand attachment fitting P/N 332A22–1624–03 or 332A22–1624–05 installed.

(2) Model EC 225LP helicopters with MGB suspension bar front attachment bolt P/N 332A22–1613–21 or MGB suspension bar rear attachment bolt P/N 332A22–1614–20 installed.

Note 1 to paragraph (c): Airbus Helicopters refers to MGB suspension bar attachment bolts as “pins.”

(d) Subject

Joint Aircraft System Component (JASC) Code 6330, Main Rotor Transmission Mount.

(e) Unsafe Condition

This AD was prompted by a report of torque loss on a MGB suspension bar attachment bolt (bolt). The FAA is issuing this AD to prevent MGB suspension bar attachment fittings and bolts remaining in service beyond their fatigue life. The unsafe condition, if not addressed, could result in structural failure of an MGB attachment assembly, detachment of an MGB suspension bar, and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions for Bolts

For helicopters identified in paragraphs (c)(1) and (2) of this AD without Airbus Helicopters modifications 0728521, 0728904, 0728496, and 0729044 installed, within 30 hours time-in-service (TIS) after the effective date of this AD, review records to determine the total hours TIS of each MGB suspension bar attachment bolt (bolt).

(1) Determine the life limit of each bolt by applying its total hours TIS by the add-on factor listed in Table No. 1 of Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 01.00.86, Revision 4, dated January 6, 2022 (EASB 01.00.86 Rev 4), or Airbus Helicopters EASB No. 04A013, Revision 4, and both dated January 6, 2022, as applicable to your model helicopter.

(i) Before further flight, remove from service any bolt that has reached or exceeded its life limit, and remove its associated MGB suspension bar attachment nut (nut) and cotter pins from service. Remove the associated convex and concave washers. Thereafter, before each flight, continue to calculate and record the life limit of each bolt on its component history card or equivalent record by applying the add-on factor each time the helicopter accumulates hours TIS and remove from service any bolt before reaching its life limit, along with its associated nut and cotter pins. Remove its associated convex and concave washers.

(ii) For each bolt that has not exceeded its life limit, before each flight, continue to calculate and record the life limit on its component history card or equivalent record by applying the add-on factor each time the helicopter accumulates hours TIS and remove from service any bolt before reaching its life limit, along with its associated nut and cotter pins. Remove the associated convex and concave washers.

(2) Before further flight, if any nut, bolt, or cotter pin was removed from service as a result of the actions in paragraph (g)(1) of this AD, replace those parts with airworthy parts, and install new (never installed) convex and concave washers or reinstall the convex and concave washers that were removed (if washers are airworthy). Torque each newly-installed nut to the minimum allowable torque value of: 735–840 lbf. in (8.3 daN.m to 9.5 daN.m) on the front nuts of the fittings, and 496–566 lbf. in (5.6 daN.m to 6.4 daN.m) on the rear nuts of the fittings.

(h) Required Actions for Fittings

For helicopters identified in paragraph (c)(1) of this AD without Airbus Helicopters modification 0728521, 0728904, 0728496, and 0729044 installed, within 30 hours TIS after the effective date of this AD, review records to determine the total hours TIS of each MGB suspension bar attachment fitting (fitting).

(1) Determine the life limit of each fitting by applying its total hours TIS by the add-on factor listed in Table No. 1 of EASB 01.00.86 Rev 4.

(i) Before further flight, remove from service any fitting that has reached or exceeded its life limit, and remove its associated nuts, and cotter pins from service. Remove its associated convex and concave washers and bolts. Thereafter, before each

flight, continue to calculate and record the life limit of each fitting on its component history card or equivalent record by applying the add-on factor each time the helicopter accumulates hours TIS and remove from service any fitting before reaching its life limit, along with its associated, nuts, and cotter pins. Remove its associated convex and concave washers and bolt.

(ii) For each fitting that has not exceeded its life limit, before each flight, continue to calculate and record the life limit of each fitting on its component history card or equivalent record by applying the add-on factor each time the helicopter accumulates hours TIS and remove from service any fitting before reaching its life limit, along with its associated, nuts and cotter pins from service. Remove its associated bolts, convex and concave washers.

(2) Before further flight, if any fitting or its associated nut, or cotter pin was removed from service as a result of the actions in paragraph (h)(1) of this AD, replace those parts with airworthy parts, and install new (never installed) convex and concave washers and bolt or reinstall the convex and concave washers and bolt that were removed (if the washers and bolt are airworthy). Torque each newly-installed nut using the allowable torque value in paragraph (g)(2) of this AD.

(i) Required Actions for Torque Values

For helicopters identified in paragraph (c)(1) of this AD without Airbus Helicopters modification 0728521, 0728904, 0728496, and 0729044 installed, within 150 hours TIS (without the add-on factor) after the effective date of this AD, inspect the torque of each nut.

(1) If the torque on any nut is higher than the maximum allowable torque stated in paragraph (g)(2) of this AD, before further flight, remove the nut, its associated bolt, and its cotter pins from service.

(2) If the torque on any nut is lower than the minimum allowable torque value stated in paragraph (g)(2) of this AD, before further flight, tighten the nut to the allowable torque stated in paragraph (g)(2) of this AD.

(3) Within 150 hours TIS (without the add-on factor), remove from service any nut its associated bolt, and its cotter pins that were tightened as required by paragraph (i)(2) of this AD, and torque each newly-installed nut using the allowable torque value in paragraph (g)(2) of this AD.

(j) Required Actions for Links

(1) For helicopters identified in paragraph (c)(1) of this AD without Airbus Helicopters modification 0728521, 0728904, 0728496, and 0729044 installed, within 825 hours TIS or 27 months after the effective date of this AD, whichever occurs first, modify the helicopter by installing attachment bracket links for the MGB suspension bars in accordance with the Accomplishment Instructions, paragraphs 3.B.2.a through 3.B.3.i., of Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–53.02.03, Revision 2, dated June 15, 2023 (ASB AS332–53.02.03 Rev 2), except as provided in paragraphs (j)(1)(i) through (ix) of this AD.

Note 2 to paragraph (j)(1): Airbus refers to the installation of the attachment bracket

links for the MGB suspension bar as modification 0728496, 0728521, 0728904, and 0729044.

(i) Instead of discarding parts, you must remove those parts from service.

(ii) Where ASB AS332–53.02.03 Rev 2 uses the term check, this AD requires doing an inspection.

(iii) You are not required to define or record the thickness of the peel shims.

(iv) Instead of contacting Airbus Helicopters if there is damage after removing corrosion, this AD requires that you remove the affected part from service before further flight.

(v) Instead of contacting Airbus Helicopters if there are any cracks on the frames at the attachment bracket fixations, this AD requires that you remove the affected part from service before further flight.

(vi) For purposes of this AD, “correctly stacked” as used in ASB AS332–53.02.03 Rev 2 means the concave washers are installed with the flat side towards the front bracket, and the convex washers are installed with the flat side towards the nuts.

(vii) For purposes of this AD, “correctly engaged” as used in ASB AS332–53.02.03 Rev 2 means the centering pin is engaged on the front plate.

(viii) Instead of contacting Airbus Helicopters if the clearance of J1 or J2 is less than 0.5 mm (0.0196 in) after inspecting the new links of the rear brackets, you must take corrective action until the clearance is at least 0.5 mm using a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or European Union Aviation Safety Agency (EASA); or Airbus Helicopters EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(ix) For the purposes of this AD, new as used in ASB AS332–53.02.03 Rev 2 means the part has never been installed on a helicopter.

(2) For helicopters identified in paragraph (c)(2) of this AD without Airbus Helicopters modification 0728521, 0728904, 0728496, and 0729044 installed, within 1,320 hours TIS or 40 months after the effective date of this AD, whichever occurs first, modify the helicopter by installing bracket links for the MGB suspension bars in accordance with the Accomplishment Instructions, paragraphs 3.B.2. through 3.B.3.i., of Airbus Helicopters ASB No. EC225–53A065, Revision 4, dated May 28, 2024 (ASB EC225–53A065 Rev 4), except as provided in paragraphs (j)(2)(i) through (ix) of this AD.

(i) Instead of discarding parts, you must remove those parts from service.

(ii) Where ASB EC225–53A065 Rev 4 uses the term check, this AD requires doing an inspection.

(iii) You are not required to define or record the thickness of the peel shims.

(iv) Instead of contacting Airbus Helicopters if there is damage after removing corrosion, this AD requires that you remove the affected part from service before further flight.

(v) Instead of contacting Airbus Helicopters if there are any cracks on the frames at the attachment bracket fixations, this AD

requires that you remove the affected part from service before further flight.

(vi) For the purposes of this AD, “correctly stacked” as used in ASB EC225–53A065 Rev 4 means the concave washers are installed with the flat side towards the bracket, and the convex washers are installed with the flat side towards the nuts.

(vii) For purposes of this AD, “correctly engaged” as used in ASB EC225–53A065 Rev 4 means the centering pin is engaged on the front plate.

(viii) Instead of contacting Airbus Helicopters if the clearance of J1 or J2 is less than 0.5 mm (0.0196 in) after inspecting the new links of the rear brackets, you must take corrective action until the clearance is at least 0.5 mm using a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Airbus Helicopters EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(ix) Where ASB EC225–53A065 Rev 4 uses the phrase “if necessary”, this AD requires replacing that text with “if applicable”.

(3) For helicopters identified in paragraphs (c)(1) and (2) of this AD that have Airbus Helicopter modification 0728521, 0728904, 0728496, and 0729044 installed before the effective date of this AD, within 27 months for Model AS 332L2 helicopters, and within 40 months for Model EC 225LP helicopters, after the effective date of this AD, modify the helicopter in accordance with the Accomplishment Instructions, paragraphs 3.B.2.c.1.b through 3.B.2.c.2.b of ASB AS332–53.02.03 Rev 2 or ASB EC225–53A065 Rev 4, as applicable to your model helicopter, and tighten to the standard torque value, except instead of discarding parts, you must remove those parts from service.

(4) Modifying the helicopter as required by paragraphs (j)(1) or (2) of this AD terminates the life limit required by paragraphs (g) and (h) of this AD.

(k) Installation Prohibition

As of the effective date of this AD, do not install front bolt P/N 332A22–1613–20 or 332A22–1613–21, rear bolt P/N 332A22–1614–20, front fitting P/N 332A22–1623–01, rear left-hand fitting P/N 332A22–1624–02 or 332A22–1624–04, or rear right-hand fitting P/N 332A22–1624–03 or 332A22–1624–05 on any helicopter, unless:

(1) The part has not exceeded the applicable service life limit after accomplishing the actions required by paragraphs (g)(1) or (h)(1) of this AD, as applicable; and

(2) After installation of the part, the life limit is calculated in accordance with paragraph (g)(1) or (h)(1) of this AD and all other applicable requirements of this AD are accomplished.

(l) Credit for Previous Actions

(1) For Model AS 332L2 helicopters, paragraph (l)(1) of this AD provides credit for the initial life limit calculations required by paragraphs (g)(1) and (h)(1) of this AD, if those calculations were performed before the effective date of this AD using the service information identified in paragraphs (l)(1)(i) through (iv) of this AD.

(i) Airbus Helicopters EASB No. 01.00.86, Revision 0, dated July 27, 2017.

(ii) Airbus Helicopters EASB No. 01.00.86, Revision 1, dated August 25, 2017.

(iii) Airbus Helicopters EASB No. 01.00.86, Revision 2, dated March 2, 2020.

(iv) Airbus Helicopters EASB No. 01.00.86, Revision 3, dated August 19, 2021.

(2) For Model EC 225LP helicopters, paragraph (l)(2) of this AD provides credit for the initial life limit calculations required by paragraph (g)(1) of this AD, if those calculations were performed before the effective date of this AD using the service information identified in paragraphs (l)(2)(i) through (iv) of this AD.

(i) Airbus Helicopters EASB No. 04A013, Revision 0, dated July 27, 2017.

(ii) Airbus Helicopters EASB No. 04A013, Revision 1, dated August 25, 2017.

(iii) Airbus Helicopters EASB No. 04A013, Revision 2, dated March 2, 2020.

(iv) Airbus Helicopters EASB No. 04A013, Revision 3, dated August 19, 2021.

(m) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(n) Additional Information

(1) For more information about this AD, contact Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7244; email: william.mccully@faa.gov.

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

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information 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) Airbus Helicopters Alert Service Bulletin No. AS332–53.02.03, Revision 2 dated June 15, 2023.

(ii) Airbus Helicopters Alert Service Bulletin No. EC225–53A065, Revision 4, dated May 28, 2024.

(iii) Airbus Helicopters Emergency Alert Service Bulletin No. 01.00.86, Revision 4, dated January 6, 2022.

(iv) Airbus Helicopters Emergency Alert Service Bulletin No. 04A013, Revision 4, dated January 6, 2022.

(3) For Airbus Helicopters material identified in this AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; website: airbus.com/en/products-services/helicopters/hcare-services/airbusworld.

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

(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 August 14, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–15776 Filed 8–18–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2259; Project Identifier MCAI–2025–00021–T]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all ATR—GIE Avions de Transport Régional Model ATR42 and Model ATR72 airplanes. This proposed AD was prompted by a design review that determined that the inspection interval of the pressure regulator and shut-off valve (PRSOV) functional test must be reduced to meet the design safety objectives, due to a risk of dormant failures. This proposed AD would require repetitive functional tests of each PRSOV, and applicable corrective actions. 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 October 3, 2025.

ADDRESSES: You may send comments, using the procedures found in 14 CFR

11.43 and 11.45, by any of the following methods:

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

- *Fax*: 202–493–2251.

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

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–2259; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–2259.

- 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.

FOR FURTHER INFORMATION CONTACT:

Brenda L. Buitrago, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–288–7368; email: 9-AVS-AIR-BACO-COS@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–2025–2259; Project Identifier MCAI–2025–00021–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the

following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.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 Brenda L. Buitrago, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–288–7368; email: 9-AVS-AIR-BACO-COS@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0011, dated January 10, 2025 (EASA AD 2025–0011) (also referred to as the MCAI), to correct an unsafe condition for all ATR—GIE Avions de Transport Régional Model ATR 42–200, ATR 42–300, ATR 42–320, ATR 42–400, ATR 42–500, ATR 72–101, ATR 72–102, ATR 72–201, ATR 72–202, ATR 72–211, ATR 72–212, and ATR 72–212A airplanes. Model ATR 42–400 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that following a design review it was determined the interval of the PRSOV functional test in the current ATR maintenance instructions must be reduced to meet the design safety objectives, due to a risk of dormant failures. This dormant failure, in combination with the icing conditions,

could result in loss of control of the airplane

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–2259.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0011 specifies procedures for repetitive functional tests of each PRSOV, including the first level pressure regulation, for discrepancies (results other than those in the results column of the applicable tables in the material referenced in EASA AD 2025–0011), and applicable corrective actions. Corrective actions include troubleshooting and repairing any faults and contacting the manufacturer for instructions.

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

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0011 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0011 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0011

in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0011 does not mean that operators need comply only with that section. For example, where the AD

requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2025–0011. Material required by EASA AD 2025–0011 for compliance will be available at *regulations.gov* under Docket No. FAA–

2025–2259 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 114 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
50 work-hours × \$85 per hour = \$4,250	\$0	\$4,250	\$484,500

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

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:

ATR—GIE Avions de Transport Régional Airplanes: Docket No. FAA–2025–2259; Project Identifier MCAI–2025–00021–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 3, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all ATR—GIE Avions de Transport Régional Model ATR42–200, –300, –320, and –500 airplanes; and Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and rain protection.

(e) Unsafe Condition

This AD was prompted by a design review that determined that the interval of the pressure regulator and shut-off valve (PRSOV) functional test must be reduced to meet the design safety objectives, due to a risk of dormant failures. The FAA is issuing this AD to address this dormant failure, which in combination with the icing

conditions could result in loss of control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0011, dated January 10, 2025 (EASA AD 2025–0011).

(h) Exceptions to EASA AD 2025–0011

(1) Where EASA AD 2025–0011 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the “Remarks” section of EASA AD 2025–0011.

(3) Where EASA AD 2025–0011 specifies “any discrepancy”, this AD requires replacing that text with “any result other than those in the results column of the applicable tables in the AOM”.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or ATR—GIE Avions de Transport Régional’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Additional Information

For more information about this AD, contact Brenda L. Buitrago, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-288-7368; email: 9-AVS-AIR-BACO-COS@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025-0011, dated January 10, 2025.

(ii) [Reserved]

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

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

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

Issued on August 14, 2025.

Steven W. Thompson,

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

[FR Doc. 2025-15773 Filed 8-18-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 573**

[Docket No. FDA-2025-F-3070]

Evonik Corporation; 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 Evonik Corporation, proposing that we amend our food additive regulations to provide for the safe use of *Bacillus velezensis* as a source of viable microorganism in animal food for all species.

DATES: The food additive petition was filed on July 18, 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:

Megan Hall, Center for Veterinary Medicine, Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, 301-796-3801, Megan.Hall@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 2321), submitted by Evonik Corporation, 1701 Barrett Lakes Blvd. NW, Suite 340, Kennesaw, GA 30144. 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 *Bacillus velezensis* as a source of viable microorganism in animal food for all species.

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: August 14, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-15792 Filed 8-18-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[REG-108822-25]

RIN 1545-BR54

Returns Relating to Sales or Exchanges of Certain Partnership Interests

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations modifying information reporting obligations with respect to sales or exchanges of certain interests in partnerships owning inventory or unrealized receivables. The proposed regulations affect partnerships.

DATES: Written or electronic comments and requests for a public hearing must be received by September 18, 2025.

ADDRESSES: Commenters are strongly encouraged to submit public comments and requests for a public hearing electronically via the Federal eRulemaking Portal at <https://www.regulations.gov> (indicate IRS and REG-108822-25) by following the online instructions for submitting comments and requests for a public hearing. Requests for a public hearing must be submitted as prescribed in the “Comments and Requests for a Public Hearing” section. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comment submitted to the IRS’s public docket. Send paper submissions to: CC:PA:01:PR (REG-108822-25), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT:

Concerning the proposed regulations, Jeremy Brown, (202) 317-5279 (not a toll-free number); concerning the submission of comments, contact the Publications and Regulations Section of the Office of Associate Chief Counsel (Procedure and Administration) by email at publichearings@irs.gov (preferred) or by telephone at (202) 317-6901 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Authority**

This document contains proposed amendments to the Income Tax

Regulations (26 CFR part 1) under section 6050K of the Internal Revenue Code (Code). Section 6050K(a) provides that, except as provided in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate (Secretary), a partnership is required to file a return if there is an exchange described in section 751(a) of the Code of any interest in the partnership during any calendar year. Section 6050K(a) also contains express delegations of authority for the Secretary to promulgate regulations prescribing the information required to be disclosed on such partnership returns, the manner in which such returns are made, and the due date of such returns.

Section 6031(a) of the Code provides an express grant of authority for the Secretary to prescribe in forms or regulations partnership reporting information required "for the purpose of carrying out the provisions of subtitle A."

Section 7805(a) of the Code authorizes the Secretary to "prescribe all needful rules and regulations for the enforcement of [the Code], including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue."

Background

Section 741 of the Code provides that gain or loss recognized by a transferor partner upon sale or exchange of a partnership interest is considered as gain or loss from the sale or exchange of a capital asset, except as provided in section 751. Section 751(a) provides that the amount of any money, or the fair market value of any property, received by a transferor partner in exchange for all or a part of the transferor partner's interest in the partnership attributable to (1) unrealized receivables of the partnership, or (2) inventory items of the partnership, will be considered as an amount realized from the sale or exchange of property other than a capital asset. Section 1.6050K-1(a)(4)(i) refers to a sale or exchange to which section 751(a) applies as a "section 751(a) exchange."

Section 6050K(a) requires a partnership to file a return if there is a section 751(a) exchange of any interest in the partnership during any calendar year. Section 6050K(a) further provides that the return must state the name and address of the transferee and transferor in the section 751(a) exchange and such other information as the Secretary may by regulations prescribe.

Section 1.6050K-1(a)(1) generally requires a partnership to make a separate return using Form 8308, *Report of a Sale or Exchange of Certain*

Partnership Interests, with respect to each section 751(a) exchange. Section 1.6050K-1(b) requires the Form 8308 to include the following information: (1) the names, addresses, and taxpayer identification numbers of the transferee and transferor in the exchange and of the partnership filing the return; (2) the date of the exchange; and (3) such other information as may be required by Form 8308 or its instructions. Section 1.6050K-1(f)(1) requires a partnership to file Form 8308 as an attachment to its Form 1065, *U.S. Return of Partnership Income*, for the partnership's taxable year that includes the last day of the calendar year in which the section 751(a) exchange took place.

Section 6050K(b) requires a partnership to provide certain information to transferors and transferees that are parties to a section 751(a) exchange on or before January 31 of the year following the calendar year of the section 751(a) exchange. Among other things, the information provided to each transferor and transferee must include the information required to be shown on the partnership's return under section 6050K(a) with respect to such person.

Section 6050K(c)(1) provides that the transferor of the partnership interest must notify the partnership of any exchange described in section 6050K(a). Under section 6050K(c)(2), a partnership is not required to make a return under section 6050K with respect to any exchange until the partnership is notified of such exchange.

Section 1.6050K-1(c)(1) clarifies that each partnership that is required to file a Form 8308 must furnish a statement to the transferor and transferee by the later of (1) January 31 of the year following the calendar year in which the section 751(a) exchange occurs, or (2) 30 days after the partnership receives notice of the exchange as specified under section 6050K(c) and § 1.6050K-1(e). A partnership generally must use a copy of the completed Form 8308 as the required statement.

On November 30, 2020, the Treasury Department and the IRS published in the **Federal Register** final regulations (TD 9926, 85 FR 76910) that added § 1.6050K-1(c)(2) to require a partnership to furnish to a transferor partner the information necessary for the transferor to make the transferor partner's required statement in § 1.751-1(a)(3). Section 1.751-1(a)(3) requires a transferor partner in a section 751(a) exchange to submit with the transferor partner's income tax return for the taxable year in which the sale or exchange occurs a statement separately stating the date of the sale or exchange,

the amount of any gain or loss attributable to section 751 property, and the amount of any gain or loss attributable to capital gain or loss on the sale of the partnership interest. After the promulgation of § 1.6050K-1(c)(2), the IRS revised Form 8308.

Part IV of the revised Form 8308 requires a partnership to report, among other items, the partnership's gain or loss from a deemed sale under section 751 and the transferor partner's share of such amount. As a result of the changes to Part IV of Form 8308, a partnership's obligation to report the gain or loss attributable to a section 751(a) exchange to a transferor is effectively accelerated to January 31 of the year following the section 751(a) exchange, even though § 1.751-1(a)(3) generally does not require the transferor partner to report such information to the IRS until the transferor partner files the partner's income tax return for the taxable year in which the sale or exchange occurs, the due date of which can be several months after January 31.

Following the revisions to Form 8308, the Treasury Department and the IRS received comments from stakeholders that many partnerships are unable to furnish the information required in Part IV of the Form 8308 to transferors and transferees by the January 31 due date because, in many cases, partnerships do not have all the information required by Part IV of the Form 8308 by January 31 of the year following the calendar year in which the section 751(a) exchange occurred.

On January 11, 2024, the IRS published Notice 2024-19, 2024-5 I.R.B. 627, which provided limited relief from penalties under section 6722 of the Code for partnerships that failed to furnish a completed Part IV of Form 8308 by January 31, 2024, for section 751(a) exchanges during calendar year 2023. Penalty relief in Notice 2024-19 was contingent on the partnership (1) timely and correctly furnishing to the transferor and transferee a copy of Parts I, II, and III of Form 8308, or a statement that includes the same information, by the later of January 31, 2024, or 30 days after the partnership is notified of the section 751(a) exchange, and (2) furnishing to the transferor and transferee a copy of the complete Form 8308, including Part IV, or a statement that includes the same information and any additional information required under § 1.6050K-1(c), by the later of (a) the due date of the partnership's Form 1065 (including extensions), or (b) 30 days after the partnership is notified of the section 751(a) exchange. On December 13, 2024, the IRS published Notice 2025-2, 2025-3 I.R.B. 418, which

extended the relief provided in Notice 2024–19 for partnerships that fail to complete Part IV of Form 8308 by January 31, 2025, with respect to section 751(a) exchanges occurring during calendar year 2024.

After considering stakeholder feedback regarding the undue burdens imposed by § 1.6050K–1(c)(2) after the revision of Form 8308, the Treasury Department and the IRS are issuing these proposed regulations to propose the removal of § 1.6050K–1(c)(2).

Explanation of Provisions

The proposed regulations would remove § 1.6050K–1(c)(2) to eliminate the requirement that partnerships furnish the information required in Part IV of the Form 8308 by January 31 of the year following the calendar year in which the section 751(a) exchange occurred. The proposed regulations would also modify § 1.6050K–1(c)(1) by removing the reference to a “completed copy of Form 8308” and replacing it with a reference to “a copy of Form 8308 filled out in accordance with the instructions to the form.” In addition, the Treasury Department and the IRS would update the instructions for Form 8308 to provide that only the information in Parts I, II, and III is required by the due dates of section 6050K.

As a result of the proposed changes to § 1.6050K–1 and the associated changes in the instructions to Form 8308, a partnership would be required to furnish the information reported on only Parts I, II, and III of Form 8308, or a statement that includes the same information, to the transferor and transferee in a section 751(a) exchange by the later of (1) January 31 of the year following the calendar year in which the section 751(a) exchange occurred, or (2) 30 days after the partnership has received notice of the exchange as specified under section 6050K and § 1.6050K–1.

Further, the Treasury Department and the IRS would update the Instructions for Form 8308 to make clear that a partnership must file a completed Form 8308, including Part IV, as an attachment to its Form 1065. Accordingly, and pursuant to § 1.6031(a)–1(a)(2), which provides that a partnership return must contain the information required by the prescribed form and the accompanying instructions, a partnership would be required to file the completed Form 8308, including Part IV, as an attachment to its Form 1065, for the taxable year of the partnership that includes the last day of the calendar year in which the section 751(a)

exchange took place. Thus, the current requirement that a partnership file a completed Form 8308, including Part IV, as an attachment to its Form 1065 would remain unchanged by these proposed regulations.

Pursuant to § 1.6031(b)–1T(a)(3), which provides, in part, that a partnership generally must furnish a written statement to each partner containing any additional information that may be required by form or instructions, the partnership will also continue to be required to report the information required of the transferor in § 1.751–1(a)(3) to the transferor (including the information required in Part IV of the Form 8308), in the Schedule K–1 (Form 1065), *Partner's Share of Income, Deductions, Credits, etc.* issued to the transferor partner as provided by the Form and Instructions to the Schedule K–1 (Form 1065).

Finally, the proposed regulations would modify § 1.6050K–1(c)(1)(i) to clarify that the partnership will be providing to the IRS the information included on a substitute statement furnished in lieu of a Form 8308 under § 1.6050K–1(c)(1).

Proposed Applicability Date

Section 1.6050K–1(c)(2) is proposed to be removed on the date these regulations are published as final regulations in the **Federal Register**. The amendment to § 1.6050K–1(c)(1)(i) is proposed to apply to returns filed for taxable years ending on or after the date these regulations are published as final regulations in the **Federal Register**. However, a partnership may rely on these proposed regulations, and the description of the anticipated changes to the instructions to Form 8308 contained in this preamble, with respect to section 751(a) exchanges occurring on or after January 1, 2025, and before the date these regulations are published as final regulations in the **Federal Register**.

Special Analyses

I. Regulatory Planning and Review

These proposed regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (July 4, 2025) between the Treasury Department and the Office of Management and Budget (OMB) regarding review of tax regulations. Therefore, a regulatory impact assessment is not required.

The Executive Order 14192 designation for this rule is expected to be deregulatory.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) generally

requires that a Federal agency obtain the approval of the OMB before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number. These proposed regulations do not impose a new or modify an existing collection of information.

III. Regulatory Flexibility Act

It is hereby certified that the proposed regulations would not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6). This rule would affect partnerships for which there is a section 751(a) exchange (as defined in § 1.6050K–1(a)(4)(i)). These proposed regulations would likely affect a substantial number of small entities organized as partnerships for Federal tax purposes, but the impact of the proposed regulations would be limited because the proposed regulations would delay the date by which partnerships must provide transferors of interests in the partnership the information necessary for the transferor to make the transferor's required statement under § 1.751–1(a)(3). This delay would benefit the partnerships by providing additional time to furnish the information but would not have a significant economic impact. Accordingly, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required. The Treasury Department and the IRS invite comments on the impact of the proposed regulations on small entities.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandate Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of \$100 million (updated annually for inflation). These proposed regulations do not include any Federal mandate that may result in expenditures by State, local, or Tribal governments or by the private sector in excess of that threshold.

V. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any

rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. These proposed regulations do not have federalism implications and do not impose substantial, direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

VI. Small Business Administration

Pursuant to section 7805(f), this notice of proposed rulemaking has been submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Request for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to comments that are submitted timely to the IRS as prescribed in the preamble under the **ADDRESSES** section. The Treasury Department and the IRS request comments on all aspects of the proposed regulations. Any comments submitted will be made available at <https://www.regulations.gov> or upon request. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Statement of Availability of IRS Documents

IRS notices and other guidance cited in this preamble are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at <https://www.irs.gov>.

Drafting Information

The principal authors of these proposed regulations are Jeremy Brown and Benjamin Weaver of the Office of Associate Chief Counsel (Passthroughs, Trusts and Estates). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, the Treasury Department and IRS propose to amend 26 CFR part 1 as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

* * * * *
Section 1.6050K–1 also issued under 26 U.S.C. 6050K(a).

* * * * *
■ **Par. 2.** Section 1.6050K–1 is amended by:

- 1. Adding a heading for paragraph (c);
- 2. Revising the introductory text of paragraph (c)(1);
- 3. Revising paragraph (c)(1)(i);
- 4. Removing paragraph (c)(2) and redesignating paragraph (c)(3) as new paragraph (c)(2); and
- 5. Revising paragraph (h).

The revisions read as follows:

§ 1.6050K–1 Returns relating to sales or exchanges of certain partnership interests.

* * * * *
(c) *Statement to be furnished to transferor and transferee*—(1) *In general.* Every partnership required to file a return under paragraph (a) of this section must furnish to each person whose name is required to be set forth in such return a written statement on or before January 31 of the calendar year following the calendar year in which the section 751(a) exchange occurred to which the return under paragraph (a) relates (or, if later, 30 days after the partnership is notified of the exchange as defined in paragraph (e) of this section). The partnership must use a copy of the Form 8308, filled out in accordance with the instructions accompanying the form, as a statement unless the Form 8308 contains information with respect to more than one section 751(a) exchange (see paragraph (a)(3) of this section). If the partnership does not use a copy of Form 8308 as a statement, the statement shall include the information required to be shown on Form 8308 with respect to the section 751(a) exchange to which the person to whom the statement is furnished is a party. In addition, it shall state that—

- (i) The information shown on the statement will be supplied to the Internal Revenue Service.

* * * * *

(h) *Applicability date.* Paragraphs (c)(1) introductory text and (c)(1)(i) of this section apply to returns filed for taxable years ending on or after [date of publication of final regulations in the **Federal Register**]. Paragraph (c)(2) of this section applies to returns filed on or after November 30, 2020. Paragraph (d)(3) of this section applies to transfers that occur on or after November 30, 2020.

Edward T. Killen,

Acting Chief Tax Compliance Officer.

[FR Doc. 2025–15750 Filed 8–18–25; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0308; FRL–10404–01–R4]

Air Plan Approval; Tennessee; Second Planning Period Regional Haze Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a regional haze State Implementation Plan (SIP) revision submitted by the Tennessee Department of Environmental Conservation (TDEC), dated February 23, 2022, as satisfying the applicable requirements under the Clean Air Act (CAA or Act) and EPA's Regional Haze Rule (RHR) for the program's second planning period. Tennessee's SIP submission addresses the requirement that states must periodically revise their long-term strategies for making reasonable progress toward the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second planning period of the regional haze program. EPA is proposing this action pursuant to sections 110 and 169A of the Act.

DATES: Written comments must be received on or before October 20, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2019–0308, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit

electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Estelle Bae, Air Permits Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Bae can be reached via telephone at (404) 562–9143 or electronic mail at bae.estelle@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. What action is EPA proposing?
- II. Background and Requirements for Regional Haze Plans
 - A. Regional Haze Background
 - B. Roles of Agencies in Addressing Regional Haze
- III. Requirements for Regional Haze Plans for the Second Planning Period
 - A. Long-Term Strategy (LTS) for Regional Haze
 - B. Reasonable Progress Goals (RPGs)
 - C. Monitoring Strategy and Other Implementation Plan Requirements
 - D. Requirements for Periodic Reports Describing Progress Towards the RPGs
 - E. Requirements for State and Federal Land Manager (FLM) Coordination
- IV. EPA's Evaluation of Tennessee's Regional Haze Submission for the Second Planning Period
 - A. Identification of Class I Areas
 - B. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress (URP)
 - C. LTS for Regional Haze
 - D. RPGs
 - E. Monitoring Strategy and Other Implementation Plan Requirements
 - F. Requirements for Periodic Reports Describing Progress Towards the RPGs
 - G. Requirements for State and FLM Coordination
- V. Other Measures Proposed for Incorporation Into Tennessee's SIP
- VI. Incorporation by Reference
- VII. Proposed Action
- VIII. Statutory and Executive Order Reviews

I. What action is EPA proposing?

On February 23, 2022, TDEC submitted a SIP to address regional haze for the second planning period (“Haze Plan” or “2022 Plan”).^{1,2} TDEC made the SIP submission to satisfy the requirements of the CAA’s regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308. On February 9, 2023, Tennessee also submitted a separate SIP revision to adopt source-specific SO₂ emission limits and compliance parameters into the Tennessee SIP for Eastman (“2023 Plan”).³ EPA is proposing to approve Tennessee’s Haze Plan as satisfying applicable statutory and regulatory requirements for the regional haze second planning period. EPA is also proposing to incorporate by reference into Tennessee’s SIP permit conditions included in the 2023 Plan for Eastman.⁴ EPA is not proposing to take action to approve or disapprove other portions of the 2023 Plan in this Notice.

II. Background and Requirements for Regional Haze Plans

A detailed history and background of the regional haze program is provided in prior EPA proposal actions.⁵ For additional background on the 2017 RHR revisions, please refer to Section III. Overview of Visibility Protection Statutory Authority, Regulation, and Implementation of “Protection of Visibility: Amendments to Requirements for State Plans” of the 2017 RHR.⁶ The following is an abbreviated history and background of the regional haze program and 2017

RHR as it applies to the current proposed action.

A. Regional Haze Background

In the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation’s mandatory Class I Federal areas, which include certain national parks and wilderness areas.⁷ See CAA section 169A. The CAA establishes as a national goal the “prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.” See CAA section 169A(a)(1). Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities which are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.*, sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.*, sulfur dioxide (SO₂), nitrogen oxides (NO_x), and, in some cases, volatile organic compounds (VOC) and ammonia (NH₃)). Fine particle precursors react in the atmosphere to form fine particulate matter (particles less than or equal to 2.5 micrometers (µm) in diameter, PM_{2.5}), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the perception of clarity and color, as well as visible distance.⁸

To address regional haze visibility impairment, the 1999 RHR established an iterative planning process that requires both states in which Class I areas are located and states “the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility” in a Class

¹ Tennessee’s February 23, 2022, SIP submission, is included in the docket for this action.

² On December 20, 2024, Tennessee sent EPA a letter requesting that EPA incorporate certain permit conditions applicable for Eastman Chemical Company (Eastman) into Tennessee’s SIP to support the State’s Haze Plan and to strengthen Tennessee’s SIP. This letter, received December 20, 2024, is included in the docket for this proposed action.

³ Tennessee’s February 9, 2023, SIP submission, is included in the docket for this action.

⁴ Tennessee submitted the 2023 Plan as an SO₂ attainment demonstration SIP for Sullivan County. On December 20, 2024, Tennessee submitted a letter to EPA stating that Tennessee supports EPA adopting certain permit conditions from the 2023 Plan into Tennessee’s SIP to support the Haze Plan and to further strengthen Tennessee’s SIP. While EPA is proposing to adopt permit conditions from the 2023 Plan into Tennessee’s SIP to strengthen Tennessee’s SIP, EPA is not proposing to approve, disapprove, or otherwise take action on the 2023 Plan itself. Whether the 2023 Plan is approvable under the CAA—including the permit conditions included with the 2023 Plan—will be the subject of a separate rulemaking process.

⁵ See 90 FR 13516 (March 24, 2025).

⁶ See 82 FR 3078 (January 10, 2017), located at <https://www.federalregister.gov/documents/2017/01/10/2017-00268/protection-of-visibility-amendments-to-requirements-for-State-plans#h-16>.

⁷ Areas statutorily designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. See CAA section 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

⁸ There are several ways to measure the amount of visibility impairment, *i.e.*, haze. One such measurement is the deciview, which is the principal metric defined and used by the RHR. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to its being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction (b_{ext}) is a metric used for expressing visibility and is measured in inverse megameters (Mm^{−1}). The formula for the deciview is $10 \ln (b_{ext})/10 \text{ Mm}^{-1}$. See 40 CFR 51.301.

I area to periodically submit SIP revisions to address such impairment. *See* CAA section 169A(b)(2);⁹ *see also* 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revisions); 64 FR 35768 (July 1, 1999).

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

B. Roles of Agencies in Addressing Regional Haze

Because the air pollutants and pollution affecting visibility in Class I areas can be transported over long distances, successful implementation of the regional haze program requires long-term, regional coordination among multiple jurisdictions and agencies that have responsibility for Class I areas and the emissions that impact visibility in those areas. To address regional haze, states need to develop strategies in coordination with one another, considering the effect of emissions from one jurisdiction on the air quality in another. Five regional planning organizations (RPOs),¹⁰ which include representation from state and Tribal governments, EPA, and FLMs, were developed in the lead-up to the first planning period to address regional haze. RPOs evaluate technical information to better understand how emissions from state and Tribal land impact Class I areas across the country, pursue the development of regional strategies to reduce emissions of PM and other pollutants leading to regional haze, and help states meet the consultation requirements of the RHR.

The Southeastern States Air Resource Managers, Inc. (SESARM), one of the five RPOs described above, is a collaborative effort of state and local agencies and Tribal governments established to initiate and coordinate activities associated with the management of regional haze, visibility, and other air quality issues in the Southeast. SESARM's coalition to conduct regional haze work is referred to as Visibility Improvement State and Tribal Association of the Southeast

(VISTAS).¹¹ The member states, local air agencies, and Tribal governments of VISTAS are Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; the local air agencies, represented by the President of Metro 4 or designee;¹² and the Tribes located within the VISTAS region, represented by the Eastern Band of the Cherokee Indians. The Federal partner members of VISTAS are EPA, the U.S. National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), and the U.S. Forest Service (USFS).¹³

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

Under the CAA and EPA's regulations, all 50 states, the District of Columbia, and the U.S. Virgin Islands are required to submit regional haze SIPs satisfying the applicable requirements for the second planning period of the regional haze program by July 31, 2021. Each state's SIP must contain an LTS for making reasonable progress toward meeting the national goal of remedying any existing and preventing any future anthropogenic visibility impairment in Class I areas. *See* CAA section 169A(b)(2)(B). To this end, 40 CFR 51.308(f) lays out the process by which states determine what constitutes their LTSs, with the order of the requirements in 40 CFR 51.308(f)(1) through (f)(3) generally mirroring the order of the steps in the reasonable progress analysis¹⁴ and (f)(4) through (f)(6) containing additional related requirements. Broadly speaking, a state first must identify the Class I areas within the state and determine the Class I areas outside the state in which visibility may be affected by emissions from the state. These are the Class I areas that must be addressed in the state's LTS. *See* 40 CFR 51.308(f), (f)(2). For each Class I area within its borders, a state must then calculate the baseline (five-year average period of 2000–2004, current), and natural visibility conditions (*i.e.*, visibility conditions without anthropogenic visibility

impairment) for that area, as well as the visibility improvement made to date and the URP. The URP is the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in 2064. This linear interpolation is used as a tracking metric to help states assess the amount of progress they are making towards the national visibility goal over time in each Class I area. *See* 40 CFR 51.308(f)(1). Each state having a Class I area and/or emissions that may affect visibility in a Class I area must then develop an LTS that includes the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress in such areas. A reasonable progress determination is based on applying the four factors in CAA section 169A(g)(1) to sources of visibility impairing pollutants that the state has selected to assess for controls for the second planning period.

Additionally, as further explained below, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five “additional factors”¹⁵ that states must consider in developing their LTSs. *See* 40 CFR 51.308(f)(2). A state evaluates potential emission reduction measures for those selected sources and determines which are necessary to make reasonable progress. Those measures are then incorporated into the state's LTS. After a state has developed its LTS, it then establishes RPGs for each Class I area within its borders by modeling the visibility impacts of all reasonable progress controls at the end of the second planning period, *i.e.*, in 2028, as well as the impacts of other requirements of the CAA. The RPGs include reasonable progress controls not only for sources in the state in which the Class I area is located, but also for sources in other states that contribute to visibility impairment in that area. The RPGs are then compared to the baseline visibility conditions and the URP to ensure that progress is being made towards the statutory goal of preventing any future and remedying any existing anthropogenic visibility impairment in Class I areas. *See* 40 CFR 51.308(f)(2) and (3). There are additional requirements in the rule, including FLM consultation, that apply to all visibility protection SIPs and SIP revisions. *See e.g.*, 40 CFR 51.308(i).

¹⁵ The five “additional factors” for consideration in 40 CFR 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

⁹ The RHR expresses the statutory requirement for states to submit plans addressing out-of-state Class I areas by providing that states must address visibility impairment “in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State.” *See* 40 CFR 51.308(d), (f).

¹⁰ RPOs are sometimes also referred to as “multi-jurisdictional organizations,” or MJOs.

¹¹ The technical analyses for the development of the Haze Plan were conducted by VISTAS under SESARM and they are available at this website: <https://www.metro4-sesarm.org/content/vistas-regional-haze-program>.

¹² Metro 4 is a Tennessee corporation which represents the local air pollution control agencies in EPA's Region 4 in the Southeast. *See* <https://www.metro4-sesarm.org/content/metro-4-about-us>.

¹³ The NPS, FWS, and USFS are collectively referred to as the “Federal Land Managers” or “FLMs” throughout this document.

¹⁴ EPA explained in the 2017 RHR Revisions that the Agency was adopting new regulatory language in 40 CFR 51.308(f) that, unlike the structure in 51.308(d), “tracked the actual planning sequence.” *See* 82 FR 3091, (January 10, 2017).

A. Long-Term Strategy (LTS) for Regional Haze

While states have discretion to choose any source selection methodology that is reasonable, whatever choices they make should be reasonably explained. To this end, 40 CFR 51.308(f)(2)(i) requires that a state's SIP submission include "a description of the criteria it used to determine which sources or groups of sources it evaluated." The technical basis for source selection, which may include methods for quantifying potential visibility impacts such as emissions divided by distance metrics, trajectory analyses, residence time analyses, and/or photochemical modeling, must also be appropriately documented, as required by 40 CFR 51.308(f)(2)(iii).

Once a state has selected the set of sources, the next step is to determine the emissions reduction measures for those sources that are necessary to make reasonable progress for the second planning period.¹⁶ This is accomplished by considering the four factors—"the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements." See CAA section 169A(g)(1). EPA has explained that the four-factor analysis (FFA) is an assessment of potential emission reduction measures (*i.e.*, control options) for sources; "use of the terms 'compliance' and 'subject to such requirements' in CAA section 169A(g)(1) strongly indicates that Congress intended the relevant determination to be the requirements with which sources would have to comply in order to satisfy the CAA's reasonable progress mandate." See 82 FR 3091. Thus, for each source a state has selected for an FFA,¹⁷ it must consider a "meaningful set" of technically feasible control options for

reducing emissions of visibility impairing pollutants. *Id.* at 3088.

EPA has also explained that, in addition to the four statutory factors, states have flexibility under the CAA and RHR to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.¹⁸ Ultimately, while states have discretion to reasonably weigh the factors and to determine what level of control is needed, 40 CFR 51.308(f)(2)(i) provides that a state "must include in its implementation plan a description of how the four factors were taken into consideration in selecting the measure for inclusion in its long-term strategy."

As explained above, 40 CFR 51.308(f)(2)(i) requires states to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four factors. Pursuant to 40 CFR 51.308(f)(2), measures that are necessary to make reasonable progress toward the national visibility goal must be included in a state's LTS and in its SIP. If the outcome of an FFA is that an emissions reduction measure is necessary to make reasonable progress towards remedying existing or preventing future anthropogenic visibility impairment, that measure must be included in the SIP.

The characterization of information on each of the factors is also subject to the documentation requirement in 40 CFR 51.308(f)(2)(iii). The reasonable progress analysis is a technically complex exercise, but also a flexible one that provides states with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, 40 CFR 51.308(f)(2)(iii) plays an important function in requiring a state to document the technical basis for its decision making so that the public and EPA can comprehend and evaluate the information and analysis the state relied upon to determine what emission reduction measures must be in place to make reasonable progress.

The technical documentation must include the modeling, monitoring, cost, engineering, and emissions information on which the state relied to determine the measures necessary to make reasonable progress. Additionally, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five "additional

factors"¹⁹ that states must consider in developing their LTSs: (1) emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) measures to reduce the impacts of construction activities; (3) source retirement and replacement schedules; (4) basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and (5) the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the LTS.

Because the air pollution that causes regional haze crosses state boundaries, 40 CFR 51.308(f)(2)(ii) requires a state to consult with other states that also have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area. If a state, pursuant to consultation, agrees that certain measures (*e.g.*, a certain emission limitation) are necessary to make reasonable progress at a Class I area, it must include those measures in its SIP. See 40 CFR 51.308(f)(2)(ii)(A). Additionally, the RHR requires that states that contribute to visibility impairment at the same Class I area consider the emission reduction measures the other contributing states have identified as being necessary to make reasonable progress for their own sources. See 40 CFR 51.308(f)(2)(ii)(B). If a state has been asked to consider or adopt certain emission reduction measures, but ultimately determines those measures are not necessary to make reasonable progress, that state must document in its SIP the actions taken to resolve the disagreement. See 40 CFR 51.308(f)(2)(ii)(C). Under all circumstances, a state must document in its SIP submission all substantive consultations with other contributing states. See 40 CFR 51.308(f)(2)(ii)(C).

B. Reasonable Progress Goals (RPGs)

RPGs "measure the progress that is projected to be achieved by the control measures states have determined are necessary to make reasonable progress based on a four-factor analysis." See 82 FR 3091.

For the second planning period, the RPGs are set for 2028. RPGs are not enforceable targets, 40 CFR 51.308(f)(3)(iii). While states are not legally obligated to achieve the visibility conditions described in their RPGs, 40

¹⁶ The CAA provides that, "[i]n determining reasonable progress there shall be taken into consideration" the four statutory factors. See CAA section 169A(g)(1). However, in addition to FFA for selected sources, groups of sources, or source categories, a state may also consider additional emission reduction measures for inclusion in its LTS, *e.g.*, from other newly adopted, on-the-books, or on-the-way rules and measures for sources not selected for FFA for the second planning period.

¹⁷ "Each source" or "particular source" is used here as shorthand. While a source-specific analysis is one way of applying the four factors, neither the statute nor the RHR requires states to evaluate individual sources. Rather, states have "the flexibility to conduct four-factor analyses for specific sources, groups of sources or even entire source categories, depending on state policy preferences and the specific circumstances of each state." See 82 FR 3088.

¹⁸ See, *e.g.*, Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016) (December 2016), Docket Number EPA-HQ-OAR-2015-0531, U.S. Environmental Protection Agency at 186, available at www.regulations.gov.

¹⁹ The five "additional factors" for consideration in 40 CFR 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

CFR 51.308(f)(3)(i) requires that “[t]he long-term strategy and the reasonable progress goals must provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period.”

RPGs may also serve as a metric for assessing the amount of progress a state is making toward the national visibility goal. To support this approach, the RHR requires states with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP line (representing visibility conditions in 2028 if visibility were to improve at a linear rate from conditions in the baseline period of 2000–2004 to natural visibility conditions in 2064). If the most impaired days RPG in 2028 is above the URP (*i.e.*, if visibility conditions are improving more slowly than the rate described by the URP), each state that contributes to visibility impairment in the Class I area must demonstrate, based on the FFA required under 40 CFR 51.308(f)(2)(i), that no additional emission reduction measures would be reasonable to include in its LTS. *See* 40 CFR 51.308(f)(3)(ii). To this end, 40 CFR 51.308(f)(3)(ii) requires that each state contributing to visibility impairment in a Class I area that is projected to improve more slowly than the URP provide “a robust demonstration, including documenting the criteria used to determine which sources or groups [of] sources were evaluated and how the four factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.”

C. Monitoring Strategy and Other State Implementation Plan Requirements

40 CFR 51.308(f)(6) requires states to have certain strategies and elements in place for assessing and reporting on visibility. Individual requirements under this section apply either to states with Class I areas within their borders, states with no Class I areas but that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area, or both. Compliance with the monitoring strategy requirement may be met through a state’s participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, which is used to measure visibility impairment caused by air pollution at the 156 Class I areas covered by the visibility program. *See* 40 CFR 51.308(f)(6), (f)(6)(i), (f)(6)(iv).

All states’ SIPs must provide for procedures by which monitoring data

and other information are used to determine the contribution of emissions from within the state to regional haze visibility impairment in affected Class I areas, as well as a statewide inventory documenting such emissions. *See* 40 CFR 51.308(f)(6)(ii), (iii), (v). All states’ SIPs must also provide for any other elements, including reporting, recordkeeping, and other measures, that are necessary for states to assess and report on visibility. *See* 40 CFR 51.308(f)(6)(vi).

D. Requirements for Periodic Reports Describing Progress Toward the RPGs

40 CFR 51.308(f)(5) requires a state’s regional haze SIP revision to address the requirements of paragraphs 40 CFR 51.308(g)(1) through (5) so that the plan revision due in 2021 will serve also as a progress report addressing the period since submission of the progress report for the first planning period. The regional haze progress report requirement is designed to inform the public and EPA about a state’s implementation of its existing LTS and whether such implementation is in fact resulting in the expected visibility improvement. *See* 81 FR 26942, 26950 (May 4, 2016), 82 FR 3119 (January 10, 2017). To this end, every state’s implementation plan revision for the second planning period is required to assess changes in visibility conditions and describe the status of implementation of all measures included in the state’s LTS, including Best Available Retrofit Technology (BART) and reasonable progress emission reduction measures from the first planning period, and the resulting emissions reductions. *See* 40 CFR 51.308(g)(1) and (2).

E. Requirements for State and Federal Land Manager (FLM) Coordination

CAA section 169A(d) requires that before a state holds a public hearing on a proposed regional haze SIP revision, it must consult with the appropriate FLM or FLMs; pursuant to that consultation, the state must include a summary of the FLMs’ conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the RHR also requires that states “provide the [FLM] with an opportunity for consultation, in person and at a point early enough in the State’s policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the [FLM] can meaningfully inform the State’s decisions on the long-term strategy.” *See* 40 CFR 51.308(i)(2). For EPA to evaluate whether FLM

consultation meeting the requirements of the RHR has occurred, the SIP submission should include documentation of the timing and content of such consultation. The SIP revision submitted to EPA must also describe how the state addressed any comments provided by the FLMs. *See* 40 CFR 51.308(i)(3). Finally, a SIP revision must provide procedures for continuing consultation between the state and FLMs regarding the state’s visibility protection program, including development and review of SIP revisions, five-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas. *See* 40 CFR 51.308(i)(4).

IV. EPA’s Evaluation of Tennessee’s Regional Haze Submission for the Second Planning Period

On February 23, 2022, TDEC submitted the Haze Plan to address the State’s regional haze obligations for the second planning period, which runs through 2028, in accordance with CAA section 169A and the RHR at 40 CFR 51.308(f). In addition, on February 9, 2023, Tennessee submitted the 2023 Plan, which is separate from and not part of Tennessee’s regional haze SIP submittal. On December 20, 2024, Tennessee provided a letter to EPA requesting that EPA incorporate specific permit conditions applicable to Eastman from the 2023 Plan into Tennessee’s SIP to support the State’s Haze Plan and to strengthen Tennessee’s SIP.

EPA is proposing to approve the Haze Plan. EPA is further proposing to incorporate into Tennessee’s SIP specific permit conditions for Eastman from the 2023 Plan. The following sections contain EPA’s evaluation of Tennessee’s Haze Plan with respect to the requirements of the CAA and RHR for the second planning period of the regional haze program. Where applicable, permit conditions from the 2023 Plan are discussed as well. Tennessee has two Class I areas, both of which are shared with North Carolina: Great Smoky Mountains National Park (“Great Smoky Mountains”); and Joyce Kilmer–Slickrock National Wilderness Area (“Joyce Kilmer”). The following sections describe Tennessee’s Haze Plan, including analyses conducted by VISTAS and Tennessee’s determination based on those analyses, Tennessee’s assessment of progress made since the first planning period in reducing emissions of visibility impairing pollutants, and the visibility improvement progress at its Class I areas and nearby Class I areas. This document also contains EPA’s evaluation of

Tennessee's Haze Plan against the requirements of the CAA and RHR for the second planning period of the regional haze program.

A. Identification of Class I Areas

1. *RHR Requirement:* Section 169A(b)(2) of the CAA requires each state in which any Class I area is located or "the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility" in a Class I area to have a plan for making reasonable progress toward the national visibility goal. The RHR implements this statutory requirement at 40 CFR 51.308(f), which provides that each state's plan "must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State," and 40 CFR 51.308(f)(2), which requires each state's plan to include an LTS that addresses regional haze in such Class I areas. To develop a state's LTS, a state must first determine which Class I areas may be affected by its own emissions. Out-of-state Class I area visibility impacts on a statewide basis are discussed in Section IV.A.2 below and impacts on a source-specific basis are discussed in Section IV.C.2 below.

2. *State Assessment:* To address CFR 51.308(f), Tennessee identified Class I areas affected by Tennessee's statewide emissions of the visibility impairing pollutants and then consulted with states with Class I areas affected by Tennessee's statewide emissions. Specifically, Tennessee presented the results of Particulate Matter Source Apportionment Technology (PSAT)²⁰ modeling which VISTAS conducted to estimate the projected impact of statewide SO₂ and NO_x emissions across all emissions sectors in 2028 on total light extinction for the 20 percent most impaired days in all Class I areas in the VISTAS modeling domain.²¹ In

Table 7–12 of the Haze Plan, TDEC lists the total sulfate plus nitrate contribution from all source sectors in Tennessee to total visibility impairment for the 20 percent most impaired days at Class I areas in the VISTAS modeling domain in Mm⁻¹. Tennessee's top three highest sulfate plus nitrate impairment impacts to out-of-state Class I areas are: Great Smoky Mountains (North Carolina/Tennessee) (1.98 Mm⁻¹), Joyce Kilmer (North Carolina/Tennessee) (1.32 Mm⁻¹), Cohutta National Wilderness Area ("Cohutta") (Georgia) (1.25 Mm⁻¹).²²

Based on the VISTAS' Area of Influence (AoI) and PSAT modeling, TDEC consulted with the VISTAS states (see Sections 10.1 and 10.2 and Appendix F–1 of the Haze Plan), including Kentucky, Georgia, and North Carolina. TDEC also consulted with the Mid-Atlantic/Northeast Visibility Union (MANE–VU)²³ states (see Section 10.3 and Appendices F–2 and F–4 of the Haze Plan), as well as Pennsylvania, Missouri, Indiana, and Ohio (see Appendix F–2 of the Haze Plan).

3. *EPA Evaluation:* EPA proposes to find that Tennessee adequately addressed the elements of 40 CFR 51.308(f) regarding identification of its statewide visibility impacts to Class I areas outside of the State and consultation with states with Class I areas which may reasonably be anticipated to cause or contribute to any impairment of visibility due to Tennessee's emissions. The State's approach of focusing on SO₂ and NO_x impacts from Tennessee is reasonable on the basis that for current visibility conditions evaluated for the 2015–2019 period, ammonium sulfate is the dominant visibility-impairing pollutant at most of the VISTAS Class I areas, including the Great Smoky Mountains, followed by organic carbon and ammonium nitrate (depending on the area).²⁴ VISTAS focused on controllable emissions from point sources and thus, initially considered impacts from

sulfates and nitrates on regional haze at Class I areas affected by VISTAS states. EPA finds that Tennessee adequately identified Class I areas outside of Tennessee that may be affected by emissions from within the State and consulted with affected states because the State analyzed its statewide sulfate and nitrate contributions to total visibility impairment at out-of-state Class I areas in Table 7–12 of the Haze Plan. The State completed consultation with VISTAS via the RPO processes and, in some cases, on a state-to-state basis and documented those consultations.²⁵

B. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the URP

1. *RHR Requirement:* 40 CFR 51.308(f)(1) requires states to determine the following for "each mandatory Class I Federal area located within the State": baseline visibility conditions for the most impaired and clearest days, natural visibility conditions for the most impaired and clearest days, progress to date for the most impaired and clearest days, the differences between current visibility conditions and natural visibility conditions, and the URP. This section also provides the option for states to propose adjustments to the URP line for a Class I area to account for visibility impacts from anthropogenic sources outside the United States and/or the impacts from wildland prescribed fires that were conducted for certain, specified objectives. See 40 CFR 51.308(f)(1)(vi)(B).

2. *State Assessment:* In the Haze Plan, Tennessee presents the baseline visibility conditions (2000–2004) in Table 2–3; current visibility conditions (2014–2018) in Table 2–5,²⁶ and natural visibility conditions in Table 2–2 for the 20 percent clearest days and 20 percent most impaired days in deciviews for VISTAS Class I areas, including in-state Class I areas, as shown in Table 1 below.²⁷

²⁰ PSAT is Particulate Matter Source Apportionment Technology, which is an option in the photochemical visibility impact modeling performed by VISTAS that is a methodology to track the fate of both primary and secondary PM. PSAT allows emissions to be tracked ("tagged") for individual facilities as well as various combinations of sectors and geographic areas (e.g., by state). The PSAT results provide the modeled contribution of each of the tagged sources or groups of sources to the total visibility impacts.

²¹ Tennessee did not include primary PM (directly emitted) data in this analysis because the PSAT analyses performed by VISTAS tagged statewide emissions of SO₂ and NO_x and did not tag primary PM emissions in the analysis after

concluding that emissions of the PM precursors SO₂ and NO_x, particularly from point sources, are projected to have the largest impact on visibility impairment in 2028 and that SO₂ and NO_x are the most significant visibility impairing pollutants from controllable anthropogenic sources.

²² In contrast, Tennessee's sulfate plus nitrate impairment impacts to the State's Class I areas are: 1.98 Mm⁻¹ and 1.32 Mm⁻¹ for Great Smoky Mountains and Joyce Kilmer, respectively.

²³ MANE–VU was established in 2001 to assist the Mid-Atlantic and Northeast states in planning and developing their regional haze SIP revisions. The MANE–VU states are Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire,

New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

²⁴ See Figures 2–8 and 2–9 of the Haze Plan for the VISTAS Class I areas. See also Sections IV.C.2.a and IV.C.3.a of this document.

²⁵ See Section IV.C.2.e of this notice for additional detail regarding interstate consultations.

²⁶ The period 2014–2018 represents current visibility conditions for Tennessee because it is the most recent five-year period for which visibility monitoring data was available at the time of SIP development.

²⁷ Joyce Kilmer has no IMPROVE monitor. Visibility at Joyce Kilmer is assumed to be the same as the nearest Class I area monitor located at Great Smoky Mountains.

TABLE 1—BASELINE, CURRENT, AND NATURAL VISIBILITY CONDITIONS IN TENNESSEE'S CLASS I AREAS IN DECIVIEWS (dv)

Class I area	Baseline 20% clearest days (dv)	Baseline 20% most impaired days (dv)	Current 20% clearest days (dv)	Current 20% most impaired days (dv)	Natural 20% clearest days (dv)	Natural 20% most impaired days (dv)
Great Smoky Mountains	13.58	29.11	8.35	17.21	4.62	10.05
Joyce Kilmer	13.58	29.11	8.35	17.21	4.62	10.05

Tennessee also calculated the actual progress made toward natural visibility conditions since the baseline period (current minus baseline), and the additional progress needed to reach

natural visibility conditions from current conditions (natural minus current), in deciviews, as shown in Table 2–6 (for the 20 percent most impaired days) and Table 2–7 (for the 20

percent clearest days) Class I areas, as reproduced in part for Tennessee's in-state Class I areas in Table 2, below.

TABLE 2—ACTUAL PROGRESS FOR VISIBILITY CONDITIONS IN TENNESSEE'S CLASS I AREAS IN DECIVIEWS (dv)

Class I area	Current minus baseline for clearest 20% (dv)	Current minus baseline for most impaired 20% (dv)	Natural minus current for clearest 20% (dv)	Natural minus current for most impaired 20% (dv)
Great Smoky Mountains	– 5.23	11.90	3.73	7.16
Joyce Kilmer	– 5.23	11.90	3.73	7.16

Additionally, Figure 3–1 of Tennessee's Haze Plan provides the URP on the 20 percent most impaired days for Great Smoky Mountains (which also represents the URP for Joyce Kilmer). The URP was developed using EPA guidance²⁸ and used data collected from the IMPROVE monitoring network which is used to measure visibility impairment caused by air pollution at the 156 Class I areas covered by the visibility program. All Tennessee Class I areas are projected to be below the 2028 URP value for the second planning period based on modeling done by VISTAS.

3. EPA Evaluation: EPA is proposing to find that Tennessee's Haze Plan meets the requirements of 40 CFR 51.308(f)(1) because the State provided for its two Class I areas: baseline, current, and natural visibility conditions for the 20 percent clearest days and most impaired days; progress to date for the 20 percent clearest days and most impaired days; differences between the current visibility conditions and natural visibility conditions; and the URP for each Class I area in Tennessee.

C. LTS for Regional Haze

1. RHR Requirement: Each state having a Class I area within its borders or emissions that may affect visibility in a Class I area must develop an LTS for making reasonable progress towards the national visibility goal. See CAA section 169A(b)(2)(B). After considering the four statutory factors, all measures that are determined to be necessary to make reasonable progress must be in the LTS. In developing its LTS, a state must also consider the five additional factors in 40 CFR 51.308(f)(2)(iv). As part of its reasonable progress determinations, the state must describe the criteria used to determine which sources or group of sources were evaluated (*i.e.*, subjected to FFA) for the second planning period and how the four factors were taken into consideration in selecting the emission reduction measures for inclusion in the LTS. See 40 CFR 51.308(f)(2)(iii).

States may rely on technical information developed by the RPOs of which they are members to select sources for FFAs and to satisfy the documentation requirements under 40 CFR 51.308(f). Where an RPO has performed source selection and/or FFAs (or considered the five additional factors in 40 CFR 51.308(f)(2)(iv)) for its member states, those states may rely on the RPO's analyses for the purpose of satisfying the requirements of 40 CFR 51.308(f)(2)(i) so long as the states have a reasonable basis to do so and all state participants in the RPO process have approved the technical analyses. See 40 CFR 51.308(f)(2)(iii). States may also satisfy the requirement of 40 CFR 51.308(f)(2)(ii) to engage in interstate

consultation with other states that have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area under the auspices of intra- and inter-RPO engagement.

The consultation requirements of 40 CFR 51.308(f)(2)(ii) provide that states must consult with other states that are reasonably anticipated to contribute to visibility impairment in a Class I area to develop coordinated emission management strategies containing the emission reductions measures that are necessary to make reasonable progress. Sections 51.308(f)(2)(ii)(A) and (B) require states to consider the emission reduction measures identified by other states as necessary for reasonable progress and to include agreed upon measures in their SIPs, respectively. Section 51.308(f)(2)(ii)(C) speaks to what happens if states cannot agree on what measures are necessary to make reasonable progress. The documentation requirement of 40 CFR 51.308(f)(2)(iii) provides that states may meet their obligations to document the technical bases on which they are relying to determine the emission reductions measures that are necessary to make reasonable progress through an RPO, as long as the process has been "approved by all State participants."

Section 51.308(f)(2)(iii) also requires that the emissions information considered to determine the measures that are necessary to make reasonable progress include information on emissions for the most recent year for which the state has submitted triennial emissions data to EPA (or a more recent

²⁸ "Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program." EPA Office of Air Quality Planning and Standards, Research Triangle Park (December 20, 2018), available at: https://www.epa.gov/sites/default/files/2018-12/documents/technical_guidance_tracking_visibility_progress.pdf and https://www.epa.gov/sites/default/files/2020-06/documents/memo_data_for_regional_haze_technical_addendum.pdf.

year), with a 12-month exemption period for newly submitted data.

2. *State Assessment:* To develop Tennessee's LTS, TDEC set criteria to identify sources to evaluate for potential controls using the four factors outlined in Section III.A, selected sources based on those criteria, considered the four factors, provided emissions limits and supporting conditions for adoption into the regulatory portion of the SIP, and evaluated the five additional factors at 40 CFR 51.308(f)(2)(iv).

a. *Source Selection Criteria:* With respect to 40 CFR 51.308(f)(2)(i), Tennessee, through VISTAS, used a two-step source selection process: (1) AoI analysis, and (2) PSAT²⁹ modeling for sources exceeding an AoI threshold.³⁰ Tennessee considered the four statutory factors for sources that exceeded both the AoI and PSAT thresholds. Both sulfates and nitrates were considered in the source selection process. To identify sources having the most impact on visibility at Class I areas for PSAT modeling, Tennessee used an AoI threshold of greater than or equal to three percent for sulfate at any Tennessee Class I area for all sources within the State and three percent for sulfate^{31 32} at any Class I area for all sources outside of the State. The State also ran a similar analysis using sulfate plus nitrate visibility impairment, which did not result in any additional sources being selected for PSAT analysis. Sources that exceeded Tennessee's AoI threshold using point source sulfate impairment are listed in Table 7–17 of the Haze Plan. Of these sources, four sources located within

Tennessee exceeded the AoI threshold: Tennessee Valley Authority—Cumberland Fossil Plant (TVA-Cumberland), Eastman, Tennessee Valley Authority—Kingston Fossil Plant (TVA-Kingston), and McGhee Tyson Airport. Tennessee removed McGhee Tyson Airport from the list of sources submitted for PSAT tagging, however, for the reasons discussed in Section 7.6.3 of the State's submittal, including the fact that the vast majority of sulfate and nitrate emissions from this facility are from aircraft that cannot be regulated under the regional haze program.

Tennessee, in coordination with the other VISTAS states, then set a PSAT threshold of greater than or equal to one percent for sulfate and a separate PSAT threshold of greater than or equal to one percent for nitrate, by facility.³³ Sources identified based on the State's PSAT threshold are listed in Tables 7–40, 7–41 and 7–42 of the Haze Plan. Of the nine sources identified, seven sources are located in five other states, and two are located in Tennessee. These nine sources exceeded the State's sulfate PSAT threshold, and none exceeded the State's nitrate PSAT threshold, as discussed in Tables 7–23 through 7–29 of the Haze Plan. Therefore, Tennessee selected two in-state sources, Eastman and TVA-Cumberland, for an SO₂ emissions control analysis.³⁴ The projected 2028 SO₂ emissions from these two sources are 6,420 tons per year (tpy) and 8,427 tpy, respectively, as described in Table 7–43 of the Haze Plan. No sources modeled for PSAT exceeded the one percent PSAT threshold for nitrates.

Initially, PSAT results for TVA Kingston Fossil Plant (TVA-Kingston) also exceeded the State's one percent PSAT threshold for SO₂, which would have resulted in that source being selected for an SO₂ control FFA. However, Tennessee ultimately did not select TVA-Kingston for an FFA based upon revised emission projections submitted by TVA. Specifically, in a letter dated February 28, 2020, TVA stated that “SO₂ mass emissions at

[TVA-Kingston] are projected to be much lower in 2028 (425 tons) than they have been historically. [TVA-Kingston] is currently TVA's most expensive coal asset to operate. Based on capacity factors, [TVA-Kingston] is considered a ‘Base Dispatchable/Intermediate’ asset now, but is scheduled to transition to a ‘Peaking Economic/Reliability’ asset beginning in 2026.” See Haze Plan, Appendix G–1b. TVA thus projected that 2028 SO₂ emissions from this facility would be 435 tpy as compared to the 1,866 tpy 2028 projection used in the initial VISTAS modeling.³⁵ *Id.* Following this letter, TVA's Chief Operating Officer signed a final record of decision on April 8, 2024, stating that “[c]ontinued operation of [TVA-Kingston] beyond 2027 would create operational, and therefore reliability risks in TVA's system due to the deteriorating condition of the coal units.” See 89 FR 24557–58 (April 8, 2024). Therefore, in that record of decision, TVA took final agency action to “replace the retiring nine [TVA-Kingston] coal-fired units by the end of 2027.” *Id.* at 24559.

TDEC adopted the updated emission projections from TVA's February 28, 2020, letter for use in TDEC's source selection process. Based on these updated emission projections, TDEC linearly scaled the PSAT results for TVA-Kingston (as done for other sources in Section 7.6.2 of the Haze Plan), which resulted in PSAT values of 0.35 percent, 0.40 percent, and 0.41 percent for Cohutta, Great Smoky Mountains, and Joyce Kilmer, respectively. Because these revised emission projections resulted in TVA-Kingston no longer exceeding the State's one percent PSAT source selection threshold, TDEC did not select TVA-Kingston for an FFA.

The Haze Plan discusses in detail the PM species that contribute the most to visibility impairment in Tennessee Class I areas and nearby out-of-state Class I areas. In general, ammonium sulfate continues to be the dominant visibility impairing pollutant at the Tennessee Class I areas during the modeling base period of 2009–2013, on nearly all days, and for the 2014–2018 and 2015–2019 periods.³⁶ Although ammonium sulfate remains the largest contributor to visibility impairment, TDEC noted that NO_x contributions to visibility impairment have become more significant in recent years on some of the 20 percent most impaired days.

²⁹ PSAT modeling is a type of photochemical modeling which quantifies individual facility visibility impacts to an area. See footnote 20.

³⁰ The AoI represents the geographical area around a Class I area in which emissions sources located in the AoI have the potential to contribute to visibility impairment visibility at that Class I area. Emissions data from sources in the AoI is then evaluated to determine which of those sources are most likely contributing to visibility impairment visibility at that Class I area. VISTAS used AoI analysis for all point source facilities in the VISTAS modeling domain to determine the relative visibility impairment impacts at each Class I area associated with sulfate and nitrate. The results of the facility-level AoI analyses were then used to rank and prioritize facilities for further evaluation via PSAT.

³¹ For identifying sources with the most impact in Class I areas, other VISTAS states used sulfates and nitrates for evaluating against the AoI threshold. However, Tennessee only used sulfates in the AoI selection analysis, stating that the inclusion of NO_x in the AoI selection analysis would not have resulted in any additional facilities tagged for PSAT analysis.

³² Tennessee conducted a similar analysis using sulfate plus nitrate visibility impairment. This analysis indicated that the inclusion of NO_x in the AoI selection analysis would not have resulted in any additional facilities tagged for PSAT analysis.

³³ In the first planning period, VISTAS states had initially set a greater than or equal to one percent PSAT threshold by emission unit when screening sources for reasonable progress evaluation. For the second planning period, VISTAS states changed the threshold from greater than or equal to one percent PSAT, by emission unit, to greater than or equal to one percent PSAT, by facility. Using a facility basis for emission estimates pulled in more facilities compared to an emission unit basis, resulting in more facilities with smaller visibility impacts being examined compared to the first planning period.

³⁴ Eastman is a chemical manufacturing facility. TVA-Cumberland is currently permitted as a coal-fired steam electric generating plant.

³⁵ In this same letter, TVA also projected that TVA-Cumberland's 2028 emissions would be higher than projected by VISTAS.

³⁶ See Section 2.6.2 (particularly Figures 2–4 through 2–6 for the 2009–2013 period and Figures 2–7 through 2–9 for the 2014–2018 period).

Figure 2–8 of the Haze Plan shows that for the VISTAS Class I areas, sulfate continues to be the largest contributor to visibility impairment on the 20 percent worst visibility days. As noted, nitrate contributions at VISTAS Class I areas on the 20 percent most impaired days are generally larger in the more recent 2014–2018 period compared to the 2009–2013 period (see Figures 2–5 and 2–8 of the Haze Plan). Within Class I areas affected by emissions from Tennessee, Mammoth Cave (“MACA1” IMPROVE site) has the highest observed absolute and relative nitrate impairment on the 20 percent most impaired days, at over 22 Mm^{–1} and 30 percent of total visibility impairment.

PSAT results indicate that across Tennessee’s Class I areas, sulfate visibility impacts per ton are universally higher than nitrate visibility impacts per ton. In the Haze Plan, including in Table 10–10, TDEC notes that the visibility impacts from sulfate as a function of Mm^{–1} per ton are universally higher than the same for nitrate, indicating that reducing SO₂ emissions has a significantly higher benefit in improving visibility at these Class I areas compared

to reducing NO_x emissions. Despite some increase in nitrates, for the reasons discussed, TDEC determined that SO₂ emissions reductions have a significantly higher benefit in improving visibility at Tennessee’s Class I areas compared to controlling NO_x emissions. Therefore, TDEC requested that facilities perform an FFA only for SO₂ emissions controls for the second planning period. Because no sources exceeded the State’s PSAT threshold for nitrates and because ammonium sulfate continues to be the dominant visibility impairing pollutant at Tennessee’s Class I areas (as discussed further below), TDEC focused on evaluating potential SO₂ controls for Eastman and TVA-Cumberland to address regional haze in potentially affected Class I areas for this planning period. TDEC notes in the Haze Plan that it may be appropriate in future period haze plans to evaluate NO_x controls depending on what the future data show.

Figure 7–34 in the Haze Plan shows that projected light extinction in 2028 from total sulfate on the 20 percent most impaired days is significantly larger than light extinction from total nitrate

for the Tennessee Class I areas. At Joyce Kilmer, 2028 projected total sulfate and 2028 total nitrate extinction are approximately 41.3 percent (19 Mm^{–1}) for sulfate and less than 7.4 percent (less than 3.4 Mm^{–1}) for nitrate, in comparison to the approximately 46 Mm^{–1} of 2028 total visibility impairment on the 20 percent most impaired days).³⁷ Also, TDEC states that the majority of model-predicted 2028 nitrate light extinction on the 20 percent most impaired days at Great Smoky Mountains and Joyce Kilmer, respectively, is not caused by NO_x emissions from EGU and non-EGU point sources.³⁸

In Section 10.4.1, TDEC reviewed more recent visibility monitoring data for the period 2015–2019 from the IMPROVE monitoring network for Great Smoky Mountains, which also represents Joyce Kilmer. Table 3 below summarizes the percent contribution on the 20 percent most impaired days at Great Smoky Mountains (also Joyce Kilmer), for certain PM species (*i.e.*, ammonium sulfate, ammonium nitrate, and organic carbon) in 2009–2013 versus 2015–2019.³⁹

TABLE 3—COMPARISON OF FIVE-YEAR AVERAGE (2009–2013 VS. 2015–2019) PERCENT (%) PARTICLE CONTRIBUTIONS TO LIGHT EXTINCTION FOR 20% MOST IMPAIRED DAYS AT GREAT SMOKY MOUNTAINS *

IMPROVE monitor data for Great Smoky Mountains		
PM species	2009–2013	2015–2019
Ammonium Sulfate (In %)	76.3	54.4
Ammonium Nitrate (In %)	5.2	16.6
Organic Carbon	11.1	17.4

* Monitoring data for Great Smoky Mountains serves as the IMPROVE data for Joyce Kilmer.

Figure 7–34 in the 2022 Plan shows that the majority of 2028 predicted nitrate light extinction on the 20 percent most impaired days at Great Smoky Mountains is not caused by NO_x emissions from EGU and non-EGU point sources.⁴⁰ At the Great Smoky Mountains, projected 2028 total sulfate extinction is greater than 19 Mm^{–1} and total projected 2028 total nitrate extinction is less than 3.4 Mm^{–1}.

b. Consideration of the Four CAA Factors: Tennessee considered each of the four CAA factors for Eastman and TVA-Cumberland and described how the four factors (cost of compliance, time necessary for compliance, energy

and non-air quality impacts, and remaining useful life) were taken into consideration in selecting measures for inclusion in the State’s LTS. The following subsections summarize the State’s evaluation of these facilities, as discussed in Section 7.8 of the Haze Plan.

i. Eastman: In a letter dated May 15, 2020, TDEC requested that Eastman confirm that the estimated projected SO₂ emissions for 2028 are reasonable and to use the 2028 projected emissions as the baseline emission level for estimating control effectiveness of each control measure in the cost analyses. The letter also requested that Eastman

conduct an FFA evaluating potential emissions controls the Boilers 21–24 and Boiler 30.⁴¹

Regarding the baseline emissions scenario, Appendix G–2b contains a May 28, 2020, letter from Eastman to TDEC commenting on TDEC’s 2028 projected emissions of 6,420 tpy for these affected units at Eastman. Eastman projects 2028 SO₂ emissions could be as high as the highest production year in the past ten years, which was calendar year 2011 for a total of 7,510 tons SO₂ from Boilers 18–24, 30, and 31 combined. In Appendix G–2f, TDEC used an emissions baseline of 7,508 tpy of SO₂ combined for Boilers 18–24, 30,

³⁷ Percent visibility impairment was calculated using 2028 total visibility impairment on the 20 percent most impaired days at Great Smoky Mountains (46 Mm^{–1}) and Joyce Kilmer (45 Mm^{–1}), based on Table 7–10 of the Haze Plan.

³⁸ See Figures 7–33 and 7–34 of the Haze Plan. Figure 7–34 contrasts 2028 total nitrate visibility impairment on the 20 percent most impaired days

at Great Smoky Mountains to the point source nitrate contributions from EGUs and non-EGUs. ³⁹ The data in Table 3 is derived from Figure 10–1 of the Haze Plan. ⁴⁰ Figure 7–33 of the Haze Plan provides the 2028 visibility impairment from nitrate on the 20 percent most impaired days for all 18 Class I Areas in VISTAS. The figure shows the EGU and non-EGU

contributions to total nitrate derived light extinction in 2028. ⁴¹ The May 15, 2020, letter is included in Appendix G–2a of the Haze Plan. In response to this letter, Eastman provided the FFA for Boilers 21–24 and 30, as well as notified TDEC about the planned shutdown for Boilers 18–20.

and 31.⁴² In addition, Appendix G–2f provides the breakdown baseline SO₂ emissions for each unit: Boiler 18 (443 tpy); Boiler 19 (443 tpy); Boiler 20 (443 tpy); Boiler 21 (670 tpy); Boiler 22 (670 tpy); Boiler 23 (1,745 tpy); Boiler 24 (1,745 tpy); Boiler 30 (1,136 tpy); and Boiler 31 (213 tpy).

The FFA for Eastman focused on Boilers 21, 22, 23, 24, and 30. For Boilers 18–20, TDEC determined the permanent shutdown of these three boilers, no later than December 31, 2028, is necessary for reasonable progress, as contained in Operating Permit 079592. This permit was issued by TDEC on February 9, 2022. The final issued permit for the cessation of Boilers 18–20 is found in Appendix G–2g of the Haze Plan, and Tennessee’s Haze Plan requests that EPA incorporate this permit into the State’s SIP. On June 6, 2025, TDEC informed EPA that Eastman completed the planned shutdown of Boilers 18, 19, and 20, on February 24, 2025, October 21, 2024, and May 20, 2025, respectively.⁴³ The cessation of operation of Boilers 18–20 before the end of 2028 results in a projected emissions reduction of 1,329 tpy of SO₂.

For Boilers 23 and 24, Eastman previously committed to installing a permanent dry sorbent injection (DSI) system with an SO₂ removal efficiency of approximately 60 percent no later than November 1, 2021. Installing DSI systems on both Boilers 23 and 24 is expected to reduce 2028 projected emissions by 2,094 tpy SO₂.⁴⁴ The FFA evaluated replacing the existing electrostatic precipitators (ESPs) with fabric filters in addition to recently constructed DSI controls,⁴⁵ which the source states would allow for improved SO₂ removal efficiency of the DSI. Replacing the existing ESP with fabric filters would allow for increased DSI sorbent use and would remove 1,281 tons of SO₂ per year at a cost of \$9,004 per ton of SO₂ removed (\$/ton), according to Eastman’s calculations, and \$8,989 per ton based on TDEC’s calculations. TDEC states that the

\$9,004/ton of SO₂ removed is 98 percent more expensive than the highest-cost control selected for Industrial Boilers that have a heat input greater than 100 MMBtu/hr during the first planning period, as discussed in Table 4 of Appendix G–2f of the Haze Plan.⁴⁶ TDEC also notes that the cost of this control for TVA-Cumberland would be 3.8 times higher than the next highest-cost option of \$2,386/ton in 2020 dollars for spray dryer absorber (SDA) on a boiler at Tasco Nampa Sugar Company in Idaho.⁴⁷ Eastman’s FFA also noted that the technical feasibility of this option is currently unknown, and that Eastman estimated the cost-effectiveness assuming that the replacement of the existing ESP with fabric filters and the installation of the permanent DSI control is technically feasible.

Regarding Boiler 30, Tennessee notes that the only feasible control technology Eastman identified to add to the existing current SDA and ESP to control SO₂ emissions would be the replacement of the existing ESP with a fabric filter. Eastman calculated a cost effectiveness of \$7,834/ton of SO₂ removed for this control option, assuming the control efficiency is 70 percent for the SDA/ESP option. According to the FFA, the replacement of the ESP with a fabric filter (in conjunction with the SDA) increases the control efficiency to 92 percent. TDEC compared first planning period regional haze control costs in 2020 dollars to the Eastman value of \$7,834/ton of SO₂ removed (\$7,819/ton according to TDEC’s calculations). TDEC states that the Eastman value of \$7,834/ton is 72 to 73 percent higher than the highest-cost first planning period control option of \$4,537/ton for the addition of a caustic scrubber to the now retired unit at Georgia Pacific Big Island in Virginia and 3.3 times higher than the next highest-cost control option of \$2,386/ton for SDA on a boiler at Tasco Nampa Sugar Company in Idaho. Regarding Boiler 31, in the FFA, Tennessee notes that this boiler is equipped with an SDA followed by a fabric filter⁴⁸ that achieves a control efficiency of greater than 92 percent.

Therefore, Boiler 31 was considered to have existing effective controls and was excluded from the State’s FFA analysis.

Regarding Boilers 21 and 22, Tennessee notes that units are currently uncontrolled for SO₂. Additional controls evaluated for these units include: installation of DSI; installation of DSI along with the conversion of the existing ESPs to fabric filters; installation of SDA/fabric filter; and installation of a wet scrubber. The option to install an SDA or wet scrubbers and their associated ancillary equipment were eliminated as they were not technically feasible. In the Haze Plan, Eastman determined that the only possible control technology to improve the PM control capability of Boilers 21 and 22 would be the replacement of the existing ESPs with fabric filters. Eastman calculated a cost effectiveness of \$8,725/ton of SO₂ removed based on an average control efficiency of 90 percent for the DSI plus fabric filters control option for Boilers 21 and 22. If Eastman installs only a DSI and achieves 60 percent control efficiency for SO₂, the cost effectiveness becomes \$9,070/ton. TDEC compared these cost effectiveness values identified in Eastman’s FFA with the BART and reasonable progress control determinations from the first regional haze period valued in 2020 dollars. TDEC noted that \$8,725/ton of SO₂ removed is 92 percent higher than the highest option of \$4,537/ton for the addition of a caustic scrubber to the now retired unit at Georgia Pacific Big Island in Virginia and 3.7 times higher than the next highest-cost option of \$2,386/ton in 2020 dollars for SDA on a boiler at Tasco Nampa Sugar Company in Idaho.⁴⁹

For Boilers 21, 22, 23, 24, and 30, TDEC recalculated the cost of compliance factor to reflect comments received from EPA and NPS during the consultation period prior to the public comment period regarding the interest rate and equipment life. Initially, TDEC used an interest rate of 8.5 percent in each of the above-described calculations. TDEC updated the cost calculations to reflect a 3.25 percent interest rate because this was the current bank prime interest rate at the time of SIP development.⁵⁰ TDEC also

⁴² See Table 1 on p.2 of Appendix G–2f for the baseline SO₂ emissions values by emission unit.

⁴³ Eastman’s shutdown documentation form for each of the Boilers 18, 19, and 20 submitted to TDEC are included in the docket for this proposed action.

⁴⁴ See Table 5 on p.9 of Appendix G–2f for a list of the SO₂ reductions estimated from the control measures evaluated by unit.

⁴⁵ Eastman installed temporary DSI controls on Boilers 23 and 24 on June 1, 2019, as an interim measure to address the measured exceedances of the 1-hr SO₂ NAAQS in 2019. Eastman completed installation of the permanent DSI controls on these units, and the units became fully operational in January 2022.

⁴⁶ The highest-cost control option from the VISTAS costs sheets for SO₂ control costs in the first planning period was \$4,536.72/ton (rounded to \$4,537/ton) for the addition of a caustic scrubber to the now retired unit at Georgia Pacific Big Island in Virginia.

⁴⁷ Id.

⁴⁸ A fabric filter, sometimes referred to as a baghouse, utilizes fabric filtration to remove particles from the contaminated gas stream by depositing the particles on fabric material. See <https://www.epa.gov/air-emissions-monitoring-knowledge-base/monitoring-control-technique-fabric-filters#:~:text=Description,thepercent20particlespercent20onpercent20fabric percent20material.>

⁴⁹ See Table 4 (“VISTAS Cost Effectiveness for Industrial Boilers >100 MMBtu/hr (SO₂ Controls Only”) on pp.7–8 of Appendix G–2f for BART and reasonable progress control determinations from the first regional haze period valued in 2020 dollars.

⁵⁰ The Cost Manual advises using the current bank prime interest rate as the default or, in the alternative, using a firm-specific rate that is justified by the source. To identify the current bank prime

lengthened the fabric filter equipment life from 15 to 20 years in response to EPA and NPS comments. These updated cost calculations using an interest rate of 3.25 percent and a fabric filter equipment life of 20 years were \$5,475/ton (Boiler 30), \$6,342 (Boilers 21–22), and \$6,728/ton (Boilers 23–24). TDEC maintained their conclusion that these cost effectiveness values were not sufficient to justify adopting controls beyond those originally proposed in Eastman's FFA.⁵¹

TDEC also considered the other statutory factors, in addition to cost, in Appendix G–2f of the Haze Plan. Regarding the time necessary for compliance, TDEC outlines several factors to consider when identifying the time necessary for compliance for the control options evaluated in the Eastman FFA. Upon approval of the Tennessee Haze Plan, TDEC notes that Eastman would need time for design, permitting, procurement, control installation, and startup of any new controls selected. Also, any implementation schedule would need to allow a unit's planned outage to accommodate Eastman's steam demand. TDEC estimates that the control strategies could be implemented within five years of Haze Plan approval or by the 2028 planning milestone (*i.e.*, December 31, 2028, which is the end of the second period).

Regarding the remaining useful life of existing sources, TDEC states that the remaining useful life of the source is presented as 15 years for all control options for the emissions units evaluated. During Tennessee's review, Tennessee updated Eastman's estimate by increasing the fabric filter equipment life from 15 years to 20 years and found that the cost effectiveness did not appreciably change.⁵²

No remaining useful life is provided for the shutdown of Boilers 18, 19, and 20 because these boilers were excluded from the FFA due to the planned shutdowns occurring prior to December 31, 2028, which are proposed for adoption into the SIP. Eastman submitted the shutdown documentation to TDEC confirming the shutdown of Boilers 18, 19, and 20, which occurred

on February 24, 2025, October 21, 2024, and May 20, 2025, respectively. These three boilers have been replaced with natural gas boilers, which TDEC permitted in Construction Permit No. 979100 (State effective October 5, 2021).⁵³ Based on information received from Tennessee, the three natural gas boilers have begun operation. When each natural gas boiler begins operation, the coal-fired boiler it replaces is required to cease operation per permit condition G18 in Construction Permit No. 979100.

Regarding energy and non-air related impacts, the primary energy and non-air quality environmental impacts associated with these controls is related to the installation of DSI and fabric filters for Boilers 21 and 22, replacement of the ESPs on Boilers 23 and 24 with fabric filters, and replacement of the ESP on Boiler 30 with a fabric filter. The energy and non-air environmental impacts are the same for each option. Eastman estimates \$50,000 per year of parasitic energy cost⁵⁴ due to the increased pressure drop associated with a fabric filter. In addition, for each of the three control options evaluated, solid waste generation was not identified as a significant non-air environmental impact. With respect to Boilers 21–22, Eastman's FFA states that total ash loading associated with this option would be expected to increase by about 60 percent. With respect to Boilers 23–24, TDEC's analysis of Eastman's FFA also states that there is likely to be an increase in ash loading, offset by a decrease in trona usage. Although total ash loading associated with this option is also expected to increase by approximately 60 percent, the increased ash capture would be partially offset by decreased reagent (trona) usage, because less sorbent is required if a fabric filter is the primary PM control device. With respect to Boiler 30, the FFA did not identify any changes in ash loading with this option. Although there would presumably be an increase in the amount of ash captured for disposal, the increased ash capture would be offset by decreased reagent (lime) usage because less sorbent is required if a fabric filter is the primary PM control device.

Based on the FFA for Eastman and the letter from TDEC to EPA dated December 20, 2024, TDEC is requesting that EPA incorporate into the regulatory portion of the State's SIP the source-

specific SO₂ emission limits contained within Permit Condition 1 of Operating Permit Number 079592 (State effective February 9, 2022), which includes the combined SO₂ limit of 1,396 tons per year for Boilers 23 and 24 that Tennessee determined is necessary for reasonable progress for the Eastman facility.⁵⁵ Tennessee is also requesting that EPA incorporate into the regulatory portion of the SIP the shutdown of Boilers 18–20 no later than the end of 2028, as specified in Condition 2 of Permit Number 079592.

ii. TVA-Cumberland: The FFA for TVA-Cumberland focused on Units 1 and 2 at the facility. Regarding baseline emissions used in the FFA cost calculations, TVA-Cumberland relied upon the three-year average of actual emissions from 2017–2019 to estimate 2028 SO₂ emissions for each of the facility's selected emission units. Units 1 and 2 are equipped with a wet FGD system. From 2017 to 2023, Units 1 and 2 had average SO₂ scrubber control efficiencies of 97.4 and 97.0 percent, respectively.⁵⁷

In its FFA, TVA identified four potential control measures to further improve the performance of the existing wet FGD systems, including: (1) increasing the limestone stoichiometric ratio, (2) using performance additives, (3) installing wall rings, and (4) redesigning or replacing spray headers and nozzles. Regarding the baseline emissions scenario, Appendix G–1b contains a February 28, 2020, letter from TVA-Cumberland to TDEC commenting on TDEC's 2028 projected emissions of 8,427 tpy of SO₂ for these affected units at TVA-Cumberland. TVA-Cumberland projects 2028 SO₂ emissions for Units 1 and 2 to be 8,633 tpy. TDEC adopted this higher baseline projected emissions estimate of 8,633 tpy in 2028 for use in this facility's FFA.

The FFA determined that two control options were technically feasible: (1) installation of wall rings, which would remove 719 tons of SO₂ per year at a cost of \$2,881/ton of SO₂ reduced; and (2) the redesign/replacement of spray headers which would also remove 719 tons of SO₂ per year at a cost of \$5,059/ton of SO₂ reduced. In the Haze Plan, TVA evaluated Units 1 and 2 using an eight percent interest rate and a

interest rate, *see* "bank prime loan" rate in the table at: <https://www.federalreserve.gov/releases/h15/>.

⁵¹ *See* Table A2 ("Adjustment of Eastman Control Costs Based on NPS Recommendations (3.25 percent Nominal Interest Rate") of Appendix A on p. 21 of Appendix G–2f.

⁵² The adjusted costs from using a 15-year to 20-year fabric filter equipment life for upgrading the ESP to fabric filters for Boiler 30 installing a DSI and fabric filter for Boilers 21 and 22 and upgrading ESP to fabric filters for Boilers 23 and 24 are included in Tables A1 and A2 of Appendix A of Appendix G–2 of the Haze Plan.

⁵³ Construction Permit No. 979100 is included in the docket for this proposed action.

⁵⁴ Parasitic energy refers to the energy used to power the fans and pumps that transfer heating and cooling from central heating and cooling plants to conditioned spaces.

⁵⁵ Additional measures relevant to Eastman's boilers are contained in the 2023 Plan and can be found in the docket for this proposed action. These measures are discussed in Section V of this notice.

⁵⁶ Title V Operating Permit 079592 is included in the docket for this proposed action.

⁵⁷ *See* Tennessee TVA-Cumberland scrubber efficiency data file that is included in the docket for this action titled "TN EGU scrubber efficiency analysis 2017–2023_Propose Rule."

remaining useful life of 10 years.⁵⁸ TDEC revised these cost of compliance values using a 3.25 percent interest rate, which resulted in control costs of \$2,882/ton (wall rings) and \$5,059/ton (spray headers).⁵⁹ Tennessee indicates in Appendix G–1g of the Haze Plan that the costs of these control options are above the median cost for other scrubber upgrades identified by VISTAS in the first planning period.

TDEC also included an analysis of the other three factors in Appendix G–1g of the Haze Plan. Regarding the time necessary for compliance, TVA estimates the new controls evaluated (wall rings, spray headers) could be installed within five years of approval of the Tennessee Haze Plan, which would allow time for design, permitting, procurement, installation and startup in addition to the time for Units 1 and 2 to be out of service to be retrofitted with controls. TVA notes that an outage of either Unit 1 or 2 would need to accommodate regional electricity demands and to be coordinated with maintenance shutdowns of other regionally affected utilities. If required, TVA estimates that TVA-Cumberland could comply with a new emissions rate by the end of the second planning period (December 31, 2028).

Regarding the remaining useful life of existing sources, Units 1 and 2 were installed in 1972 and are near the end of their useful lives. TVA's projections do not show these units operating past 2035. As specified in Section 7.2.2 of the Haze Plan, TVA has proposed to retire one unit as early as 2026 but no later than 2030, and the second unit as early as 2028 but no later than 2033.⁶⁰ Additionally, Tennessee notes in its submittal that TVA initiated the National Environmental Policy Act (NEPA) planning process for these shutdowns at TVA-Cumberland.⁶¹

Nonetheless, TDEC did not rely on the projected shutdown of Units 1 and 2 to

shorten the remaining useful life factor in the FFA. Instead, TDEC determined that a remaining useful life of less than ten years following the installation of either control option is appropriate because EPA's Cost Control Manual specifies a 30-year lifespan for the scrubbers and the scrubbers were installed in 1995.

The energy and non-air quality environmental impacts of compliance for the wall ring installations and redesign/replacement of spray headers and nozzles evaluated for Units 1 and 2 are the associated pressure drop increase of 0.5 and 0.1 inches of water at full load, respectively. These impacts were included in the operating cost estimate. In addition, both control options increase the annual costs associated with maintenance, repair, and replacement for the flue gas duct work. TDEC included these considerations in the cost analyses for these control options.

Based on TVA-Cumberland's FFA, TDEC determined that no measures are necessary for reasonable progress for this planning period and that no measures need to be adopted into regulatory portion of the SIP for this planning period. This demonstration was made based upon consideration of the following: (1) the source's past implementation of its existing measures and its historical emission rate, (2) the source's projected emissions and emission rate, and (3) any enforceable emissions limits or other requirements related to the source's existing measures.

With respect to the first factor, TDEC evaluated SO₂ emissions and emissions rates and heat input from 1999–2020 for Units 1 and 2 to show trends over time. Figures 1 and 2 and Table 1 of Appendix B within Appendix G–1g show that the emission rates at Units 1 and 2 have declined by about 25 percent since the year 2000 and annual emissions have decreased by about 64 percent due to declining heat input. From 2016 to 2020, the SO₂ emission rate for Boilers 1 and 2 at TVA-Cumberland ranged from 0.130 lb/MMBtu to 0.151 lb/MMBtu.

With respect to the second factor, TDEC considered projected emissions and emission rates for Units 1 and 2 and concluded that the emission rates for these units will not increase in the future. TVA projected 8,633 tons of SO₂ in 2028 compared to 7,847 tons of SO₂ for 2016–2019. TDEC also provided documentation of historical SO₂ emission rates for TVA-Cumberland Units 1 and 2 showing consistency of SO₂ emissions.

With respect to the third factor, TDEC summarized the relevant enforceable emissions limits and other related considerations. TVA-Cumberland's title V permit No. 577855 Condition E3–18⁶² currently includes three allowable emission rates for SO₂: (a) Tennessee's SO₂ SIP limit (5.0 lbs/MMBtu, 24-hour average), (b) the BART limit established in 2007 (0.50 lb/MMBtu, 30-day rolling average), and (c) the Mercury and Air Toxics Standards (MATS) limit (0.20 lb/MMBtu, 30-day rolling average). TDEC states that because the SIP limit and BART limit are substantially higher than TVA's MATS limit, they are not germane to reasonable progress in the second planning period. Thus, Tennessee believes that Cumberland's existing MATS limit is representative of the application of existing current measures Units 1 and 2.

c. Documentation of Technical Basis: With respect to emissions information documentation pursuant to 40 CFR 51.308(f)(2)(iii), Section 4 of the Haze Plan explains the State's use of emissions inventories to develop the plan with additional documentation provided in Appendix B. Tennessee, through VISTAS, developed a 2011 statewide base year emissions inventory which was used to project emissions out to 2028, the end of the second planning period (see Table 4–2 of the Haze Plan). TDEC also evaluated emissions data from 2017, the year of the most recent triennial emissions data available at the time of the development of the Haze Plan, and compared it to 2018, 2019, and 2028 projected emissions, that were used in the modeling.⁶³ TDEC also provided annual anthropogenic PM_{2.5}, NO_x, and SO₂ emissions data from the 2014 and 2017 National Emissions Inventory (NEI) years for Tennessee in Tables 13–10, 13–11, and 13–12, respectively, of the Haze Plan. In Table 13–13, TDEC evaluated annual SO₂ and NO_x emissions from Tennessee's power plants for the period 2014–2019. The 2028 emissions projections were used to develop the 2028 RPGs for Tennessee's Class I areas. The 2011–2019 statewide emissions inventories and 2028 emissions projections were relied upon to satisfy 40 CFR 51.308(f)(6)(v).

⁵⁸ The 10-year equipment life for the FGD upgrades is based the remaining useful life of the FGD system TVA-Cumberland which was installed in 1995 and therefore has been used for approximately 30 years already. EPA's Cost Manual states that FGD systems are estimated to have an equipment life of 30 years. See https://www.epa.gov/system/files/other-files/2023-01/wetanddryscrubbers_controlcostmanual_spreadsheet_January%202023.xlsx. Thus, any FGD upgrades installed are expected to be in use for approximately 10 years.

⁵⁹ See Table 18 and Appendix A of Appendix G–1g of the Haze Plan.

⁶⁰ Tennessee also considered TVA's notice of intent to prepare an environmental impact assessment, under NEPA, for the retirement of TVA-Cumberland. See 86 FR 25933 (May 11, 2021).

⁶¹ After the time of TDEC's submittal, this process concluded in a Record of Decision in which TVA concluded that it would shut down these units. See 88 FR 3767 (January 20, 2023).

⁶² Title V Operating Permit No. 577855 is included in the docket for this proposed action.

⁶³ A comparison of emissions between 2017, 2018, 2019, and 2028 emissions data is included in the following tables and figures in the Haze Plan: Table 7–43 (SO₂) and 7–44 (NO_x) for facilities in Tennessee; Tables 13–10 (PM_{2.5}), 13–11 (NO_x), 13–12 (SO₂), 13–13 (SO₂ emissions from Tennessee EGU for CAMD 2014–2019); Figures 13–4 (Tennessee CAMD Emissions and Heat Input for 2014–2019) and 13–5 VISTAS CAMD Emissions and Heat Input for 2014–2019.

With respect to modeling information documentation pursuant to 40 CFR 51.308(f)(2)(iii), Sections 5 and 6 of the Haze Plan describe the modeling methods used to develop the plan with additional documentation provided in Appendix E and results of the RPG modeling in Section 8 of the plan. Appendix D contains AoI analysis documentation, and Appendix E contains PSAT analysis documentation. VISTAS used the Comprehensive Air Quality Model with Extensions (CAMx) photochemical model to perform visibility modeling for 2028, the end of the second planning period. The VISTAS regional haze modeling used the annual calendar year 2011 modeling period.

With respect to cost and engineering information documentation pursuant to 40 CFR 51.308(f)(2)(iii), Section 7.8 of the Haze Plan details the State's analysis of proposed FFAs for Eastman and TVA-Cumberland located in Appendix G which evaluated the four factors, including the cost of compliance factor, and provided detailed cost calculations for potential new control measures assessed as part of the engineering analyses.

With respect to monitoring information documentation pursuant to 40 CFR 51.308(f)(2)(iii), the State assessed baseline (2000–2004), current (2014–2018), and natural visibility conditions for Tennessee's Class I areas in Section 2 of the Tennessee's Haze Plan with supporting information located in Appendix C. In particular, Table 2–2 provides natural visibility conditions for the VISTAS Class I areas, including Tennessee's areas. Table 2–3 provides 2000–2004 visibility conditions for Tennessee's Class I areas, Table 2–4 provides 2009–2013 visibility conditions, and Table 2–5 provides 2014–2018 visibility conditions for all VISTAS Class I areas, including Tennessee's Class I areas.

d. Assessment of Five Additional Factors in 40 CFR 51.308(f)(2)(iv): With respect to 40 CFR 51.308(f)(2)(iv), Tennessee considered each of the five additional factors in developing the State's LTS and evaluated their relevancy for the second planning period. See Haze Plan, Section 7.9. With respect to 40 CFR 51.308(f)(2)(iv)(A), Tennessee referenced the State's emissions inventory development for the base year of 2011 as projected out to 2028 for the requirement to assess emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment (RAVI). With respect to 40 CFR 51.308(f)(2)(iv)(B), Tennessee

summarized the State's existing regulations that mitigate the impacts of construction activities by Tennessee Compilation of Rules & Regulations (hereinafter, "Rule") 1200–3–8–.03, which requires additional control measures on source operating permits to control fugitive dust emissions generated within plant boundaries.⁶⁴ TDEC notes that benefits from this rule have not been included in the VISTAS modeling runs. TDEC also notes that fine soils were a relatively minor contributor to visibility impairment at the Class I areas in Tennessee during the baseline period of 2000–2004 and that no VISTAS Class I areas experienced significant visibility impairment from soils during this timeframe. TDEC references data in its Haze Plan that fine soils continue to be only a minor contributor to visibility at the Class I areas in Tennessee during the most current period of monitoring data (2014–2018) and that no VISTAS Class I areas experienced significant visibility impairment from soils during the 2014–2018 timeframe.

With respect to 40 CFR 51.308(f)(2)(iv)(C), Tennessee addressed source retirement and replacement schedules by summarizing existing and planned source retirements and describing existing and planned source retirements accounted for in the 2028 projected emissions in Section 7.2.2, Section 13.3.1, and Section 13.3.2 of the Haze Plan. Section 7.2 generally discusses existing and planned emissions control programs which reduce emissions of visibility impairing pollutants between the base year 2011 and the future projection year of 2028.

With respect to 40 CFR 51.308(f)(2)(iv)(D), Tennessee referenced the State's basic smoke management practices, as detailed in Section 7.9.1 of the Haze Plan, for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs. In 2012, the State of Tennessee passed the Tennessee Prescribed Burning Act, which requires a written prescription be prepared and followed by a certified prescribed burn manager for each prescribed burn. The Tennessee Division of Forestry within the Tennessee Department of Agriculture has promulgated regulations (in Rule 0080–07–06) for certification of prescribed burn managers and guidelines for a prescribed burn prescription. TDEC has promulgated

regulations (in Rule 1200–03–04) that lists the specific circumstances in which open burning is permissible. Among other things, the regulation prohibits the burn site from being within one-half mile of a national reservation, national or state park, wildlife area, national or state forest. On November 24, 2021, the State of Tennessee, Department of Environment and Conservation, Divisions of Air Pollution Control, State Park Operations, and Natural Areas and the State of Tennessee, Department of Agriculture, Division of Forestry entered into a Memorandum of Understanding (MOU) which states that all parties will follow Basic Smoke Management Practices (BSMP) when utilizing prescribed burning.⁶⁵ TDEC notes that since significant fire impacts are infrequent at Tennessee Class I areas, these management practices are adequate visibility protection for this SIP submittal period.

With respect to 40 CFR 51.308(f)(2)(iv)(E), Tennessee assessed the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the LTS in development of the RPGs for the Tennessee Class I areas in Section 8 of the Haze Plan. Section 7.2 identifies control measures included in the VISTAS 2028 inventory and 2028 RPGs and Section 7.2.2 includes source retirements and replacements for Tennessee sources. Section 8.2 summarizes controls that are not accounted for in the 2028 emissions inventory or 2028 RPGs, including the Eastman controls and shutdowns discussed above; out-of-state FFAs, which includes the permanent shutdown of the Zimmer Power Station in Ohio that will result in the reduction of 22,134 tpy of SO₂ emissions; and the April 30, 2021, Cross-State Air Pollution Rule (CSAPR) Update, which will reduce NO_x emissions at power plants in the 12 subject states during the ozone season.⁶⁶

e. Interstate Consultation: Tennessee consulted with other states, as described below, and RPOs that identified Tennessee sources as impacting those states' (or states within the RPOs') Class I areas, and it consulted with the five states with one or more sources

⁶⁵ For purposes of the MOU, BSMP are defined as those specified by Table 1 to 40 CFR 50.14.

⁶⁶ Starting in the 2021 ozone season, the CSAPR Update Rule requires additional emissions reductions of NO_x from power plants in 12 states. EPA estimates that the Revised CSAPR Update will reduce NO_x emissions from power plants in 12 states in the eastern United States by 17,000 tons in 2021 compared to projections without the rule. See <https://www.epa.gov/csapr/revised-cross-state-air-pollution-rule-update>.

⁶⁴ See <https://publications.tnsosfiles.com/rules/1200/1200-03/1200-03-08.20180904.pdf>. The citation of Rule 1200–3–8–.03, which is also available in the docket, is for reference purposes only and is not proposed for adoption into the regulatory portion of the Tennessee SIP.

exceeding Tennessee's PSAT threshold at one or more of Tennessee's Class I areas.

i. State/RPOs Requesting Consultation with Tennessee: Section 10.1.2 and Appendix F-1 of the Haze Plan documents other states' consultations with Tennessee during the development of those states' LTSs regarding impacts from Tennessee's emissions sources on Class I areas outside of the State. Tennessee consulted with each VISTAS state during the development of its LTS. In addition, Tennessee received letters from Missouri, Georgia, and North Carolina requesting a reasonable progress analysis for certain facilities in Tennessee. Specifically, with respect to the effect on Mingo Wilderness Area, a Class I area in Missouri, Missouri requested a reasonable progress analysis for TVA-Cumberland. With respect to the effect on Cohutta, a Class I area in Georgia, Georgia requested a reasonable progress analysis for Eastman. With respect to the effect on Linville Gorge Wilderness Area (Linville Gorge) and Shining Rock Wilderness Area (Shining Rock), Class I areas in North Carolina, North Carolina requested a reasonable progress analysis for TVA-Cumberland. With respect to the effect on Great Smoky Mountains, Joyce Kilmer, Linville Gorge, and Shining Rock, North Carolina also requested a reasonable progress analysis for Eastman. Additionally on April 12, 2021, TDEC and Alabama held a consultation call to discuss TVA-Cumberland, which had a 1.56 percent sulfate impairment impact in 2028 on Sipsey Wilderness Area. As discussed in Section 10.2 of the Haze Plan, VISTAS held a webinar on April 21, 2020, to present to the RPOs and their member states the VISTAS modeling analysis and results to make them aware of the impacts on Class I areas in their states. As discussed in Section 7.6.4 of the Haze Plan, Tennessee selected TVA-Cumberland and Eastman for reasonable progress analysis.

ii. Tennessee's Requests for Consultation with Other States: Regarding Tennessee's sources' impacts on MANE-VU states, MANE-VU developed a set of emissions reduction measures identified as being necessary to make reasonable progress in the five MANE-VU Class I areas. This strategy consists of six Asks for states within MANE-VU and five Asks for states outside the region that were found to impact visibility at Class I areas within MANE-VU. MANE-VU refers to each of

the components of its overall strategy as an "Ask" of its member states.⁶⁷

The five Asks for identified states outside the region are summarized as follows. Ask 1 is to ensure the most effective use of control technologies on a year-round basis for EGUs with a nameplate capacity larger than or equal to 25 megawatts with already installed NO_x and/or SO₂ controls or obtain equivalent alternative emission reductions. Ask 2 is to perform an FFA for emission sources identified in other states, as modeled by MANE-VU, that have the potential for 3.0 Mm⁻¹ or greater visibility impacts at any MANE-VU Class I area. Ask 3 recommends identified states pursue an ultra-low sulfur fuel (ULSF) oil standard as expeditiously as possible and before 2028, depending on supply availability, as specified in the Ask.⁶⁸ Ask 4 recommends that identified states pursue updating permits, enforceable agreements, and/or rules to lock-in lower emission rates for SO₂, NO_x and PM at EGUs and other large point emission sources larger than 250 MMBtu per hour heat input that have switched operations to lower emitting fuels.⁶⁹ Ask 5 recommends each identified state to consider and report in the SIP measures or programs to: (a) decrease energy demand through the use of energy efficiency and (b) increase the use within their state of combined heat and power and other clean distributed generation technologies including fuel cells, wind, and solar. In Section 10 and Appendices F-4 and F-4a to F-4f of the Haze Plan, Tennessee documents its consultation with MANE-VU.

In a letter dated August 25, 2017, MANE-VU requested consultation with Tennessee on the basis that Tennessee exceeds the 3.0 Mm⁻¹ visibility impact threshold for at least one Class I area in the MANE-VU region. In response to MANE-VU's evaluation of TVA-Cumberland, TVA-Gallatin, TVA-John Sevier, TVA-Johnsonville, TVA-Kingston, Cargill Corn Milling, PCA, and Eastman in Tennessee, Tennessee provided additional emission data to MANE-VU on December 22, 2017. In

⁶⁷ The MANE-VU Ask to states within MANE-VU is available in the docket and at: <https://otcair.org/manevu/Upload/Publication/Formal%20Actions/MANE-VU%20Intra-Regional%20Ask%20Final%202025-2017.pdf>.

⁶⁸ The ULSF standards MANE-VU recommended are as follows: (a) distillate oil to 0.0015 percent sulfur by weight; (b) #4 residual oil to 0.5 percent sulfur by weight; (c) #6 residual oil to 0.5 percent sulfur by weight.

⁶⁹ Ask 4 states that the permit, enforcement agreement, and/or rule can allow for suspension of the lower emission rate during natural gas curtailment.

addition, Tennessee provided information regarding TVA's 2011 court settlement which resulted in shutdowns, new controls, and a switch from coal to natural gas at certain facilities. In addition, Tennessee also specified that Cargill Corn Milling facility has switched from coal to natural gas and is essentially shut down.

On January 27, 2018, VISTAS submitted a letter to MANE-VU with concerns regarding MANE-VU's assessment of visibility impairment at MANE-VU Class I areas. The viewpoints are reflected in the letter from VISTAS to MANE-VU. In the letter, VISTAS noted several disagreements with MANE-VU's analysis including:

- MANE-VU used emissions (Q) divided by distance (d), *i.e.*, Q/d, to estimate visibility impacts. TDEC disagrees with use of Q/d in this case because this screening methodology provides conservatively high estimates of potential visibility impacts by not accounting for secondary PM, wind direction, or residence time. TDEC claims that MANE-VU did not provide documentation of how it prepared the 2015 emissions inventory relied upon.

- The modeled back trajectories included states with at least one trajectory originating from the upwind state yet the documentation does not identify the days in which the trajectories originated from Tennessee. TDEC believes for distant sources, a trajectory threshold should be much higher to determine significant contribution to visibility.

- MANE-VU used Eta Data Assimilation System (EDAS). TDEC stated that the North American Mesoscale Forecast System (NAM) model is more widely used by other agencies and EPA and TDEC believes NAM provides a more detailed meteorological grid than EDAS.

- MANE-VU did not explain the technical basis for the visibility impact threshold that was used to determine downwind contributing states like Tennessee.

On January 13, 2021, Tennessee sent a letter to MANE-VU with some preliminary responses to the August 25, 2017, Ask. In the letter, Tennessee also noted that the MANE-VU methodologies resulted in inaccurate conclusions that emissions from Tennessee are contributing to visibility impairment in MANE-VU Class I areas. In addition, in the letter, Tennessee also notes that Tennessee believes that 2028 is the appropriate year to evaluate state contributions to visibility impairment in Class I areas, instead of 2015 or 2011. Tennessee also submitted its modeled

combined impact of sulfate and nitrate on visibility impairment for each of the MANE-VU Class I areas in 2028. The data shows that Tennessee's 2028 contribution is at or below 0.24 percent for the 20 percent most impaired days and at or below 0.03 percent for the 20 percent clearest data for all of the MANE-VU Class I areas, well below the two percent contribution threshold. In addition, Tennessee emphasizes that the use of photochemical and source apportionment models such as CAMx/PSAT provide more accurate estimates of statewide contributions to visibility impairment in Class I areas than the methodologies used by MANE-VU to identify contributing states. Thus, Tennessee states that the State will not be taking the measures outlined in the Inter-RPO Ask.

MANE-VU responded to Tennessee's January 13, 2021, letter on February 17, 2021. In the letter, MANE-VU stated that MANE-VU used a weight of evidence approach in its analysis which is consistent with EPA's 2019 Guidance.⁷⁰ In addition, MANE-VU used several technical, quantitative methodologies as screening tools to identify states that are reasonably anticipated to contribute to visibility impairment at MANE-VU Class I areas. Instead of using contributions estimated by one method, MANE-VU used the results of each method to develop a relative ranking of state impacts in determining which states are reasonably anticipated to contribute to visibility impairment at MANE-VU Class I areas. In the letter, MANE-VU continues to request that the states identified by the MANE-VU analyses pursue the measures in the MANE-VU Inter-RPO Ask. In the letter, MANE-VU also submits the following observations as to how the individual Ask elements can be addressed in Tennessee's regional haze SIP submittal: (1) For Ask 1, MANE-VU recognizes the efforts by Tennessee to reduce SO₂ and NO_x, and MANE-VU requests that these emissions reductions be explicitly documented in Tennessee's regional haze SIP with specific consideration for whether and how these emissions reductions meet the MANE-VU Inter-RPO Ask; (2) For Ask 2, MANE-VU notes that there are no such emission sources in Tennessee; (3) For Ask 3, MANE-VU asks Tennessee to consider pursuing such fuel standards as enforceable SIP

measures, or to include in its SIP a description of why supply availability makes the adoption of such standards infeasible; (4) For Ask 4, MANE-VU respectfully asks that the emission reductions described in Tennessee's January 13, 2021, letter be documented in Tennessee's regional haze SIP; and (5) For Ask 5, MANE-VU asks that Tennessee document in the regional haze SIP any measures or efforts that it is considering in these areas.

Tennessee believes that the State fulfilled the consultation requirements in 40 CFR 51.308(f)(2)(ii) by the State's active participation in a series of five MANE-VU consultation calls held during the period from October 20, 2017, to March 23, 2018, and its documented responses to MANE-VU. Thus, TDEC determined at the time that no further action is required under the RHR to address MANE-VU's requests.

Lastly, Tennessee consulted with: (a) other states with sources contributing to regional haze at Tennessee's Class I areas, including Georgia, Indiana, Kentucky, Ohio, and Pennsylvania; and (b) states with Class I areas affected by Tennessee sources, which includes MANE-VU. Consultation with other states with sources contributing to regional haze at Tennessee's Class I areas is discussed in Section 10 and Appendix F of the Haze Plan. Tennessee requested an FFA of the following sources in other states because these sources exceeded the sulfate PSAT threshold at one or more of Tennessee's Class I areas:⁷¹ Georgia Power Company's Plant Bowen (Plant Bowen) in Georgia; Tennessee Valley Authority-Shawnee Fossil Plant (TVA-Shawnee) in Kentucky; Gibson and Indiana Michigan Power DBA AEP Rockport in Indiana; Genon NE Mgmt Co/Keystone Station (Keystone) in Pennsylvania; General James M. Gavin Power Plant (Gavin Plant) and Duke Energy Ohio—Wm. H. Zimmer Station (Duke-Zimmer) in Ohio. TDEC expects that any state which received a letter requesting an FFA of one or more of the state's sources will address the request in the state's regional haze plan whether or not the state was able to respond to TDEC prior to Tennessee's submission of its Haze Plan.

3. EPA Evaluation: EPA has reviewed Tennessee's source selection criteria, consideration of the four factors, determinations of controls necessary for reasonable progress, documentation of technical basis, interstate consultation, and consideration of the five additional factors. Based on this review, EPA

proposes to find that the LTS meets the requirements of 40 CFR 51.308(f)(2)(i) through (iv).

a. Source Selection Criteria: EPA proposes to find that Tennessee has satisfied the requirements of 40 CFR 51.308(f)(2)(i) with respect to including a description of the criteria that the State used to determine which sources the State evaluated for emissions controls. Tennessee provided in the Haze Plan supporting information such as Appendix C, which includes monitoring and meteorological data used to support selection of sources; Appendix D, which provides documentation supporting the AoI analysis (first step of the State's source selection process); and Appendix E, which details the visibility and source apportionment data and results from the PSAT modeling (second step of the State's source selection process). EPA finds this source selection requirement meets the requirements within 40 CFR 51.308(f)(2).

EPA also proposes to find that Tennessee's source selection methodology was reasonable and resulted in the selection of a reasonable set of sources for FFAs. AoI and PSAT are acceptable and well-established methods for selecting sources for a control analysis.⁷² Additionally, Tennessee's application of a three percent AoI threshold and one percent PSAT threshold based on 2028 projected emissions resulted in the selection of the two in-state sources that are projected to have the highest impact on visibility at the end of the second planning period and also identified seven out-of-state sources that have the largest impacts on visibility at Class I areas in Tennessee. Tennessee completed control evaluations for the two in-state sources and requested control evaluations for the seven out-of-state sources.

Apart from AoI and PSAT being well-established methods used in the source selection process, EPA proposes to find that Tennessee's source selection methodology is also reasonable given the specific circumstances present in Tennessee. Statewide SO₂ emissions are expected to decrease in the second planning period from 2017 levels of 46,738 tpy SO₂ to projected 2028 levels of 23,983 tpy SO₂ (a 48.7 percent reduction) which occurred after a 70.8 percent decrease in statewide SO₂ emissions from 2011 to 2017 by 113,585

⁷⁰ "Guidance on Regional Haze State Implementation Plans for the Second Implementation Period." EPA Office of Air Quality Planning and Standards, Research Triangle Park (August 20, 2019) available at: https://www.epa.gov/sites/default/files/2019-08/documents/8-20-2019_-_regional_haze_guidance_final_guidance.pdf.

⁷¹ Tennessee requested FFAs of non-VISTAS sources through VISTAS.

⁷² The State used the AoI process because it identifies the largest sources with potential visibility impacts to Class I areas and then used sophisticated photochemical source apportionment modeling to identify specific sources for control evaluations. See also 2019 Guidance, pp. 12–13.

tpy SO₂; and statewide NO_x emissions are expected to decrease in the second planning period from 2017 levels of 200,581 tpy NO_x to projected 2028 levels of 136,954 tpy NO_x (approximately a 31.7 percent reduction), which occurred after a 37.8 percent decrease in statewide NO_x emissions from 2011 to 2018 by 121,984 tpy NO_x.⁷³

Tennessee (through VISTAS' analysis) projects that visibility conditions in 2028 are estimated to improve since the 2000–2004 baseline period by 14.1 deciviews for Great Smoky Mountains and Joyce Kilmer. Specific to the second planning period, visibility conditions in Tennessee's Class I areas in 2028 are estimated to improve since the 2014–2018 period by 2.2 deciviews and 2.3 deciviews for the Great Smoky Mountains and Joyce Kilmer, respectively, on the 20 percent most impaired days, and these visibility improvements represent approximately the following amount of visibility improvement from the 2014–2018 period to natural conditions: 30.4 percent and 32.5 percent, respectively, for Great Smoky Mountains and Joyce Kilmer.⁷⁴ Using 2018–2022 IMPROVE data⁷⁵ for Tennessee's Class I areas on the 20 percent most impaired days, Tennessee has already achieved in the first four years of the second planning

period (2019–2022) the following amount of visibility improvement towards natural conditions: 25.3 percent for both Great Smoky Mountains and Joyce Kilmer.⁷⁶ EPA thus proposes to find that the State appropriately focused on controlling point source SO₂ emissions based on objective application of the State's PSAT thresholds as well as data showing ammonium sulfate is the dominant visibility impairing pollutant at the Tennessee Class I areas. Based on an objective application of the State's PSAT thresholds as well as data showing ammonium sulfate is the dominant visibility impairing pollutant at the Tennessee Class I areas, EPA proposes to find that the State appropriately focused on evaluating point source SO₂ emissions control measures.

b. Consideration of the Four CAA Factors: In this section of the document, EPA evaluates Tennessee's LTS against the requirements of the CAA and RHR for the second planning period. As detailed further below and for the reasons discussed throughout this Section IV(C)(3)(b) of the NPRM, EPA proposes to approve Tennessee's LTS under 40 CFR 51.308(f)(2).

In this proposed action, EPA notes that it is the Agency's policy, as announced in the recent proposed action for West Virginia's Regional Haze SIP for the second planning period, that, where visibility conditions for a Class I area impacted by a State are below the URP and the State has evaluated potential control measures and considered the four statutory factors, the State will have presumptively demonstrated reasonable progress for the second planning period for that area.^{77 78} EPA acknowledges that this proposed action reflects a change in policy from current guidance as to how the URP should be used in the evaluation of regional haze second planning period SIPs. EPA has the discretion and authority to change policy. In *FCC v. Fox Television Stations, Inc.*, the U.S. Supreme Court plainly stated that an agency is free to change a prior policy and “need not demonstrate . . . that the reasons for the new policy are better than the reasons for the old one; it suffices that the new

policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better.” 566 U.S. 502, 515 (2009) (referencing *Motor Vehicle Mfrs. Ass'n of United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983)). See also *Perez v. Mortgage Bankers Assn.*, 135 S. Ct. 1199 (2015). EPA believes that this policy aligns with the purpose of the statute and RHR, which is achieving “reasonable” progress, not maximal progress, toward Congress' natural visibility goal.

In developing the regulations required by CAA section 169A(b), EPA established the concept of the URP for each Class I area. As discussed above, for each Class I area, there is a regulatory requirement to compare the projected visibility impairment (represented by the RPG) at the end of each planning period to the URP (e.g., in 2028 for the second planning period).⁷⁹

In the 2017 RHR Revisions, EPA addressed the role of the URP as it relates to a state's development of its second planning period SIP. See 82 FR 3078 (January 10, 2017). Specifically, in response to comments suggesting that the URP should be considered a “safe harbor” and relieve states of any obligation to consider the four statutory factors, EPA explained that the URP was not intended to be such a safe harbor. EPA summarized such comments as follows: “Some commenters stated a desire for corresponding rule text dealing with situations where RPGs are equal to (“on”) or better than (“below”) the URP or glidepath. Several commenters stated that the URP or glidepath should be a “safe harbor,” opining that states should be permitted to analyze whether projected visibility conditions for the end of the implementation period will be on or below the glidepath based on on-the-books or on-the-way control measures, and that in such cases a four-factor analysis should not be required.”⁸⁰

Other 2017 RHR comments indicated a similar approach, such as “a somewhat narrower entrance to a ‘safe

⁷³ Tennessee's statewide emissions of SO₂ and NO_x decreased during the period from 2011 to 2018 from 118,721 tpy SO₂ to 43,891 tpy SO₂ and decreased from 369,496 tpy to 231,676 tpy NO_x. See Tables 7–9 and 13–12 of the Haze Plan. See also Table 5–2 in Appendix B–2a of the Haze Plan.

⁷⁴ The additional visibility improvement needed to reach natural conditions at the start of the second planning period based upon 2014–2018 IMPROVE data for the 20 percent most impaired days is calculated as follows: ((2014–2018 visibility conditions) – (2028 RPG)) / ((2014–2018 visibility conditions) – (natural conditions)) × 100 = percent progress needed to reach natural conditions from the start of the second planning period. For example, using data for Great Smoky Mountains, the calculation is: ((17.21 deciviews – 15.03 deciviews) / (17.21 deciviews – 10.05 deciviews)) × 100 = 30.4 percent.

⁷⁵ The 2018–2022 IMPROVE data for the 20 percent most impaired days was obtained from <https://vista.cira.colostate.edu/Improve/rhr-summary-data/> under the header “Means for Impairment Metric.” The IMPROVE data includes visibility monitoring data for each Class I area. This data was filtered for each Tennessee Class I area, listed as “GRSM1” for both Great Smoky Mountains and Joyce Kilmer, respectively, (in column “A”, titled “site”). Then data was filtered for the years 2018 through 2022 (using column “B” titled “year”). These data points were then filtered for the 20 percent most impaired days, indicated by “90” (in column “C” titled “impairment Group”). The resulting five data points for each Tennessee Class I area within the “haze dv” column “AK”, corresponding to each of the five years, were averaged to determine the 20 percent most impaired days for the 2018–2022 five-year period. The 2018–2022 IMPROVE data for Tennessee's Class I areas are: 15.4 deciviews (Great Smoky Mountains and Joyce Kilmer).

⁷⁶ Percentage of progress toward natural conditions = (((2014–2018 IMPROVE data) – (2018–2022 IMPROVE data)) / ((2014–2018 IMPROVE data) – (Natural visibility conditions))) × 100. Example calculation for Great Smoky Mountains: [(17.21 – 15.4) / (17.21 – 10.05)] × 100 = 25.3 percent.

⁷⁷ See 90 FR 16478, 16483 (April 18, 2025).

⁷⁸ See also EPA's May 14, 2025, proposed action for South Dakota's Regional Haze SIP for the second planning period (90 FR 20425).

⁷⁹ EPA notes that RPGs are a regulatory construct that EPA developed to address statutory mandate in CAA section 169B(e)(1), which required our regulations to include “criteria for measuring ‘reasonable progress’ toward the national goal.” Under 40 CFR 51.308(f)(3)(ii), RPGs measure the progress that is projected to be achieved by the control measures a state has determined are necessary to make reasonable progress. Consistent with the 1999 RHR, the RPGs are unenforceable, though they create a benchmark that allows for analytical comparisons to the URP and mid-implementation-period course corrections if necessary. See 82 FR 3091–3092 (January 10, 2017).

⁸⁰ See 82 FR 3099 (January 10, 2017).

harbor,' by suggesting that if current visibility conditions are already below the end-of-planning-period point on the URP line, a four-factor analysis should not be required."⁸¹ EPA was clear in its response: "We do not agree with either of these recommendations." EPA explained its position as follows: "The CAA requires that each SIP revision contain long-term strategies for making reasonable progress, and that in determining reasonable progress states must consider the four statutory factors. Treating the URP as a safe harbor would be inconsistent with the statutory requirement that states assess the potential to make further reasonable progress towards natural visibility goal in every implementation period."⁸²

In EPA's new policy, if the Class I areas impacted by a state are below the URP and the State considers the four factors, the State will have presumptively demonstrated it has made reasonable progress for the second planning period for that area. Indeed, EPA believes this policy also recognizes the considerable improvements in visibility impairment that have been made by a wide variety of state and federal programs in recent decades.

EPA finds that Tennessee considered the four statutory factors in the assessment of the potential for additional controls to make reasonable progress and the projected 2028 visibility conditions for Class I areas influenced by emissions from Tennessee sources are all below the URP. For these reasons and for the reasons discussed throughout this Section IV(C)(3)(b) of the NPRM, Tennessee's SIP submittal is reasonable and meets the requirements of 40 CFR 51.308(f)(2). EPA's specific conclusions regarding the FFAs for Eastman and TVA-Cumberland are discussed in more detail below.

i. Eastman: Regarding Eastman, EPA proposes to find that TDEC's conclusions and analytical methods stated in its FFA for Boilers 21, 22, 23, 24, 30, and 31 are reasonable. EPA also proposes to find the state's conclusions for Boilers 18, 19, and 20 are reasonable.

Regarding Boilers 18–20, as additional context to Tennessee's submittal, EPA notes that these units were constructed in the 1940s and did not provide electricity to the grid. Also, as noted above, the replacement gas boilers for these units have been constructed and are now operational.

EPA agrees with TDEC's determination that the permanent shutdown of these units no later than December 31, 2028, is necessary for

reasonable progress. Thus, EPA proposes to adopt into the Tennessee SIP the requirement that Boilers 18, 19, and 20 at Eastman will cease operating no later than December 31, 2028, as specified in Condition 2 of Permit 079592. EPA also notes that these units have fully shut down and are incapable of restarting without undergoing applicable New Source Review permitting for new sources. The replacement gas boilers for these units have been constructed and are now operational.⁸³ Eastman was required to cease operation of Boilers 18, 19, and 20 based on permit condition G18 in Construction Permit Number 979100, which provides that "[t]he permittee shall permanently cease operation of Boilers 18, 19, and 20 (82–0003–01/PES B–83–1) as follows:" "Boiler 19 shall cease operation on or before the startup date of Boiler 32"; "Boiler 18 shall cease operation on or before the startup date of Boiler 33"; and "Boiler 20 shall cease operation on or before the startup date of Boiler 34." The condition also includes the following compliance method: "The permittee shall notify the Technical Secretary in writing of the shutdown date of each boiler no later than 30 days after the date of each shutdown. The notification shall be submitted to the Technical Secretary at the address identified in Condition G3 of this permit."

Regarding Boilers 23 and 24, EPA proposes to agree with TDEC's conclusions to adopt a combined SO₂ emissions limit which shall not collectively exceed 1,396 tons of SO₂ during any period of 12 consecutive months into the Tennessee SIP. This is a new measure as necessary for reasonable progress as specified in Condition 1 of Permit No. 079592. Eastman plans to meet this limit through installation of permanent DSI, as specified in Section 7.8.1 and Appendix G–2 of the Haze Plan and as specified in Condition 2 of Permit No. 080222.⁸⁴

Because EPA proposes to approve TDEC's conclusions and analytical methods with respect to Boilers 21, 22, 30, and 31. While Boilers 21 and 22 are not currently equipped with any SO₂ controls, based on the cost analyses submitted by Tennessee, EPA agrees with the State's determination to not require any additional SO₂ controls for these units during this planning period. Regarding the cost-effectiveness for each

of the controls evaluated in TDEC's adjusted interest rate and equipment life of Eastman's FFA, the lowest cost per ton identified for Boilers 21 and 22 was for the addition of DSI along with the fabric filters at \$6,342/ton of SO₂ removed. The State's assessment that this cost is not cost-effective is reasonable.

Regarding Boiler 30, EPA proposes to find that TDEC reasonably determined that the cost of replacing the existing ESP with a fabric filter is not cost-effective and that there is no control option beyond the current controls that is appropriate for Boiler 30 for the second planning period. Regarding Boiler 31, EPA proposes to find that TDEC reasonably determined that this unit is effectively controlled for SO₂, as it is equipped with a SDA followed by a fabric filter, which achieves an SO₂ control efficiency of greater than 92 percent.

Although not included as part of its Regional Haze Plan, Tennessee's 2023 Plan submittal to EPA includes existing measures that apply to Boilers 21, 22, 30, and 31. In the letter submitted to EPA on December 20, 2024, TDEC requested that EPA incorporate these measures into Tennessee's SIP to support Tennessee's regional haze SIP. These measures are discussed separately in Section V of this NPRM.

ii. TVA-Cumberland: Regarding TVA-Cumberland, EPA proposes to find that TDEC's conclusions and analytical methods stated in its FFA for the coal boilers are reasonable. Tennessee determined that no additional emission reduction measures are necessary at TVA-Cumberland to make reasonable progress during the regional haze second planning period. TDEC rejected the installation of wall rings along the scrubber walls and the redesign and replacement of spray headers and nozzles on the basis of cost in comparing the values to the costs identified by VISTAS for similar options, which was adequately explained in Appendix G–1 of the Haze Plan. The installation of wall rings resulted in a cost-effectiveness of \$2,881/ton of SO₂ reduced. EPA finds TDEC's determination that no additional controls are needed to be reasonable and agrees with TDEC's conclusions that the cost-effectiveness for installing wall rings is higher than the median cost for similar options and that other comparable emission reduction measures within a similar cost-effectiveness values have substantial emissions reductions and associated co-benefits when compared to the emissions reductions from the installation of the wall wings.

⁸¹ *Id.*

⁸² *Id.*

⁸³ See the startup notifications for Boilers 32, 33, and 34 included in the docket of this proposed action.

⁸⁴ Title V Operating Permit No. 080222 is included in the docket for this proposed action.

Tennessee also rejected the redesign and replacement of spray headers and nozzles due to the high costs of compliance. As noted in Appendix G–1 of the Haze Plan, Tennessee found that the cost-effectiveness of the redesign and replacement of spray headers and nozzles resulted in a cost-effectiveness of \$5,059 per ton of SO₂ reduced. Tennessee also evaluated the other three statutory factors. The time necessary for compliance was considered, and Tennessee did not eliminate any control options from consideration as a result of that factor. Tennessee raised concerns about certain energy and non-air quality impacts, but did not eliminate any controls from consideration solely because of these impacts. Lastly, Tennessee's considered the remaining useful life of Units 1 and 2. Tennessee concluded that no additional measures at TVA-Cumberland are necessary to make reasonable progress for the second planning period. EPA finds that Tennessee has demonstrated that it would make reasonable progress for the second planning period without any additional measures for TVA-Cumberland.

c. Assessment of Five Additional Factors in 40 CFR 51.308(f)(2)(iv): EPA proposes to find that Tennessee has satisfied the requirements of 40 CFR 51.308(f)(2)(iv) because TDEC considered each of the five additional factors under 40 CFR 51.308(f)(2)(iv) in developing Tennessee's LTS, discussed the measures the State has in place to address each factor (or discussed why such measures are not needed), and, where relevant, explained how each factor informed VISTAS' technical analyses for the second planning period.

With respect to 40 CFR 51.308(f)(2)(iv)(A), Tennessee has adequately addressed the requirement to assess emission reductions due to ongoing air pollution control programs, including measures to address RAVI, through the State's emissions inventory work for the base year of 2011 as projected out to 2028.

With respect to 40 CFR 51.308(f)(2)(iv)(B), Tennessee adequately addressed this requirement to evaluate measures to mitigate the impacts of construction activities by describing various state regulations that address control pollution from construction activities and that require subject facilities to control PM from fugitive dust emission sources generated within plant boundaries and explaining that fine soils were a relatively minor contributor to visibility impairment at Great Smoky Mountains (also Joyce Kilmer) during the 2000–2004 baseline

period as demonstrated in Figure 2–2 of the Haze Plan, and that no VISTAS Class I areas experienced significant visibility impairment from soils during the baseline timeframe as demonstrated in Figure 2–3. As demonstrated by Figures 2–7, 2–8, 2–9, soils continued to be a minor contributor to visibility impairment at Great Smoky Mountains (also Joyce Kilmer) and other VISTAS Class I areas through the 2014–2018 time period.

With respect to 40 CFR 51.308(f)(2)(iv)(C), EPA proposes to find that Tennessee has adequately addressed source retirement and replacement schedules by summarizing existing and planned source retirements throughout the Haze Plan, including in Section 7.2.2 (retirements accounted for in the 2028 inventory/RPGs).

With respect to 40 CFR 51.308(f)(2)(iv)(D), EPA proposes to find that Tennessee adequately addressed the requirement to consider the State's basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs. The State describes its promulgated regulations under the Division of Forestry (Tennessee Rule 0080–07–06), which regulates prescribed fires, sets guidelines for prescribed burn prescription and TDEC (Tennessee Rule 1200–03–04), which sets specific circumstances in which open burning is permissible. In addition, the State describes the November 24, 2021, MOU which requires that all parties follow basic smoke management practices when utilizing prescribed burning in order to mitigate PM_{2.5} emissions and regional haze impacts and highlights interagency coordination related to open burning and related topics.

With respect to 40 CFR 51.308(f)(2)(iv)(E), EPA proposes to find that Tennessee assessed the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the second period in development of the 2028 RPGs for the Tennessee Class I areas in Section 8 of the Haze Plan. TDEC used the 2011 base year emissions inventory to project emissions from various source sectors to 2028, the end of the second planning period. TDEC, through VISTAS, completed CAMx modeling to estimate visibility impairment in 2028 based on projected 2028 emissions from the 2011 base year inventory and using IMPROVE monitoring data for 2009–2013.⁸⁵ For

⁸⁵ In preparing the 2028 emissions for point sources, TDEC started with a 2016 base year inventory which include emission reductions

Tennessee, estimated visibility improvements by 2028 in each Class I area are based on: estimated emissions reductions associated with existing federal and state measures implemented or expected to be implemented during the second planning period; emissions reductions associated with facility closures that occurred after the 2016 point source emissions base year (*i.e.*, January 1, 2017, through November 18, 2018); and estimates of emissions changes associated with economic growth and other factors.

d. Interstate Consultation: With respect to interstate consultation pursuant to 40 CFR 51.308(f)(2)(ii), EPA proposes to find that Tennessee has met the requirements under 40 CFR 51.308(f)(2)(ii) to consult with those states with Class I areas where Tennessee emissions may reasonably be anticipated to cause or contribute to visibility impairment and to consult with those States whose sources may reasonably be anticipated to cause or contribute to visibility impairment at Tennessee's Class I areas. With respect to other states' requests for Tennessee to complete FFAs for TVA-Cumberland and Eastman, Tennessee did so. With respect to consultation with other States with visibility impacts to Tennessee's Class I areas, Tennessee adequately documented the responses from consulted states in Appendix F, provided a summary of its consultation in Section 10.1.1, and identified whether the State agrees with the conclusions.

With respect to the MANE–VU Ask, Tennessee adequately took actions to address points of disagreements with MANE–VU related to Tennessee's statewide impacts by providing technical analysis and rationale to resolve the varying viewpoints between the two organizations. Tennessee satisfactorily documented in Appendix F–4 of the Haze Plan the State's disagreements by sending a letter dated December 22, 2017, to MANE–VU documenting the response to the points of disagreements in addition to supporting the January 27, 2018, letter from VISTAS to MANE–VU.⁸⁶ With respect to consultation with other states with visibility impacts to Tennessee's Class I areas, TDEC adequately

associated with federal and state control programs and consent decrees included in the LTS for the first planning period.

⁸⁶ Appendix F–4 of the Haze Plan contains the January 27, 2018, and January 13, 2021, letters along with a letter dated August 25, 2017, in which MANE–VU requested consultation with Tennessee because Tennessee exceeds the MANE–VU visibility impact threshold for at least one Class I area in the MANE–VU region.

documented the responses from consulted states in Appendix F and as summarized in Section 10.1.1 and identified whether the State agrees with the conclusions.

D. RPGs

1. *RHR Requirement:* 40 CFR 51.308(f)(3) contains the requirements pertaining to RPGs for each Class I area. 40 CFR 51.308(f)(3)(i) requires a state in which a Class I area is located to establish RPGs—one each for the most impaired and clearest days—reflecting the visibility conditions that will be achieved at the end of the planning period as a result of the emission limitations, compliance schedules, and other measures required under paragraph (f)(2) to be in states’ LTSs, as well as implementation of other CAA

requirements. The LTSs, as reflected by the RPGs, must provide for an improvement in visibility on the most impaired days relative to the baseline period and ensure no degradation on the clearest days relative to the baseline period. 40 CFR 51.308(f)(3)(ii) applies in circumstances in which a Class I area’s RPG for the most impaired days represents a slower rate of visibility improvement than the URP calculated under 40 CFR 51.308(f)(1)(vi). Under 40 CFR 51.308(f)(3)(ii)(A), if the state in which a mandatory Class I area is located establishes an RPG for the most impaired days that provides for a slower rate of visibility improvement than the URP, the state must demonstrate that there are no additional emission reduction measures for anthropogenic sources or groups of sources in the state

that would be reasonable to include in its LTS. 40 CFR 51.308(f)(3)(ii)(B) requires that if a state contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in *another* state, and the RPG for the most impaired days in that Class I area is above the URP, the upwind state must provide the same demonstration.

2. *State Assessment:* Tennessee established 2028 RPGs for each of its Class I areas in deciviews for the 20 percent clearest days and the 20 percent most impaired in Tables 8–1 and 8–2, respectively, of the Haze Plan, which are all projected to remain below the URP for each Class I area based on VISTAS’ modeling. Table 3 summarizes the 2028 RPGs and 2028 URPs for Tennessee’s Class I areas.

TABLE 3—TENNESSEE’S CLASS I AREA RPGS AND URPs FOR 2028 IN DECIVIEWS (dv)

Class I area	2028 RPG 20% clearest (dv)	2028 RPG 20% most impaired (dv)	2028 URP (dv)
Great Smoky Mountains	8.96	15.03	21.49
Joyce Kilmer	8.96	15.03	21.49

Figure 3–1 of the Haze Plan show the URP for the 20 percent most impaired days for Great Smoky Mountains (also Joyce Kilmer).

3. *EPA Evaluation:* Tennessee provided 2028 RPGs for its Class I area for the most impaired and clearest days. The State established 2028 RPGs expressed in deciviews that reflect the visibility conditions that are projected to be achieved by the end of the second planning period as a result of implementation of the LTS and other CAA requirements. Tennessee’s RPGs provide for an improvement in visibility for the 20 percent most impaired days since the baseline period (2000–2004) and demonstrate that there is no degradation in visibility for the 20 percent clearest days since the baseline period. Any additional unanticipated emissions reductions provide further assurances that the State’s Class I area will achieve its 2028 RPGs.

For these reasons, the 2028 RPGs for Great Smoky Mountains (also Joyce Kilmer) are reasonable. Additionally, Tennessee has adequately demonstrated that all Class I areas both in Tennessee and out-of-state Class I areas to which Tennessee may reasonably be anticipated to cause or contribute to any impairment of visibility are all below the URP. Therefore, the “robust demonstration” provisions in 40 CFR 51.308(f)(3)(ii) are not applicable to this action. As such, EPA is proposing to

determine that Tennessee has satisfied all applicable requirements of 40 CFR 51.308(f)(3).

E. Monitoring Strategy and Other Implementation Plan Requirements

1. *RHR Requirement:* 40 CFR 51.308(f)(6) specifies that each comprehensive revision of a state’s regional haze SIP must contain or provide for certain elements, including monitoring strategies, emissions inventories, and any reporting, recordkeeping and other measures needed to assess and report on visibility. A main requirement of this section is for states with Class I areas to submit monitoring strategies for measuring, characterizing, and reporting on visibility impairment. Compliance with this requirement may be met through participation in the IMPROVE network.

40 CFR 51.308(f)(6)(i) requires SIPs to provide for the establishment of any additional monitoring sites or equipment needed to assess whether RPGs to address regional haze for all mandatory Class I areas within the state are being achieved.

40 CFR 51.308(f)(6)(ii) requires SIPs to provide for procedures by which monitoring data and other information are used in determining the contribution of emissions from within the state to regional haze visibility impairment at

mandatory Class I areas both within and outside the state.

40 CFR 51.308(f)(6)(iii) applies only to states that do not have a mandatory Class I areas.

40 CFR 51.308(f)(6)(iv) requires the SIP to provide for the reporting of all visibility monitoring data to the Administrator at least annually for each Class I area in the state.

40 CFR 51.308(f)(6)(v) requires SIPs to provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment, including emissions for the most recent year for which data are available and estimates of future projected emissions. It also requires a commitment to update the inventory periodically.

40 CFR 51.308(f)(6)(v) also requires states to include estimates of future projected emissions and include a commitment to update the inventory periodically. Under 40 CFR 51.308(f)(4), if EPA or the FLM of an affected Class I area has advised a state that additional monitoring is needed to assess RAVI, the state must include in its SIP revision for the second planning period an appropriate strategy for evaluating such impairment.

2. *State Assessment:* With respect to 40 CFR 51.308(f)(6)(i), Tennessee believes the existing IMPROVE monitor for the State’s Class I areas is adequate and does not believe any additional

monitoring sites or equipment are needed to assess whether the RPGs for all Class I areas within the State are being achieved.

With respect to 40 CFR

51.308(f)(6)(ii), data from this IMPROVE monitor will be used for the future haze plans and progress reports.

40 CFR 51.308(f)(6)(iii) does not apply to Tennessee because it has a Class I area.

With respect to 40 CFR

51.308(f)(6)(iv), NPS manages and oversees the IMPROVE monitoring network. The IMPROVE monitoring network samples PM from which the chemical composition of the sampled particles is determined and is then used to calculate visibility. NPS is responsible for collecting, reviewing, validated, and verifying IMPROVE data before submission to EPA's Air Quality System (AQS). Tennessee's participation in the IMPROVE Steering Committee and the IMPROVE monitoring network addresses this requirement. Tennessee believes the existing IMPROVE monitors for the State's Class I areas are sufficient for the purposes of this SIP revision.

With respect to 40 CFR 51.308(f)(6)(v), TDEC provided a statewide, baseline emissions inventory of pollutants for the year 2011 in Table 4–2 of the Haze Plan which includes the following pollutants: NO_x, SO₂, VOC, NH₃, PM_{2.5}, and PM₁₀. The 2011 baseline emissions year was used because emissions and modeling work needs to begin three years before haze plans are due because of the significant amount of time required to complete the work one year in advance of preparing the haze plans. The 2011 base year modeling platform was the best platform available at the time the modeling work began in early 2018. TDEC, through VISTAS, discussed the selection of modeling platforms with EPA and reliance on the 2011 base year. Tennessee will continue to participate in SESARM/VISTAS efforts for projecting future emissions and continue to comply with the requirements of the Air Emissions Reporting Requirements (AERR) to periodically update emissions inventories under 40 CFR 51.308(f)(6)(v).⁸⁷

With respect to 40 CFR

51.308(f)(6)(vi), Tennessee affirms that there are no elements, including reporting, recordkeeping, or other measures, necessary to address and report on visibility for Tennessee's Class I areas or Class I areas outside the State that are affected by sources in Tennessee. With respect to 40 CFR

51.308(f)(4), the State did not include a strategy for evaluating RAVI for any Class I areas because no Federal agency requested additional monitoring to assess RAVI.

3. *EPA Evaluation:* EPA proposes to determine that Tennessee has satisfied the applicable requirements of 40 CFR 51.308(f)(4) and 40 CFR 51.308(f)(6) related to RAVI, visibility monitoring, and emissions inventories. With respect to 40 CFR 51.308(f)(4), EPA proposes to find that this requirement does not apply to Tennessee at this time because neither EPA nor the FLMs requested additional monitoring to assess RAVI.

EPA proposes to determine that Tennessee has satisfied 40 CFR 51.308(f)(6), which is generally met by the State's continued participation in the IMPROVE monitoring network and the VISTAS RPO, for the following reasons. With respect to 40 CFR 51.308(f)(6)(i), Tennessee stated that the existing IMPROVE monitors relied upon for the State's two Class I areas are adequate, and thus, additional monitoring sites or equipment are not needed to assess whether the RPGs for all Class I areas within the State are being achieved. With respect to 40 CFR 51.308(f)(6)(ii), Tennessee is complying with procedures by which monitoring data and other information are used to determine the contribution of emissions from within the State to regional haze at Class I areas both within and outside the State through Tennessee's continued participation in VISTAS' regional haze work. With respect to 40 CFR 51.308(f)(6)(iii), this provision is applicable for states with no Class I areas and does not apply to Tennessee. Regarding the reporting of visibility monitoring data to EPA at least annually for each Class I area in the State pursuant to 40 CFR 51.308(f)(6)(iv), EPA proposes to find that Tennessee's participation in the IMPROVE Steering Committee and the IMPROVE monitoring network addresses this requirement. With respect to 40 CFR 51.308(f)(6)(v), EPA proposes to find that Tennessee's continued participation in VISTAS' efforts for projecting future emissions and continued compliance with the requirements of the AERR to periodically update emissions inventories satisfies the requirement to provide for an emissions inventory for the most recent year for which data are available. EPA proposes to find that Tennessee adequately documented that no further elements are necessary at this time for the State to assess and report on visibility pursuant to 40 CFR 51.308(f)(6)(vi).

F. Requirements for Periodic Reports Describing Progress Toward the RPGs

1. *RHR Requirement:* Section 51.308(f)(5) requires that periodic comprehensive revisions of states' regional haze plans also address the progress report requirements of 40 CFR 51.308(g)(1)–(5). The purpose of these requirements is to evaluate progress towards the applicable RPGs for each Class I area within the state and each Class I area outside the state that may be affected by emissions from within that state. 40 CFR 51.308(g)(1) and (2) apply to all states and require a description of the status of implementation of all measures included in a state's first planning period regional haze plan and a summary of the emission reductions achieved through implementation of those measures. 40 CFR 51.308(g)(3) applies only to states with Class I areas within their borders and requires such states to assess current visibility conditions, changes in visibility relative to baseline (2000–2004) visibility conditions, and changes in visibility conditions relative to the period addressed in the first planning period progress report. 40 CFR 51.308(g)(4) applies to all states and requires an analysis tracking changes in emissions of pollutants contributing to visibility impairment from all sources and sectors since the period addressed by the first planning period progress report. This provision further specifies the year or years through which the analysis must extend depending on the type of source and the platform through which its emission information is reported. Finally, 40 CFR 51.308(g)(5), which also applies to all states, requires an assessment of any significant changes in anthropogenic emissions within or outside the state have occurred since the period addressed by the first planning period progress report, including whether such changes were anticipated and whether they have limited or impeded expected progress towards reducing emissions and improving visibility.

2. *State Assessment:* With respect to the progress report elements pursuant to 40 CFR 51.308(f)(5), the State addressed these elements in Section 13 of the Haze Plan for the period 2013 to 2018, the end of the first period.⁸⁸ Tennessee outlines its approach to addressing 40 CFR 51.308(g)(1) through 40 CFR 51.308(g)(5) in Section 13.2 of the Haze Plan.

Regarding 40 CFR 51.308(g)(1) and 40 CFR 51.308(g)(2), the State describes the

⁸⁷ See Haze Plan at p. 217.

⁸⁸ Tennessee's first period progress report covered the period from 2008–2012.

status of the implementation of the measures of the LTS from the first planning period in Section 13.3.1 and provides a summary of the emission reductions achieved by implementing those measures in Sections 13.3 and 13.5 of the Haze Plan.

With respect to 40 CFR 51.308(g)(1), the Haze Plan identifies key Federal and state emissions control measures in Section 13.3.1 that the State relied upon for other emission reduction actions included in the LTS of Tennessee's first regional haze plan submitted on April 4, 2008. Section 13.3.2 identifies measures that contributed to emission reductions during the first planning period but were not a part of the LTS for the first period.⁸⁹ In Section 13.3.1.1 of the Haze Plan, Tennessee summarized Federal and state programs which contributed to reductions of EGU and certain non-EGU SO₂ emissions in Tennessee and surrounding states over the 2013–2018 period. The programs examined include, but are not limited to, the 2005 Clean Air Interstate Rule, the Phase I NO_x SIP Call, and consent agreements and voluntary agreements with regional EGUs. In Section 13.3.1.2 of the Haze Plan, the State summarized state EGU control measures which contributed to reductions in SO₂ emissions in Tennessee, North Carolina, and Georgia. The programs examined included the 2002 North Carolina Clean Smokestacks Act, the 2007 Georgia Multi-Pollutant Control for Electric Utility Steam Generating Units, and Tennessee's Reasonable Progress and BART Control Measures.

With respect to 40 CFR 51.308(g)(2), Tennessee continued to focus on SO₂ emissions reductions because the State determined that ammonium sulfate was the most important contributor to visibility impairment and fine particle on the 20 percent best and 20 percent worst visibility days at all the Tennessee Class I areas. Section 13.3 of the Haze Plan identifies control measures included in the LTS for Tennessee's first regional haze plan submitted in 2008 ("2008 Haze Plan"), and Table 13–3 of the Haze Plan separately identifies the Maximum Achievable Control Technology standards relied upon for the 2008 Haze Plan. The controls listed in Section 13.1 and in Table 13–4 also identify actions that were not anticipated when Tennessee prepared the LTS for the 2008 Haze Plan which contributed to emission reductions

during the first planning period. Section 13.3.2 identifies which measures were modeled for the 2018 RPGs for the first planning period.

With respect to Tennessee's EGUs, Table 7–1 of the Haze Plan lists the coal-fired EGUs in Tennessee that were projected in the 2008 Haze Plan to have emissions controls installed by 2018. The EGU sector in Tennessee represents over 50 percent of statewide SO₂ emissions from stationary sources. Section 7.2.2 of the Haze Plan also identifies EGU retirement dates, if applicable. The shutdown of Tennessee's coal-fired EGUs (TVA-Allen, TVA-John Sevier, TVA-Johnsonville, summarized in Table 7–1) decreased SO₂ emissions by 91.7 percent from 10,974 tpy to 916 tpy from 2011 to 2018. Tennessee's coal-fired EGUs decreased NO_x emissions by 80.9 percent from 2011 to 2018 from 2,557 tpy to 488 tpy. TDEC identifies the North Carolina Clean Smokestacks Act (CSA)⁹⁰ as one of the most important actions that North Carolina implemented to achieve early reductions for improving visibility in North Carolina's Class I areas. The CSA was a component of the LTS of the 2008 Haze Plan. In 2011, these sources emitted only 73,454 tons of SO₂ and 39,284 tons of NO_x, well below the Act's system caps (250,000 tons of SO₂ and 56,000 tons of NO_x).

Section 13.3 of the Haze Plan also provides emissions reductions for the following non-EGUs which were selected for an FFA in the first planning period: Alcoa, Dupont Old Hickory, Eastman, and TVA-Cumberland. In the 2008 Haze Plan, no new SO₂ measures were found reasonable in the first planning period. SO₂ emissions from these five facilities collectively decreased by 75 percent from 2008 to 2018 from 38,409 tpy to 9,775 tpy.

With respect to 40 CFR 51.308(g)(3), in Tables 13–5 through 13–9 of the Haze Plan, TDEC calculated the following for the two Class I areas: current visibility conditions (2014–2018), changes in visibility relative to baseline (2000–2004) visibility conditions, and changes in visibility conditions compared to the last five years. The data show that all Class I areas saw an improvement in

visibility on the 20 percent worst days and on the 20 percent clearest days.⁹¹ Additionally, TDEC provided data to demonstrate that the current 2014–2018 monitored values for the Tennessee Class I areas on the 20 percent worst days are below the 2018 RPGs for the 20 percent worst days.

Regarding 40 CFR 51.308(g)(4), TDEC used the 2014 NEI, the 2017 NEI, and the State's Annual Operating Report point source data collected each year and compared the emissions from each source category to the VISTAS 2018 emissions projections in Table 13–10 (PM_{2.5}), Table 13–11 (NO_x), and Table 13–12 (SO₂) of the Haze Plan. Regarding rPM_{2.5}, NO_x, and SO₂, the overall emissions from all sources (point, area, on-road, non-road, and fires) in the 2017 NEI are 23 percent, 21 percent, and 77 percent lower, respectively, than what VISTAS projections for each pollutant in 2018. TDEC attributes the significant SO₂ emissions reductions from point sources (EGUs and non-EGU point sources). TDEC notes that for compared to the VISTAS projected PM_{2.5} and NO_x emissions in 2018, there have been significant reductions for each source category, except from the fire and on-road category.

With respect to SO₂, the electric utility sector is the dominant source of SO₂ emissions in Tennessee. It accounted for 62 percent and 52 percent of total statewide SO₂ emissions in 2014 and 2017, respectively. With respect to NO_x emissions in Tennessee, emissions from on-road sources account for approximately 50 percent and emissions from point sources account for nearly 23 percent, from the 2017 NEI. Overall, from 2014 through 2019, there was an 81 percent and 54 percent decrease in SO₂ and NO_x emissions, respectively, from EGU sources, with a decrease of 22 percent in heat input over this period.⁹² TDEC notes that the reductions from EGU sources are due to the installation of controls and the use of cleaner burning fuels.

Despite significant reductions in SO₂, Tennessee identifies sulfates as continuing to play a significant role in visibility impairment, especially for the most anthropogenically impaired days, as discussed in Section 7.4 of the Haze

⁸⁹ For the first planning period, visibility conditions were determined for the average of the 20 percent most impaired visibility days (referred to as the "worst" days) and the 20 percent least impaired visibility days (referred to as the "best" days).

⁹⁰ The CSA is a North Carolina law which required the coal-fired EGUs subject to the CSA to reduce annual NO_x emissions by 77 percent by 2009 and to reduce annual SO₂ emissions by 49 percent by 2009 and 73 percent by 2013. This law set a NO_x emissions cap of 56,000 tpy starting in 2009 and SO₂ emissions caps of 250,000 tpy and 130,000 tpy starting in 2009 and 2013, respectively. The affected EGUs were equipped with scrubbers to control SO₂ and either SCR or selective non-catalytic reduction (SNCR) to control NO_x emissions.

⁹¹ For the first period, visibility conditions were determined for the average of the 20 percent most impaired visibility days (referred to as the "worst" days) and the 20 percent least impaired visibility days (referred to as the "best" days). These terms were updated to "clearest" and "most impaired," respectively, as part of two recent actions by EPA. See 82 FR 3078 (January 10, 2017) and "2018 Visibility Tracking Guidance."

⁹² See Table 13–13 and Figure 13–4 of the Haze Plan.

Plan.⁹³ As SO₂ emissions continue to drop, nitrates may begin to have a larger relative impact on regional haze in future planning periods.

Regarding 40 CFR 51.308(g)(5), TDEC believes that there does not appear to be any significant change in anthropogenic emissions within Tennessee or outside the State that have occurred since the period addressed in the most recent plan that would limit or impede progress in reducing pollutant emissions or improving visibility. TDEC reviewed anthropogenic SO₂ and NO_x emissions trends for the VISTAS states and each of the RPOs based on emissions included in the 2014 and 2017 NEI in Tables 13–10 through 13–13 of the Haze Plan. These data show a decline in SO₂ and NO_x emissions during the 2014 through 2017 period within Tennessee. In Tennessee, SO₂ emissions decreased from 94,201 tpy (2011) to 46,738 tpy (2014) and NO_x emissions decreased from 269,201 tpy (2011) to 200,581 tpy (2014).

Figure 2–8 shows the average light extinction for the 20 percent most impaired days over the period 2014 through 2018 for all Class I areas in the Southeast and in neighboring non-VISTAS states. Figure 2–9 shows the average light extinction for the 20 percent clearest days over the period 2014 through 2018 for all Class I areas in the Southeast and in neighboring non-VISTAS states. These figures demonstrate that on the 20 percent most impaired days and 20 percent clearest days in the Class I areas in Tennessee, sulfates continued to be the major concern during the first planning period. TDEC notes that there have been significant reductions in SO₂ and NO_x emissions in Tennessee as well as in neighboring states which have resulted in significant improvements in visible range in Class I areas in Tennessee and in nearby states. Thus, TDEC concludes that there does not appear to be any anthropogenic emissions within Tennessee that would have limited or impeded progress in reducing pollutant emissions or improving visibility.

3. EPA Evaluation: EPA proposes to find that TDEC has met the requirements of 40 CFR 51.308(g)(1)–(5) because the Haze Plan adequately describes the status of the measures included in the LTS from the first planning period and the emission reductions achieved from those measures; the visibility conditions and changes at the Tennessee Class I areas;

an analysis tracking the changes in emissions since the first planning period progress report using available NEI emissions data for 2014 and 2017 and annual EGU SO₂ emissions data from 2014 to 2021; evaluates 2017 NEI data which is the most recent triennial emissions inventory submission from Tennessee prior to submission of the Haze Plan; and assessed whether any significant changes in anthropogenic emissions within or outside the State that have occurred since the end of the period addressed by Tennessee's first planning period progress report, including whether these changes in anthropogenic emissions were anticipated in that most recent plan and whether they have limited or impeded progress in reducing pollutant emissions and improving visibility. Thus, EPA is proposing to find that Tennessee has met the requirements of 40 CFR 51.308(f)(5).

G. Requirements for State and FLM Coordination

1. RHR Requirement: Section 169A(d) of the CAA requires states to consult with FLMs before holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. In addition, the FLM consultation provision of 40 CFR 51.308(i)(2) requires a state to provide the FLMs with an opportunity for consultation that is early enough in the state's policy analyses of its emission reduction obligation so that information and recommendations provided by FLMs can meaningfully inform the state's decisions on its LTS. If the consultation has taken place at least 120 days before a public hearing or public comment period, the opportunity for consultation will be deemed early enough. Regardless, the opportunity for consultation must be provided at least 60 days before a public hearing or public comment period at the state level. 40 CFR 51.308(i)(2) also provides two substantive topics on which FLMs must be provided an opportunity to discuss with states: assessment of visibility impairment in any Class I area and recommendations on the development and implementation of strategies to address visibility impairment. 40 CFR 51.308(i)(3) requires states, in developing their implementation plans, to include a description of how they addressed FLMs' comments. Section 40 CFR 51.308(i)(4) requires that the regional haze SIP revision provide procedures for continuing consultation between the

state and FLMs regarding the state's visibility protection program.

2. State Assessment: As required by CAA section 169A(d), Tennessee consulted with the FLMs prior to opening the State public comment period⁹⁴ on its proposed haze plan and included a summary of the conclusions and recommendations of the FLMs in the proposed plan dated July 2, 2021. The conclusions and recommendations of the FLMs on the proposed plan are included in the Haze Plan in Section 10.4 and Appendix H.⁹⁵

With respect to 40 CFR 51.308(i)(2), TDEC offered to the three FLM agencies the opportunity to consult on the July 2, 2021, draft Tennessee Haze Plan. Additionally, TDEC shared with the FLMs the October 22, 2021, Prehearing Tennessee Haze Plan issued for state public notice and comment with a public hearing held December 1, 2021, with the close of the comment period on December 10, 2021. A summary of this consultation process is discussed in Appendix H of the Haze Plan (FLM comments received) with supporting information in Appendix H–1a through H–1e and Appendix F.⁹⁶ Appendix H provides a summary of the FLM comments received on the draft and prehearing haze plans. TDEC received comments from the NPS and USFS. No comments were received from the FWS.

To address 40 CFR 51.308(i)(3), TDEC provided responses to NPS and USFS comments in Section 10.4 and Appendix I of the Haze Plan.

With respect to 40 CFR 51.308(i)(4), Tennessee updated its existing procedures for continuing consultation with the FLMs, including annual discussions with a review of the most recent IMPROVE monitoring data. Records of annual consultations and progress report consultations will be maintained in TDEC's regional haze files.

3. EPA Evaluation: EPA proposes to find that Tennessee addressed all FLM consultation requirements in the CAA and RHR. With respect to CAA section 169A(d), Tennessee consulted with the FLMs prior to the State's public comment period and included a summary of the conclusions and recommendations of the FLMs in the

⁹⁴ TDEC provided a draft plan to the FLMs on July 2, 2021.

⁹⁵ The consultation did not occur in person as stated in the CAA due to the convenience and efficiency of using email, phone calls, and video meetings.

⁹⁶ Appendices F–3a–3n include VISTAS consultation outreach with stakeholders, including the FLMs. (See, in particular, Appendices F–3b, F–3c, F–3d, and F–3j).

⁹³ Figure 13–1 of the Haze Plan provides the breakdown of visibility impairing pollutants for the 20 percent worst visibility days and clearest visibility days in Tennessee's Class I areas over 2011 through 2018 timeframe.

proposed plan issued for public review.⁹⁷

Tennessee fully addressed the requirement for FLM consultation under 40 CFR 51.308(i)(2) because the State offered the draft Tennessee Haze Plan on July 2, 2021. EPA proposes to find that Tennessee has met its requirements under 40 CFR 51.308(i)(2) to consult with the FLMs on its Haze Plan for the second planning period.

EPA proposes to find that Tennessee satisfied 40 CFR 51.308(i)(3) by providing responses to the FLM comments in Section 10.4 of the Haze Plan.

EPA proposes to find that Tennessee satisfied 40 CFR 51.308(i)(4) by establishing in its Haze Plan continuing consultation procedures as summarized above.

V. Other Measures Proposed for Incorporation Into Tennessee's SIP

On February 9, 2023, Tennessee submitted a SIP revision regarding the SO₂ attainment demonstration for Sullivan County, which provides source-specific SO₂ emission limits and associated compliance parameters for incorporation into Tennessee's SIP. This submittal has been referred to throughout this Notice as the "2023 Plan." On December 20, 2024, Tennessee submitted a letter to EPA asking the Agency to incorporate certain permit conditions from the 2023 Plan to generally strengthen Tennessee's SIP, as detailed below.

EPA is proposing to incorporate these SO₂ limits and associated monitoring, recordkeeping, and reporting conditions into Tennessee's SIP as a SIP strengthening measure. Specifically, EPA is proposing to adopt into Tennessee's SIP the combined 30-day rolling average SO₂ emission limit of 1,248 lb/hr for Eastman Boilers 18 through 24, 30, and 31 contained within Condition 1 of Tennessee Operating Permit Number 080222 (State effective March 1, 2023). EPA is further proposing to adopt into Tennessee's SIP supporting monitoring, recordkeeping, and reporting requirements for this 1,248 lb/hr SO₂ limit contained in Condition 3 and Attachment A of Tennessee Operating Permit Number 080222. EPA is also proposing to adopt into Tennessee's SIP Condition 2 of Tennessee Operating Permit Number 080222 (State effective March 1, 2023), which contains a requirement to operate DSI at Boilers 23 and 24.

Tennessee has also requested that EPA incorporate into Tennessee's SIP the 317 lb/hr and 293 lb/hr (30-day rolling average) SO₂ emission limits for Eastman Boilers 30 and 31, respectively, incorporated into Eastman's current title V Operating Permit 576501 (State effective October 1, 2021), along with supporting monitoring, recordkeeping, and reporting requirements.⁹⁸ Collectively, these requirements are contained within conditions E3–8, E3–9, E3–20, and Attachment 3 of this permit. These emission limits and the associated monitoring, recordkeeping, and reporting requirements are based upon existing measures to reduce SO₂ emissions from these boilers, including the operation of a DSI at Boilers 23 and 24, an SDA and electrostatic precipitator at Boiler 30, and an SDA and fabric filter at Boiler 31.

While EPA is proposing to incorporate these permit conditions into Tennessee's SIP as a SIP strengthening measure, EPA is not proposing to approve, disapprove, or otherwise take action on other portions of the 2023 Plan. Any determination regarding approvability of the attainment demonstration—including the approvability of the permit conditions proposed for incorporation into the SIP in this Notice of Proposed Rulemaking for the specific purpose of that attainment demonstration—would be subject to a separate rulemaking.

VI. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, and as discussed above in this preamble, EPA is proposing to incorporate by reference into Tennessee's SIP Operating Permit Number 079592 (State effective February 9, 2022) for Eastman. EPA is also proposing to incorporate by reference into Tennessee's SIP that portion of Condition 1 of Tennessee Operating Permit Number 080222 (State effective March 1, 2023) containing the 30-day rolling average SO₂ emission limit of 1,248 lb/hr for Eastman Boilers 18 through 24, 30, and 31; all of Condition 2 of Tennessee Operating Permit Number 080222 (State effective March 1, 2023); that portion of Condition 3 of Tennessee Operating Permit Number 080222 (State effective March 1, 2023) containing the supporting monitoring, recordkeeping, and reporting requirements for the 1,248 lb/hr SO₂ limit; and Attachment A to

Tennessee Operating Permit Number 080222 (State effective March 1, 2023). EPA is further proposing to incorporate by reference into Tennessee's SIP Conditions E3–8 and E3–9 of Tennessee Operating Permit Number 576501 (State effective October 1, 2021), which include the 317 lb/hr and 293 lb/hr SO₂ limits applicable to Boilers 30 and 31; Condition E3–20; and Attachment 3 to this permit. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 4 Office (please contact the person identified in the For Further Information Contact section of this preamble for more information).

VII. Proposed Action

For the reasons stated herein, EPA is proposing to approve Tennessee's February 23, 2022, SIP submission. EPA is also proposing to incorporate into Tennessee's SIP, as SIP strengthening measures, those portions of Tennessee's February 9, 2023, SIP submission discussed above in Section VI (entitled Incorporation by Reference) of this Notice. EPA is not proposing to approve, disapprove, or otherwise take action on any other aspects of Tennessee's February 9, 2023, submittal in this Notice.

VIII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

⁹⁷ A description of Tennessee's responses to FLM comments can be found in Section 10.4 and Appendix H of the Haze Plan.

⁹⁸ Title V Permit No. 576501 is included in the docket for this proposed action.

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate matter, Sulfur oxides.

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

Dated: July 24, 2025.

Kevin McOmber,

Regional Administrator, Region 4.

[FR Doc. 2025–15748 Filed 8–18–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 25–217; FCC 25–47; FR ID 309129]

Modernizing the Commission's National Environmental Policy Act Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (the FCC or Commission) seeks comment on how the Commission should revise its rules to streamline the environmental review

process and promote efficiency and certainty for Commission applicants to encourage deployment of infrastructure, which in turn will result in more competition and technological innovation in the marketplace.

DATES: Comments are due September 18, 2025; reply Comments are due October 3, 2025.

ADDRESSES: You may submit comments, identified by WT Docket No. 25–217, by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.

- Hand-delivered or messenger delivered paper filings for the Commission's Secretary are accepted between 8 a.m. and 4 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

- **People with Disabilities.** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT: Jennifer Flynn, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, (202) 418–0612, Jennifer.Flynn@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), in WT Docket No. 25–217; FCC 25–47, adopted on August 7, 2025, and released on August 14, 2025. The full text of this document is available at <https://docs.fcc.gov/public/attachments/FCC-25-47A1.pdf>. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first

page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998), <https://www.govinfo.gov/content/pkg/FR-1998-05-01/pdf/98-10310.pdf>.

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

Synopsis

I. Introduction

In this Notice of Proposed Rulemaking (NPRM), we take a fresh look at our environmental rules to account for recent amendments to the National Environmental Policy Act (NEPA) under the 2023 Fiscal

Responsibility Act (FRA). In addition, in January, President Trump issued Executive Order (E.O.) 14154 titled “Unleashing American Energy,” which called upon “all agencies [to] prioritize efficiency and certainty over any other objectives” in revising agency regulations implementing NEPA. In light of the changes to the legal landscape and consistent with the objectives of that Executive Order, we seek comment on how we should revise our rules to streamline the environmental review process, promote efficiency, and encourage deployment of infrastructure that results in more competition and technological innovation.

We also take this opportunity to seek comment on whether there are parts of our environmental rules that are now unnecessary or outdated and should be deleted. Given the Commission’s environmental rules are entwined with our historic preservation rules, we also seek comment on any impact to our National Historic Preservation Act framework and examine what rule changes, if any, might be appropriate. This rulemaking is a continuation of the Commission’s efforts to undertake a wholesale review of all of the agency’s regulations.

II. Background

A. NEPA and Related CEQ Regulations

NEPA was signed into law on January 1, 1970. NEPA requires federal agencies to determine whether any proposed Major Federal Actions (MFAs) will significantly affect the quality of the human environment and, if so, to assess those environmental impacts. The statute created the Council on Environmental Quality (CEQ), which assists with NEPA implementation across the federal government. Federal agencies issue their own NEPA implementing procedures in consultation with CEQ. This notice describes the FCC’s NEPA procedures. Per the statute, after determining whether their proposed actions are MFAs and subject to NEPA, including the threshold considerations in section 106 of NEPA, an agency will determine the appropriate level of review. In general, agencies consult available categorical exclusions (CEs), which are actions the agency has determined normally do not have significant effects on the human environment, as an initial step in determining the appropriate level of review. MFAs not subject to a CE typically require preparation of an environmental assessment (EA) or an environmental impact statement (EIS), depending on the likelihood of

significant effects. Historically, CEQ has issued guidance and formal NEPA rules that other agencies—including the Commission—would adopt or borrow. Until recently, CEQ’s NEPA rules were considered binding on federal agencies. CEQ recently rescinded its regulations but continues to provide guidance to agencies on how to implement NEPA and consults with agencies on the development of their NEPA implementing procedures pursuant to NEPA section 102(2)(B) and the President’s direction in E.O. 14154.

Recent developments from Congress and the Executive Branch have significantly altered NEPA’s framework. These developments, principally intended to bolster U.S. leadership by accelerating the cadence and clip of domestic infrastructure projects, require federal agencies like the Commission to reexamine their NEPA rules and procedures.

First, NEPA was amended substantially in June 2023 with the FRA’s passage. Of particular importance, NEPA was amended to define an MFA as an action “subject to substantial Federal control and responsibility” as determined by the agency. The legislation also codifies exclusions from the definition of MFA. The amended NEPA also codifies various aspects of the environmental review process, including CEs, EAs, and EISs.

In January 2025, President Trump issued E.O. 14154 titled “Unleashing American Energy” on his first day in office. Among other things, E.O. 14154 rescinded Executive Order 11991 requiring CEQ to issue regulations to federal agencies for the implementation of the procedural provisions of NEPA. In addition, section 5(b) of E.O. 14154 directs CEQ to provide guidance on implementing NEPA to expedite and simplify the permitting process and further to propose rescinding CEQ’s NEPA regulations found at 40 CFR 1500, *et seq.* Section 5(c) of the E.O. calls for the guidance and any resulting agency NEPA implementing regulations to “expedite permitting approvals and meet deadlines established in the [FRA].” Further, section 5(c) calls upon “all agencies [to] prioritize efficiency and certainty over any other objectives, including those of activist groups, that do not align with the policy goals set forth in section 2 of this order or that could otherwise add delays and ambiguity to the permitting process.”

Following E.O. 14154, CEQ issued a guidance memorandum on February 19, 2025, advising the heads of federal departments and agencies to complete the revision of their NEPA procedures

by February 19, 2026 (*i.e.*, within 12 months of the issuance date of the CEQ Guidance Memo). The CEQ Guidance Memo encourages federal agencies to use the final rules that CEQ adopted in 2020 as an initial framework for the development of revisions to federal agency NEPA rules and directs agencies to provide a minimum of 30 days but no longer than 60 days for public comment on proposed NEPA regulations, to the extent that public comment is required.

In response to E.O. 14154, CEQ on February 25, 2025, issued an interim final rule removing the 2024 CEQ regulations from the Code of Federal Regulations (CFR), with an associated request for comment. CEQ’s Interim Final Rule states that after the CEQ rules are removed from the CFR agencies will remain free to use or amend their own NEPA procedures, and expressed its view that agencies, in defending actions they have taken, should continue to rely on the version of CEQ’s regulations that was in effect at the time that the agency action under challenge was completed.

Most recently, the Supreme Court confirmed that “NEPA is a procedural cross-check, not a substantive roadblock. The goal of the law is to inform agency decisionmaking, not to paralyze it.” The Court recognized that agencies implementing NEPA make “fact-dependent, context-specific, and policy-laden choices about the depth and breadth of its inquiry” within “a broad zone of reasonableness.” The Court further observed that an agency’s NEPA obligations were confined to the project before it; when the environmental effects of an agency action arise from a project separate from the one under NEPA review by virtue of temporal or geographic distance, “NEPA does not require the agency to evaluate the effects of that separate project.” And the Court clarified that “[t]he analysis in [its] opinion [] applies to NEPA as amended by” the FRA.

B. The Commission’s Current Environmental Rules

The Commission’s current environmental rules establish the process by which entities constructing facilities to support Commission-licensed or -authorized services take measures to consider environmental and historic resources. These rules were designed to bring the Commission into compliance with NEPA, among other statutory obligations.

The Commission meets its NEPA obligations through its regulations which impose enforceable duties on its licensees, applicants, and registrants, such as commercial licensees, utilities, public safety entities, railroads, and

mining companies, and relies upon those entities to make the initial evaluation of potential environmental effects. Tower owners that are neither licensees nor applicants must also follow these rules if they intend their towers to host antennas supporting Commission-licensed service.

The Commission's NEPA rules currently contain an overarching CE framework by which Commission actions generally "are deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing." The regulation contains limited exceptions, consisting of extraordinary circumstances (some of which are enumerated in a NEPA Checklist), under which additional environmental processing is required. This broad CE applies to both new actions as well as minor and major modifications to existing or authorized facilities and equipment. If one of the enumerated exceptions to the overarching CE is present, then applicants are generally required to prepare an EA. The Commission's rules also require the preparation of an EA if an interested person files a written petition alleging that a particular action, otherwise categorically excluded, will have a significant environmental effect and the responsible Bureau determines that the action may have a significant environmental impact. In addition, the Commission's rules require the preparation of an EA if the responsible Bureau determines on its own motion that a particular action, otherwise categorically excluded, may have a significant environmental impact.

When an applicant submits an EA, the Commission reviews the EA and makes an independent finding as to whether the proposed action will or will not have a significant environmental effect requiring additional environmental processing in the form of an EIS. If the responsible Bureau or the Commission determines that the proposal will have a significant environmental impact upon the quality of the human environment, it will so inform the applicant, and the applicant will have an opportunity to amend its application so as to reduce, minimize, or eliminate environmental problems. If the responsible Bureau or the Commission determines that the proposal will not have a significant impact, it will make a finding of no significant impact (FONSI). After the issuance of a FONSI, the application will be processed. For a proposed action for which an EA has been submitted to be implemented, the

Commission must first issue a FONSI. The Commission's rules require the applicant to provide local public notice of the FONSI "[p]ursuant to CEQ regulations" after it is issued. If, after reviewing a submitted EA, the responsible Bureau determines that the proposed action will have a significant effect upon the environment and that the matter has not been resolved by an application amendment, the rules provide that the Bureau will prepare a draft EIS and a Final EIS.

The Commission's rules related to historic preservation are located in §§ 1.1307(a)(4) and 1.1320 of the Commission's current environmental rules. These provisions implement section 106 of the National Historic Preservation Act of 1966 (NHPA), which requires federal agencies to consider the effects of federal undertakings on historic properties. Section 106 of NHPA mandates historic preservation review for "undertakings." The Commission has previously determined, and the D.C. Circuit affirmed, that wireless facility deployments associated with geographic area licenses may constitute "undertakings" in two limited contexts: (1) where facilities are subject to the FCC's tower registration and approval process pursuant to section 303(q) of the Communications Act because they are over 200 feet or are near airports, or (2) where facilities not otherwise subject to preconstruction Commission authorization are subject to § 1.1312(b) of the Commission's rules and thus must obtain FCC approval of an environmental assessment prior to construction. Under that precedent, the Commission currently treats the construction of communications towers and the collocation of communications equipment using Commission-licensed spectrum as federal undertakings subject to section 106 review.

Finally, the Commission's Antenna Structure Registration (ASR) rules can be found in part 17 of the Commission's regulations. These rules contain environmental notification provisions, which must be completed by all ASR applicants unless an exception applies or a waiver is granted. The environmental notification process applies to new tower registrations and to certain modifications of registered towers that may have a significant environmental effect. Under the ASR rules, interested persons may submit a request for further environmental review alleging that the proposed facility or modification may have a significant environmental effect within 30 days of the national notice date. The responsible Bureau will issue a decision as to whether further environmental

processing in the form of an EA to be submitted by the applicant is required. If an EA is required, the responsible Bureau will review the EA and, if the responsible Bureau determines there will be a significant environmental effect, give the applicant an opportunity to amend its application so as to reduce, minimize, or eliminate environmental problems and then determine whether to issue a FONSI or advise the applicant that an EIS is required.

On March 27, 2025, CTIA—The Wireless Association (CTIA) filed a Petition for Rulemaking requesting that the Commission update its rules implementing NEPA. Specifically, CTIA requests that the Commission update and streamline the Commission's NEPA rules in part 1, subpart I, to facilitate wireless broadband deployment across the country. In particular, CTIA requests that the Commission revise its rules to provide that wireless facility deployments pursuant to a geographic area license that do not require antenna structure registration are not MFAs under NEPA. CTIA also asks that the Commission implement other reasonable reforms to the Commission's NEPA procedures consistent with statutory mandates, recent Presidential directives, and actions by CEQ—including by ensuring that any facilities that remain governed by NEPA are subject to a review process with clear timelines and predictable standards. On March 31, 2025, the Commission sought comment on the petition.

Industry commenters, including service providers AT&T Services, Inc. (AT&T), T-Mobile USA, Inc. (T-Mobile), and Verizon, trade associations, and other business-related entities, support CTIA's Petition generally and in particular CTIA's position that the Commission should find that non-ASR facilities deployed pursuant to geographic licenses are neither MFAs under NEPA nor undertakings for purposes of the NHPA. To the extent industry commenters address other reforms to the Commission's NEPA rules, they generally support CTIA's proposals to streamline the Commission's EA and relevant ASR procedures, including codifying deadlines. In contrast, other commenters oppose CTIA's proposal that the Commission should determine that non-ASR facilities deployed pursuant to geographic licenses are not MFAs. Additionally, several Tribal Nations, state historic preservation officers and organizations, and other associations advocating the interests of either Tribal Nations or historic preservation officers and preservation professionals, oppose CTIA's proposals.

Although a number of these commenters express a willingness to engage in efforts to modify the section 106 process, they object to the approaches advocated by CTIA.

III. Discussion

We believe the time is ripe to take a fresh look at the Commission's environmental review procedures to comport with NEPA, accelerate the federal permitting process, further a national priority of faster and more infrastructure deployment, and ensure that our rules are clear. We seek comment generally on the implications to the Commission's environmental review procedures of the NEPA amendments, CEQ's repeal of its NEPA rules, E.O. 14154, and other relevant developments, including the Supreme Court's decision in *Seven County Infrastructure*. Among all other relevant issues, we seek comment on whether any legitimate reliance interests might be adversely impacted by a revision to the Commission's environmental review procedures.

Accordingly, this NPRM proceeds as follows. First, we review our current environmental rules and seek comment on ways to modernize them consistent with NEPA's best reading and the Commission's policy of modernizing communications networks and simplifying government operations. Then, we consider the impact of recent changes to NEPA as they pertain to NHPA, ASR, and other related laws applicable to the Commission's actions. Finally, we seek comment on other aspects of our NEPA rules, including the FCC's requirements for CEs, EAs, EISs, joint agency actions, and emergency situations. In this section, we seek comment on whether certain Commission actions are MFAs. Irrespective of that determination, we seek comment generally on whether the Commission, as a matter of policy, should add these actions to the Commission's list of categorical exclusions in § 1.1306. If the Commission determines these actions are categorically excluded, are there extraordinary circumstances that apply which might require further environmental review? Overall, would these findings respect the goals of NEPA and NHPA, while balancing the Administration's efficiency goals?

A. Review of Commission Actions Subject to Environmental Review

1. Application of "Major Federal Action" to the Commission's Rules

We first take a fresh look at the Commission's rules in light of recent

changes to NEPA. We seek comment on what changes, if any, would bring our environmental regulations in line with the best reading of the MFA definition and its enumerated exceptions. In addition to the specific issues discussed below, we also seek comment broadly on the arguments raised by the CTIA Petition regarding the interplay between the statutory text of NEPA and possible revisions to the Commission's environmental rules and procedures.

As an initial matter, we propose to codify the meaning of MFA, as described in NEPA, and its exceptions, which are currently undefined in the Commission's rules. The Commission has traditionally borrowed from relevant definitions promulgated by CEQ. In light of CEQ's rescission of its NEPA regulations, we believe codifying the contours of MFA would give the public necessary clarity about their regulatory obligations. We have generally treated our licensing activities as presumptively MFAs; then such MFAs are categorically excluded unless an extraordinary circumstance exists as defined in our rules and then an EA is required. In light of the amended NEPA statute, we seek comment on adjusting this approach to first consider whether an action is an MFA. If a proposed action is an MFA, we next would determine whether a CE would apply. As part of this consideration, we seek comment on whether to retain the Commission's current approach of applying a broad CE, or whether we should adjust our CE framework to list specific MFAs that would be categorically excluded. Would such changes best reflect the intent and design of the amended NEPA? If so, how should we revise our rules? If the Commission ultimately finds that certain categories of proposed actions do not constitute MFAs, the Commission would revise its NEPA procedures accordingly, and we seek comment on how we should do so, both generally and for specific actions.

Excluded from the newly codified definition of MFA are "non-Federal actions" with "no or minimal Federal funding." We propose to implement this exclusion by finding that no MFA exists if Commission funding is not expressly directed towards the construction of the particular communications facility in question; in other words, Commission funding must be conditioned explicitly on the facility's construction rather than more generally directed toward, say, overall operator expenses. We seek comment on this proposal. Would such a finding respect the goals of NEPA and NHPA, while balancing the Administration's efficiency goals?

Geographic area licenses. We seek comment on whether the Commission should treat the issuance of geographic area licenses as MFAs. In the *Wireless Broadband Deployment Second R&O*, the Commission determined that geographic area wireless licenses are insufficient to trigger NEPA review. On appeal, the D.C. Circuit did not reach the merits of that conclusion and the Commission has not revisited those determinations since. Consequently, we seek comment on that prior analysis as it relates to our consideration of these issues here.

We also seek comment on whether deployments pursuant to geographic area licenses involve the requisite federal nexus—whether under the MFA definition ("substantial federal control and responsibility") or the relevant non-federal exclusion ("no or minimal Federal involvement where a Federal agency cannot control the outcome of the project"). Does the Commission's issuance of a license authorizing the provision of wireless service in a geographic area create substantial federal control and responsibility over wireless facilities deployed in connection with that license, or is the issuance of a license to transmit radio signals within a geographic area "an insufficient connection to cause the construction of individual facilities to constitute an MFA," as CTIA argues—particularly in instances where no further federal agency action is required prior to construction? We tentatively conclude that the Commission must exercise sufficient control over the specific deployment actions at issue, rather than generalized control *qua* regulator. We seek comment on that tentative conclusion. Either way, is the Commission's role too limited to render the deployment of such facilities an MFA? Are there instances where a geographic area wireless license constitutes an MFA?

What factors should the Commission consider in determining the scope of whether issuing geographic area licenses constitutes an MFA? The Commission generally does not impose an affirmative, freestanding requirement—whether by regulation or government contract—for private entities to build towers. Likewise, geographic area licensees are not required to obtain construction permits prior to deploying facilities. On the other hand, the Commission has adopted rules subjecting certain licensees to minimum buildout and coverage requirements. Do these buildout requirements, and the Commission's ability to enforce them, give the Commission substantial control

and responsibility over the deployment of the facilities needed to provide service pursuant to geographic area licenses? Are there instances where action pursuant to fulfilling the buildout requirements of a geographic area license brings the project within the meaning of an MFA and thus subject to environmental review? We specifically invite comment on the practical experiences of licensees regarding their deployment of facilities and the extent to which the practical details of those deployments were constrained by buildout requirements.

We also seek comment on how the statutory exclusions from the definition of major federal action might apply in the wireless licensing context. For example, we seek comment on the relevance of the MFA exclusion for “judicial or administrative civil or criminal enforcement actions.” Does this exclusion mean that minimum build-out and coverage requirements should not be considered sufficient to trigger NEPA, as CTIA suggests? We seek comment on whether that exclusion removes a potential factor when considering whether the Commission exercises substantial control and responsibility over geographic area licenses. Alternatively, does the fact that buildout requirements do not specify where a licensee must locate its facilities suggest that the Commission lacks substantial control and responsibility? Even if one assumed *arguendo* that the buildout requirements for geographic-based licenses give the Commission substantial control and responsibility over the deployment of the facilities, does that change once the licensee’s buildout conditions are satisfied? If a geographic area licensee completes the buildout required under its license but subsequently decides to deploy additional wireless facilities to enhance its coverage, is there still substantial control and responsibility that would render the construction of those facilities an MFA? What factors suggest that the Commission has substantial control and responsibility over such actions? Alternatively, what factors suggest that the Commission lacks substantial control and responsibility? For example, does it matter whether future facilities deployment was reasonably foreseeable? Would the conclusion change if the Commission were to direct a licensee to deploy wireless facilities, finish construction by a date certain, build a specific number of facilities, or construct the facilities at a specific location?

If we determine that the issuance of geographic area licenses does not

qualify as an MFA, we propose to rescind § 1.1312 because it is no longer necessary and seek comment on this proposal. Commenters arguing otherwise should identify statutory authority to retain § 1.1312 in some form and explain why the rule would be justified as an exercise of any such statutory authority. If parts of § 1.1312 should be retained, we seek comment on whether we should consolidate certain or all of its provisions into another rule?

Site-based licenses. In contrast to geographic area licenses, site-based licenses authorize the operation and construction of a facility at a specific location. For example, private parties constructing broadcast facilities are required to obtain construction permits from the Commission prior to beginning construction. Should the Commission’s issuance of a site-based license qualify as an MFA under NEPA? We seek comment on how the statutory definition of an MFA, including the associated exclusions, apply to this type of FCC licensing. Does this type of licensing involve substantial federal control and responsibility because the Commission has broad discretion to authorize the construction of specific facilities at a specific location in connection with such licenses, or are additional indicia of federal control and responsibility needed to determine that site-based licensing is an MFA? How should the Commission view the construction of facilities that serve both site-based and geographic area licensees or licensing frameworks—such as the Commission’s part 26 rules for commercial space launches—that have geographic and site-based attributes? Should the Commission’s determination depend on the extent that a mixed-use facility primarily enables the use of spectrum licensed on a geographic area basis, as opposed to supporting the use of spectrum issued under a site-based license?

Earth station licensing. Our current rules for implementing NEPA do not include any provisions specific to satellite networks. The earth stations used in those networks, like any terrestrial radio station, can have environmental effects at or near the Earth’s surface, and are subject to environmental processing under the extraordinary circumstances to the current categorical exclusion regulation. The types of earth station facilities vary, with some types of earth stations having characteristics similar to geographic area licenses for terrestrial services, and others with characteristics similar to site-specific licenses for terrestrial services. Specifically, some earth

stations are “blanket licensed” for technically identical equipment, such as mobile terminals or end user fixed earth stations, without specifying any location at which individual earth stations must operate, other than a geographic area (typically, national and/or for mobile terminals a broad oceanic area). Blanket licensed earth stations must also be certified under the equipment certification procedures in part 2, subpart J of the Commission’s rules if the stations radiating structure(s) would be within 20 centimeters of the operator’s body when the station is in operation. Other stations are for operations at specific locations. More generally, construction permits are not required for earth stations. Accordingly, we seek comment with respect to earth stations on the same basic questions concerning the definition of MFA as for other facilities.

Antenna Structure Registration. The Commission has treated the registration of towers—known in our rules as “antenna structures”—as an MFA. Our ASR rules require the registration of certain antenna structures to ensure that they do not present a hazard to air navigation and incorporate FAA requirements for agency notification. Antenna structure owners must submit FCC Form 854 and a valid FAA determination of “no hazard” before the Commission will issue the antenna registration.

We seek comment on whether we should continue to treat tower registration as an MFA under the current statutory definition and associated exclusions. Do our ASR requirements give the Commission “substantial federal control and responsibility” over the construction? Alternately, do they fall into the exclusion for non-federal actions “with no or minimal Federal involvement” under which the Commission “cannot control the outcome of the project”? Is it relevant that our ASR rules only require registration; although, when required, construction may not begin until an ASR number is obtained? Should the Commission’s reliance on the FAA determination of no hazard affect whether the Commission has sufficient control over tower construction?

We seek particular comment on whether ASR falls into the MFA exclusion for “activities or decisions that are non-discretionary and made in accordance with the agency’s statutory authority.” The Commission and the FAA each have statutory responsibilities to ensure that antenna structures do not pose a threat to air safety. Section 303(q) of the Communications Act gives the

Commission “the authority to require painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.” That provision also permits the Commission to “require the owner to dismantle and remove the tower when the Administrator of the Federal Aviation Agency determines that there is a reasonable possibility that it may constitute a menace to air navigation.” Separately, the FAA has authority under its organic statute to require that persons proposing to erect a structure provide notice to the FAA, when such notice will promote air safety. Title 49 obligates the FAA to “conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment” and coordinate with the FCC on tower applications and aeronautical studies. To that end, FCC and FAA rules each have materially identical requirements, regulations, and cross-references for the kinds of facilities that trigger special notification. In light of these authorities, to what extent are the Commission’s ASR rules “non-discretionary” and “in accordance with an agency’s statutory authority”?

Space-based operations. The amended NEPA excludes “extraterritorial activities with effects located entirely outside of the jurisdiction of the United States from the MFA definition.” The Commission issues licenses under parts 5, 25, and 97 for satellite and space-based communications. Parties have alleged in some cases that satellites in orbit can create impacts on the atmosphere from launches and reentries, impacts from satellites reflecting sunlight, and orbital debris caused by increased collisions in space. We seek comment on whether the amended NEPA resolves any question as to whether some or all of these concerns are within the scope of NEPA. We propose that space-based operations be excluded from NEPA because they are “extraterritorial activities” with effects located entirely outside of the jurisdiction of the United States. We seek comment on this proposal. We ask commenters to define with specificity the “extraterritorial activities” at issue along with the “effects” that may or may not occur within the jurisdiction of the United States. Are there space-based operations that take place within U.S. jurisdiction and otherwise subject to NEPA? Are there other ways in which the statutory definition of MFA, including the associated exclusions, should inform our determinations

regarding satellite and space-based communications?

Other Commission actions. We ask commenters to identify other Commission actions we should consider as we update our rules to account for the new definition of MFA. In particular, commenters are invited to discuss whether it would be beneficial for the Commission to clarify that certain actions do not satisfy the definition of MFA or that they meet any of its enumerated exceptions, particularly those relating to non-federal actions. For example, the Commission has always considered NEPA as inapplicable to unlicensed wireless facilities; we propose to codify that practice into our rules.

Other legal obligations. We seek comment on the impact to the Commission’s other legal responsibilities if certain actions were to fall outside NEPA for failure to qualify as MFAs. How should we address those legal responsibilities to the extent they are incorporated in the Commission’s existing NEPA framework? Commenters are also invited to identify other legal requirements that may be affected by any potential changes to our NEPA rules consistent with the amended statute. We discuss our NHPA and ASR rules separately below. Given our primary focus on NEPA in this rulemaking, should we address collateral issues in a separate proceeding?

2. Federal Undertakings Under NHPA

The Commission’s NEPA and NHPA procedural rules relating to activities the Commission regulates have long been entwined and are codified in the same set of rules. Accordingly, as we revisit the Commission’s environmental rules in this proceeding, we take the opportunity to seek comment on any impact to our NHPA framework and examine what rule changes, if any, might be appropriate at this juncture.

Section 106 of the NHPA requires federal agencies to “take into account the effect of . . . [an] undertaking on any historic property” and “afford the [Advisory Council on Historic Preservation] a reasonable opportunity to comment with regard to the undertaking.” The NHPA, in turn, defines “undertaking” as a “project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency.” This includes projects, activities, and programs carried out by or on the behalf of an agency or carried out with federal financial assistance, as well as activities requiring a federal permit, license or application, and activities subject to state or local regulations administered

pursuant to a requirement of, or approval by a federal agency.

We first seek comment on the factual circumstances that would transform Commission action into an “undertaking” triggering NHPA review. Dating back to the *2004 NPA Order* and reaffirmed as recently as the *2018 Wireless Broadband Deployment Second R&O*, the Commission has determined that an undertaking may exist in the context of wireless deployments in “two limited contexts.” *First*, an undertaking may exist if facilities that do not otherwise require preconstruction approval are nonetheless subject to § 1.1312(b) of the Commission’s rules and thus must obtain FCC approval of an environmental assessment prior to construction. *Second*, an undertaking may exist if facilities are subject to the FCC’s tower registration and approval process pursuant to section 303(q) of the Communications Act because they are over 200 feet or are near airports. We seek comment on whether the recent changes to NEPA changes or eliminates either or both grounds for an “undertaking.”

NEPA triggers for NHPA review. In the *2004 NPA Order*, the Commission invoked what it described as “section 319(d)’s public interest standard” in requiring covered entities to comply with NHPA, even when no construction permit was otherwise required. The Commission contended that, even in the absence of a construction permit requirement, which it had previously waived for geographic area licenses, it retained “limited approval authority” over the construction. The Commission specifically pointed to its NEPA rules in § 1.1312, which states that “[i]f a facility” for which no Commission authorization prior to construction is required “may have a significant environmental impact” then the licensee must submit an environmental assessment to the Commission and the Commission must then rule on that assessment prior to initiation of construction of the facility.” That “limited approval authority,” the Commission concluded, allowed it to treat tower construction as an NHPA undertaking. The D.C. Circuit upheld that determination, finding that the Commission was “neither arbitrary nor capricious in determining that the FCC’s approval authority under NEPA makes tower construction an undertaking.” “By requiring a ruling on each environmental assessment prior to tower construction,” the court found, “the FCC has retained authority over tower construction in order to ensure that it complies with NEPA.”

We seek comment on whether the statutory amendments to NEPA warrant reconsideration of the Commission's past decisions. If the Commission determines on the basis of the new MFA definition that certain antenna structure deployments, including those involving geographic area licenses, are no longer subject to NEPA review, should the Commission also determine that such deployments are no longer subject to NHPA review, as CTIA has argued in its Petition? CTIA argues that a geographic area license is not an MFA. Absent an MFA, NEPA does not apply and applicants cannot be required to consider the significance of environmental effects or applicability of categorical exclusions, as § 1.1312 currently prescribes. If § 1.1312 is amended to exclude certain antenna structure deployments, including those involving geographic area licenses, from NEPA review, would that remove the "limited approval authority" that the D.C. Circuit found sufficient to qualify as an NHPA undertaking?

Separately, CTIA argues in its Petition that some courts have treated the NHPA term "undertaking" and the NEPA term "major federal action" as "essentially coterminous," and have found that an agency's involvement in a project must be "substantial" to constitute an undertaking under the NHPA. If the Commission determines that a geographic license is not an MFA, does it automatically follow that no undertaking exists?

In the event we determine geographic area licenses are not MFAs and/or federal undertakings under federal statutes, we seek comment on whether the Commission's limited approval authority remains applicable to geographic area licenses because the Commission's stated purpose for retaining its limited approval authority—to ensure compliance with federal historic and environmental statutes—would not be at issue. In light of recent developments, should the Commission adjust or reconsider the need to retain its limited approval authority as invoked in the *2004 NPA Order*? If the Commission does retain its limited approval authority, we seek comment on whether requiring preconstruction permits before a geographic area licensee constructs a wireless facility is in the "public interest, convenience, and necessity," particularly in the context of the Commission's bedrock responsibilities to facilitate "rapid, efficient . . . wire and radio communications service with adequate facilities at reasonable charges," the "development and rapid deployment of new technologies,

products and services for the benefit of the public . . . without administrative or judicial delays," and "efficient and intensive use of the electromagnetic spectrum." What are the benefits and costs to the Commission of retaining limited approval authority for geographic area licenses?

We further seek comment on whether the Commission's rules regarding buildout requirements (including requisite due dates for meeting buildout milestones) provide a sufficient basis for "approval" under 54 U.S.C. 300320 of the NHPA and 36 CFR 800.16(y) of the ACHP rules to constitute a Commission undertaking and, therefore, render projects with these requirements subject to NHPA section 106 review. If so, does that change once the licensee's buildout conditions are satisfied? If a geographic area licensee completes the buildout required under its license but subsequently decides to deploy additional wireless facilities to enhance its coverage with added capacity, would such additional deployments no longer be Commission undertakings? Commenters arguing that § 1.1312 must or should be retained in some form notwithstanding a decision that geographic area licensing does not represent an undertaking should explain both what statutory authority the Commission has to retain that rule in some form and why that rule would be justified as an exercise of any such statutory authority.

In the *Wireless Broadband Deployment Second R&O*, the Commission determined that the issuance of a geographic area wireless license does not constitute an undertaking in the absence of "limited approval authority." We seek comment on whether any basis exists to revisit that determination. We also seek comment on CTIA's assertion that a geographic license is not a "'Federal permit, license or approval' that must be obtained before wireless facility deployment can proceed."

ASR triggers for NHPA review. The Commission reasoned in the *2004 NPA Order* that its part 17 ASR procedures constitute an undertaking because, pursuant to its authority under section 303(q) of the Communications Act, the Commission adopted rules requiring that towers that meet certain height and location criteria, and that require clearance from the FAA as a condition precedent to tower construction, be registered with the Commission. Subject to certain exceptions, an applicant for tower construction or modification approval must, as part of the tower registration process with the Commission, "submit a valid FAA

determination of 'no hazard.'" Absent the provision of this FAA determination, the Commission's rules state that "processing of the registration may be delayed or disapproved." Given this situation, the Commission reasoned that the "Commission permissibly has viewed tower registration as a federal undertaking, in which the imposition of environmental responsibilities is justified" and that its rule requirements amount to an "approval process" congruent with the elements of the NHPA definition of "undertaking." The D.C. Circuit upheld these determinations, rejecting the argument that the ASR framework was "wholly ministerial" and did not create an "approval" process that would qualify as an undertaking. The court found relevant that, unlike the Commission, the FAA lacked statutory authority to require tower painting and lighting. Since the *2006 CTIA Decision*, the FCC has affirmed its determination that its ASR rules create an NHPA undertaking. We seek comment on whether the statutory changes to NEPA require reconsideration of those decisions. If the Commission determines that its ASR rules do not qualify as an MFA under NEPA, would that change one of the "two limited contexts" for an NHPA undertaking?

Other triggers for NHPA review. Finally, are there other types of actions that the Commission previously considered to be an undertaking (or that have been assumed or argued to be an undertaking) that we should now revisit or address—whether categories encompassed by our questions regarding NEPA above, or otherwise? Are there associated rules—whether analogous to or building on § 1.1312 of the rules, or otherwise—that we would be justified in repealing or modifying to ensure that there are no associated environmental review requirements?

B. Streamlining the Commission's Environmental Review Procedures

1. Commission's Environmental Notification and Public Participation Processes

Environmental notification and public participation processes apply under our rules governing ASR applications. Historically, the Commission has identified the processing of ASR applications as a Commission MFA, and we seek comment on whether the Commission should continue to do so, as described above. ASR is required by the Commission's rules pursuant to section 303(q) of the Communications Act to ensure that towers meeting certain criteria, *i.e.*, over 200 feet tall

AGL or within the glide slope of an airport, will not be a menace to air navigation. In *American Bird Conservancy v. FCC*, which involved litigation related to ASR towers and the Migratory Bird Treaty Act (16 U.S.C. 703–712), the D.C. District Court held that while § 1.1307(c) of the Commission's rules purported to allow interested parties the opportunity to comment on otherwise categorically excluded ASR applications, the Commission did not provide a meaningful opportunity for interested parties to do so because notice of those applications was not provided until after they were granted.

In response to the court's remand, the Commission adopted the environmental notification process, by which the public is provided advance notice of pending ASR applications and the opportunity to comment on them to request further environmental processing. The environmental notification process requires applicants to provide local and national public notice and incorporates a pleading cycle for requests for further environmental review that mirrors § 1.45 of the Commission's rules. Section 17.4(c)(1) of the Commission's rules contains a list of exemptions to the environmental notification process that apply to administrative changes or actions that the Commission has determined are unlikely to have a significant environmental effect. Additionally, ASR applicants can seek waivers of the environmental notification process, for example, due to emergency circumstances.

In light of our review of our environmental rules, we seek comment on whether the Commission is legally required to retain its environmental notification process, codified at § 17.4(c) of its rules, and, if not, whether it should retain these rules. Given the court's finding that communications towers may affect migratory birds protected by the MBTA, is the Commission legally required to provide public notice of pending ASR applications? How does this analysis change if the Commission chooses to delete § 1.1307(c)? Are there other ways in which the Commission could evaluate the potential effects of ASR towers on migratory birds?

In the event the Commission were to find projects requiring registration in the ASR database to be MFAs, would the environmental notification process found at § 17.4(c) of the rules be necessary to facilitate the environmental review process? Are there changes the Commission should consider making to the process, including changes that

could be made to streamline this process? We seek comment on whether the environmental notification process should continue to be required for all ASR applications that do not meet the criteria for an exception, and on whether and how the exceptions to the environmental notification process should be amended. Should the Commission reserve the environmental notification requirement for ASR applications that require EAs?

2. Updating the Commission's Categorical Exclusion and Extraordinary Circumstances Rules

Commission MFAs are categorically excluded from further environmental processing in the form of an EA or EIS unless one or more of the extraordinary circumstances provided in § 1.1307 are implicated. Sections 1.1307(a), (b)(1)(i)(C), and the note to (d) provide specific, enumerated extraordinary circumstances, which the Commission has determined may have a significant environmental effect and, therefore, require an applicant to prepare an EA. Sections 1.1307(c) and (d) provide catchalls for extraordinary circumstances not otherwise enumerated that require preparation of an EA if the reviewing Bureau determines that the proposed MFA may have a significant environmental impact. As discussed below, we are seeking comment on whether clarifications to the Commission's rules governing when an EA is required are necessary, whether we should delete or revise the list of extraordinary circumstances in § 1.1307(a), and whether we should delete or revise the catchall provisions contained in §§ 1.1307(c) and 1.1307(d).

Final Agency Action. Section 106(a)(1) of NEPA states that an agency is not required to prepare an environmental document with respect to a proposed agency action if “the proposed action is not a final agency action within the meaning of such term in chapter 5 of Title 5.” We seek comment on whether it is necessary for us to revise our rules to clarify whether actions on delegated authority are final agency actions within the meaning of that specific statutory provision. Is this statutory provision altered by the new definition of “major federal action” in the 2023 FRA? May Bureaus or Offices, on delegated authority, properly require applicants to file an EA or EIS? Are further changes to our rules necessary to implement this statutory provision? For example, should a bureau-level determination to conduct an EA/EIS be referred to and voted on by the full Commission? Would these changes

respect the goals of NEPA and NHPA, while balancing the Administration's efficiency goals?

Circumstances Requiring Preparation of an EA. In the amended NEPA statute, it states that an EA is required when a proposed MFA “does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown,” unless the agency finds that the action is categorically excluded or excluded by another provision of law. Because the Commission categorically excludes most Commission actions, applicants at most need only prepare an EA when one or more extraordinary circumstances are present—either of the enumerated extraordinary circumstances in § 1.1307 or because a responsible Bureau has determined the proposed MFA may have a significant environmental impact under the catchall provisions of § 1.1307(c) and (d). Applicants make the initial determination of whether one or more of the enumerated extraordinary circumstances applies to the proposed MFA, and an EA is only required for a proposed MFA that has been categorically excluded if one or more of the listed extraordinary circumstances are present or the Bureau determines that the action may have a significant environmental impact. We seek comment on whether to retain the current extraordinary circumstances in § 1.1307 or whether changes to our rules describing when an EA is required may be necessary given the current state of the governing law or to otherwise provide greater efficiency and clarity.

Does the Commission's existing CE regulation, in combination with the extraordinary circumstances, in § 1.1307 address situations where—and only where—an EA is required under the amended NEPA statute, or are revisions needed to reflect the statutory amendments? We seek comment on whether it is clear under the Commission's current rules that the Commission's list of extraordinary circumstances, which indicates the circumstances under which a proposed MFA “may significantly affect the environment,” captures scenarios where the significance of the environmental effect is unknown, and that an EA is therefore required under NEPA. If not, should the Commission consider a clarification to its rules to make the application of that standard clearer, either in general or as a way of specifically ensuring that additional environmental processing of actions subject by default to CEs is not required beyond what NEPA itself calls for? Are there other provisions in the NEPA

statute that the Commission should consider in determining whether to maintain or adjust the standard for determining when an EA is required in a specific instance where a CE otherwise would apply by default? Commenters who support the continued use of the Commission's existing approach or changes to the rules should explain why their recommended approach is consistent with the amended NEPA, along with the Commission's authority under federal communications statutes.

Alternatively, should the Commission consider revising its rules to create, instead of an overarching CE rule, a list of individual CEs specific to particular Commission MFAs, describing the MFAs and the conditions under which they are categorically excluded? For example, to the extent the Commission determines that NEPA applies to these actions, should the Commission develop CEs specific to communications towers (including broadcast and wireless facilities), to satellites, earth stations, submarine cables, and to otherwise eligible facilities to the extent they directly receive Commission support? If the Commission determines that towers built pursuant to geographic licenses are MFAs, should the Commission adopt a categorical exclusion that applies specifically to these towers, and, if so, should the Commission also describe any extraordinary circumstances that might apply to geographically licensed towers such that environmental review would be necessary? To the extent the Commission determines that NEPA applies to these actions, should the Commission create CEs related to projects constructed in rights of way, to the mounting of antennas on existing structures, and to smaller facilities such as small wireless facilities and distributed antenna system facilities? Are there other additional categories of MFAs for which the Commission should develop CEs, assuming it opts to follow this path, and if so, what are they? If the Commission should decide to create CEs specific to individual categories of Commission MFAs, we seek comment on how the Commission should formulate these CEs. Commenters should explain why they think the potential categories of Commission MFAs listed above, or any others, should be categorically excluded, and include specifically why they think these MFAs will not have a significant environmental effect. If the Commission opts to restructure its NEPA process to create a list of CEs (instead of an overarching CE), what other resulting changes to the Commission's NEPA process and associated environmental

rules would be necessary? For example, how should the Commission apply and document the application of these CEs? We also seek comment on when and how to apply a CE to a particular MFA, notwithstanding the presence of one or more extraordinary circumstances; commenters should support their legal positions. If the Commission were to allow for the application of a CE when one or more extraordinary circumstances is present and to implement a process for doing so in its rules, what would that process look like and how should the Commission implement it? Would the Commission be required to support and document a finding that the proposed agency action will not result in reasonably foreseeable adverse significant impacts, or that the proposed agency action can be modified to avoid those effects, and, if so, how should it do so? What other changes to the Commission's NEPA processes and associated environmental rules may be necessary to implement this scenario?

We also note that the NEPA statute, as amended, states that agencies making a determination as to whether to prepare an environmental document or whether an MFA is excluded under a CE, among other determinations, "may make use of any reliable data source," but are not required to undertake new scientific or technical research unless the new scientific or technical research is essential to a reasoned choice among alternatives, and the overall costs and time frame of obtaining it are not unreasonable. We seek comment on whether any changes may be needed to the Commission's rules, particularly the list of extraordinary circumstances in § 1.1307 to conform to this provision in the statute. Should the Commission clarify what sources of information or level and quality of evidence should be considered in determining whether a CE or an extraordinary circumstance applies?

In the event the Commission retains its current NEPA process based upon an overarching CE, we seek comment on amending § 1.1306(a) of the Commission's rules—to more closely track the new statutory definition of a CE. Section 1.1306 was adopted in 1986, consistent with CEQ rules then in effect that defined categorical exclusions as categories of actions which do not individually or cumulatively have a significant effect on the human environment and thus may be excluded from environmental review requirements. Given that NEPA itself now sets forth a definition of "categorical exclusion"—"a category of actions that a Federal agency has determined normally does not

significantly affect the quality of the human environment"—we seek comment on whether to reformulate the text of § 1.1306(a) to more clearly conform to that statutory language.

Facilities to be Located on Floodplains. As part of the Commission's list of extraordinary circumstances, § 1.1307(a)(6) of the Commission's rules provides that facilities located in floodplains must be placed at least one foot above the base flood elevation of the floodplain. Consistent with the policy goals of E.O. 14154 to remove ambiguities that may cause confusion or delay, and in recognition of the amended NEPA, we seek comment on whether we should modify § 1.1307(a)(6) of the Commission's rules to clarify that the facilities that must be elevated include antennas and associated equipment, including electrical equipment, but not antenna towers.

Change in Surface Features. Section 1.1307(a)(7) of the Commission's rules requires an EA for those MFAs which "involve significant change in surface features." This section provides examples of significant changes to surface features, including the use of "wetland fill, deforestation, or water diversion." The rule, however, does not contain a definition of "significant." Should the Commission consider any changes to this extraordinary circumstance to provide greater clarity?

Updated List of Enumerated Extraordinary Circumstances. As noted above, § 1.1307 provides enumerated extraordinary circumstances generally requiring preparation of an EA as well as provisions pursuant to which an interested member of the public may petition for further environmental process and to which a reviewing Bureau may, in its discretion, order an EA in the case of an action otherwise subject to a CE. We do not believe the amended NEPA statute requires any additions to our list of extraordinary circumstances, but we seek comment on whether this list needs updating. Are there any existing categories of extraordinary circumstances that should be omitted; if so, why? In addition, NEPA and NHPA were historically evaluated together because the definitions of "undertaking" and "major federal action" were "essentially coterminous." Because the new definition of MFA might potentially change this understanding, should the Commission take this opportunity to decouple NHPA review from NEPA review by removing § 1.1307(a)(4)—facilities that may affect historically significant places or objects—from the list of extraordinary circumstances that

may have a significant environmental effect for which an EA must be prepared?

Note to Section 1.1307(d). In 2011, the Commission adopted a note to § 1.1307(d) of the Commission's rules that provides that "[p]ending a final determination as to what, if any, permanent measures should be adopted specifically for the protection of migratory birds, the Bureau shall require an Environmental Assessment for an otherwise categorically excluded action involving a new or existing antenna structure, for which an antenna structure registration application . . . is required . . . if the proposed antenna structure will be over 450 feet in height above ground level (AGL)" This note applies to: (1) the construction of a new antenna structure; (2) the modification or replacement of an existing antenna structure involving a substantial increase in size; or (3) the addition of lighting or the adoption of a less preferred lighting style. The note codifies the main provision of a 2010 Memorandum of Understanding between industry and conservation groups in which the parties agreed that an EA should be required for all towers over 450 tall AGL to evaluate potential significant effects to migratory birds.

Section 1.1307(d) gives the responsible Bureau authority to require an EA on its own motion if the Bureau determines an MFA may have a significant impact on the environment and, therefore, the note's EA requirement is not included as one of the enumerated extraordinary circumstances. We seek comment on whether we should revise § 1.1307(a) to incorporate the instruction contained in the note to § 1.1307(d), consistent with section 106(b) of NEPA. Would this modification be consistent with the policy goals of E.O. 14154 to remove ambiguities that may cause confusion or delay and in recognition of the amended NEPA? If the Commission decides to revise § 1.1307(a) of its rules to incorporate permanent measures for the protection of migratory birds and remove the note to § 1.1307(d), should the Commission, by virtue of the order adopting such measures, close WT Dockets 03–187 and 08–61 regarding the effects of communications towers on migratory birds and the *American Bird Conservancy v. FCC* court decision?

We also seek comment on whether the Commission should change any of the other aspects of the EA requirement set forth in the note to § 1.1307(d). For example, the FAA's 2015 Advisory Circular updated lighting requirements to only require steady-burning red lights for a subset of towers under 150 feet in

height AGL, and to use flashing lights for all towers 151 feet or taller. Should the Commission retain the requirement to complete an EA for any towers over 450 feet tall AGL that adopt or add a less-preferred lighting style? If so, should the Commission amend this EA trigger to only require an EA where lighting is added to an unlit tower?

Satellite Licensing. Regarding the licensing of non-geostationary orbit (NGSO) satellite constellations, the D.C. Circuit upheld Commission decisions to license specific NGSO constellations without requiring an EA, with one court upholding the Commission's finding that the large satellite constellation in question would not present significant environmental impacts based on the Commission's review of the factual information presented in the licensing proceeding and FAA launch requirements. We ask above whether the Commission should create a CE specifically for satellites, if we determine that such space activities fall under NEPA. We seek comment on whether there are any specific circumstances that we should codify as extraordinary circumstances that could warrant additional environmental processing, or specific types of impacts that would not be considered as constituting such circumstances, assuming satellite licensing should be treated as a major federal action?

Deleting or Revising Rules and Provisions of Section 1.1307. We seek comment on whether any of the Commission's enumerated extraordinary circumstances should be deleted or otherwise streamlined. Commenters supporting the deletion or streamlining of these rules should explain which circumstances should be deleted or streamlined and how deleting or streamlining these circumstances is consistent with NEPA and is in the public interest.

The NEPA statute states broadly that the federal government should seek to preserve the nation's natural and cultural environment in order to ensure the health, safety, and productivity of the American people. In furtherance of this objective, the Commission adopted § 1.1307(c) and (d) as a "safeguard" to "assure performance of our responsibilities under NEPA" and to give the Commission discretion in reviewing proposed MFAs to ensure compliance with the statute's objective of promoting federal agency environmental responsibility. However, the amended NEPA statute does not expressly require that the Commission have catchall provisions. We seek comment on whether to retain or delete them. If we delete § 1.1307(c), are there

changes that we should consider making to our list of extraordinary circumstances to capture certain circumstances which now fall within the catchall provision of 1.1307(c), such as aesthetics? If we delete § 1.1307(c), should we retain § 1.1307(d) in order to safeguard the Commission's ability to meet the policy objectives of safeguarding the natural and cultural environment? Or is the list of enumerated extraordinary circumstances sufficient to meet our obligations under NEPA? If we delete or revise these rule sections, what similar changes may also be necessary to our part 17 rules?

In the event the Commission retains rather than deletes § 1.1307(c), we seek comment on whether we should revise this section. Although this section requires petitioners to allege facts in detail, in many instances petitions rely on speculative allegations, lack sufficient detail to identify the specific project to which the petitioner objects, or allege a harm that is too vague to evaluate. We seek comment on whether we should revise this rule to establish minimum petition requirements, consistent with the amended NEPA statute, which provides that agencies determining whether an action is categorically excluded or whether an EA or EIS is required, "may make use of any reliable data source," but generally are not required to undertake new scientific or technical research. Should we revise the rule to include an enumerated list of details that must be included before a petition can be acted upon, including the physical address of an action, the tower owner or construction company associated with the action, and a statement articulating the link between the action and the alleged impact on the human environment?

In the event we revise § 1.1307(c), we also seek comment on how we might revise the process of reviewing § 1.1307(c) petitions to reduce the length of the adjudication process. CTIA proposes that the Commission adopt a policy of resolving any contested proceedings involving an informal complaint or petition to deny that is filed against an application containing a completed EA within a specified period. We seek comment on the potential advantages and disadvantages of setting a specific timeframe for resolving adjudications. How should the Commission respond if it receives new, substantive submissions from third parties which an applicant or licensee has not addressed? Can and should the Commission circumscribe the comment

process in a way that guards against such concerns?

We also seek comment on whether the Commission should adopt a page limit on § 1.1307(c) petitions. The amended NEPA statute imposes 75 page limits on EAs and 150 page limits on EISs—expandable to 300 pages for extraordinarily complex EISs.

3. Adoption of Another Agency's Categorical Exclusion

The amended NEPA statute seeks to accelerate the permitting process by streamlining the process by which one agency may adopt another agency's CE, where appropriate. For example, the National Telecommunications and Information Administration (NTIA) and the Rural Utilities Service (RUS) have developed categorical exclusions for communications towers that the Commission could, potentially, adopt. Under the amended statute, an agency must follow four steps when adopting another agency's categorical exclusion: (i) identify the CE listed in another agency's NEPA procedures that covers a category of proposed actions or related actions; (ii) consult with the agency that established the CE to ensure that the proposed adoption of the CE to a category of actions is appropriate; (iii) identify to the public the CE that the agency plans to use for its proposed actions; and (iv) document adoption of the CE.

When adopting another agency's CE, we seek comment on how the Commission should consider extraordinary circumstances. Should it consider the extraordinary circumstances of that agency (if they exist), the Commission's own extraordinary circumstances, both, or some other approach? Commenters should explain their reasoning for whichever approach they believe the Commission should adopt and why they believe the Commission should not take other approaches when adopting another agency's CE.

As discussed above, section 1.1307(c) of the Commission's rules allows interested persons to petition for further environmental processing of actions otherwise categorically excluded. Such petitions may allege that a proposed Commission MFA may have a significant environmental effect, whether or not the potential effect is included in the Commission's list of extraordinary circumstances. Although we are seeking comment on removing this provision, if the Commission ultimately decides to retain or revise § 1.1307(c), we seek comment on how to address petitions from interested persons in the context of having

adopted another agency's CE under section 109 of NEPA. We seek comment on whether § 1.1307(c) should apply when the Commission has adopted another agency's CE under section 109 of NEPA. Why or why not, and under what, if any, circumstances? If we conclude that an interested person may petition for further environmental processing of a specific project to which the Commission has applied another agency's CE that the Commission adopted, we anticipate that the Commission can adjudicate the petition independently of the agency whose CE we have adopted. Do commenters agree? We seek comment generally on the best approach to adopt for addressing petitions on projects that are otherwise excluded through the application of another agency's CE that the Commission adopted.

4. Procedures for Determining Lead and Cooperating Agency

Determining the Lead and Cooperating Agencies. With respect to a proposed agency MFA, NEPA defines the lead agency as the agency that proposed the MFA or, if there are two or more federal agencies involved in the MFA, the agency designated as lead agency. When there is more than one federal agency participating in an MFA under NEPA, the revised statute establishes that a lead agency, or joint lead agencies, will perform a list of specific functions related to NEPA review of the proposed MFA and requires agencies to determine the lead among multiple participating agencies by evaluating five enumerated factors. NEPA further provides procedures for requesting the appointment of and for appointing a lead agency or joint lead agencies when needed and requires that such designation be memorialized in a letter or memorandum. The statute also provides for the designation of cooperating agencies, which may participate in NEPA review of the proposed MFA in a variety of ways. We seek comment on how the Commission should adopt rules implementing NEPA's provisions regarding lead and/or cooperating. We further seek comment on what constitutes an acceptable written memorialization of a lead agency decision and whether the Commission should define such a memorialization in its NEPA rules. Alternatively, do these processes need to be addressed in our rules? Are there other rules that the Commission should consider when it participates in the designation of a lead agency (when it is one of multiple participating agencies) and when it is designated and acts as lead agency?

5. Commission's Federal Agency Exception

The Commission's environmental rules are designed to reduce or eliminate duplication of effort in the submission and review of environmental information by this agency and other federal agencies. Consistent with the concept of lead and cooperating agencies, the Commission's rules include, in two sections, what is known as the federal agency exception. In the Commission's part 1 rules, the federal agency exception provides that an applicant or licensee is not required to file an EA with the Commission if another federal agency has assumed responsibility for determining whether the facility will have a significant environmental effect and, if so, for invoking the EIS process. Similarly, the Commission's part 17 rules contain the same exception, but with the added criteria that the proposed action be sited on federal land and specifying an additional means of meeting the exception's criteria, *i.e.*, "where another Federal agency has assumed such responsibilities pursuant to a written agreement with the Commission."

Federal Agency Exception Compliance with NEPA. In light of NEPA's above-described provisions governing the designation of lead and cooperating agencies, as well as directives such as those to "make use of reliable data and resources in carrying out" NEPA, we seek comment on whether the Commission should retain its federal agency exception as currently codified in Parts 1 and 17 of the Commission's rules, and whether these two rules, as the Commission has applied them in practice, comply with the amended NEPA statute. If so, we seek comment on whether and how we should amend these rules, and whether the Commission should instead adopt a singular federal agency exception rule. For example, if another agency has assumed responsibility for a specific project(s) and completed its environmental review, should the Commission require procedures similar to the adoption of another agency's CE or the lead agency determination process to ensure compliance with the amended NEPA statute? For any changes made to the federal agency exception, should we make corresponding changes to FCC Form 854 (which is filed electronically via ASR)?

Documentation of Another Federal Agency's Environmental Review. Assuming the Commission retains the federal agency exception, we seek comment on how the Commission should determine when another federal

agency's environmental review of a proposed MFA is sufficient for the Commission to apply this exception to the EA requirement and/or to the environmental notice requirement, as applicable. Traditionally, the Commission has accepted an EA and FONSI or an EIS and Record of Decision (RoD) as sufficient evidence that another federal agency has taken responsibility for the NEPA process, through the EIS process, if required, and confirms that this evidence satisfies the Commission's NEPA responsibility. Should the Commission continue to accept an EA and FONSI or an EIS and RoD for purposes of the federal agency exception?

Due to great variance in the content, structure, and level of detail in different agencies' CEs and their accompanying lists of extraordinary circumstances in which the CE would not apply, an applicant is not required to submit an EA to the Commission if another agency of the federal government has assumed responsibility for determining whether of the facilities in question will have a significant effect on the quality of the human environment. Given that the revised NEPA statute provides a clear path to adopt another federal agency's CE, as discussed above, should the Commission rely on another federal agency's application of a CE in a given instance for purposes of applying the federal agency exception, and, if so, under what circumstances? We also seek comment on whether the Commission should, when applying the federal agency exception, continue to ensure that its list of extraordinary circumstances (which, if present, indicate that the MFA may have a significant environmental effect under the Commission's rules) have been adequately considered, and whether it may be required to do so to comply with the revised NEPA statute. We also seek comment on what, if any, NEPA responsibility the Commission may still have after applying the federal agency exception to a particular MFA.

While rarely used, the part 17 federal agency exception includes a provision allowing an ASR application to be exempt from the environmental notification requirement because another agency has assumed NEPA responsibility for an MFA pursuant to a written agreement with the Commission. We seek comment on whether this provision regarding a written agreement is beneficial to Commission licensees and applicants, and, if not, whether we should delete it. Commenters who support retaining this provision should address whether it complies with the amended NEPA

statute, particularly provisions dealing with the designation of a lead agency, and whether and how it should be amended?

Requirement for Siting on Federal Land. Finally, to the extent we retain the part 17 federal agency exception, we seek comment on amending the provision that requires the proposed facilities to be sited on federal land. When it adopted this rule, the Commission reasoned that this exception should apply only to MFAs located on federal land because the landholding federal agency routinely assumes lead agency responsibilities. However, the rule as adopted does not require the federal agency taking responsibility for NEPA review to be the landholding agency; instead, the rule allows the NEPA review of the project on federal land to be performed by any federal agency. In rare cases, this can result in a scenario in which an ASR application does not qualify for the part 17 federal agency exception to the notice requirement only because it is not located on federal land, even if it does qualify for the part 1 federal agency exception to the EA requirement. To the extent the part 17 federal agency exception is retained, we seek comment on whether we should eliminate the requirement that the proposed facilities be sited on federal land. For any changes made to the federal agency exception, should we make corresponding changes to FCC Form 854 (which is filed electronically via the ASR)?

6. Other Potential Changes to NEPA Procedures

Excluding Voluntary ASR Registrations from the FAA Notice Requirement. Licensees are required to register a proposed tower or antenna structure in the ASR system if the project "requires notice of proposed construction to the Federal Aviation Administration (FAA) due to physical obstruction[.]" However, applicants may also voluntarily register their proposed tower or antenna structure in ASR. In 2014, the Commission considered whether to prohibit voluntary registrations but concluded they should be permitted because "many owners register antenna structures voluntarily in order to file an Environmental Assessment and obtain a Finding of No Significant Impact under the Commission's environmental rules, or to satisfy other needs" such as satisfying contractual obligations or requirements imposed by state or local jurisdictions. If a tower is voluntarily registered, the structure is not subject to the lighting or marking requirements of towers

otherwise required to be registered in ASR, but the applicant must indicate on FCC Form 854 that the filing is voluntary and must comply with all of the other requirements of § 17.4 of the Commission's rules including the need to complete a notice to the FAA and to obtain an FAA study number which constitutes a determination of "no hazard to air navigation."

In many instances, an applicant submits an ASR application solely for the purpose of submitting a required EA. Given this voluntary registration process is not codified in the Commission's rules, we seek comment on whether we should do so. What modifications to FCC Form 854 (which is filed electronically in the ASR system) would be necessary to account for this category of ASR registrations? Additionally, because voluntary registrations are a sub-category of registrations that do not require notice of proposed construction to the FAA due to physical obstruction, we seek comment on whether we should exclude voluntary ASR registrations from the requirement to obtain an FAA No Hazard Determination. We seek comment on the potential costs and benefits of removing the requirement to complete an FAA notice and obtain an FAA No Hazard Determination for voluntarily registered towers. We also seek comment on whether we should exclude any other ASR requirements for voluntary ASR registrations and the benefits and costs of any such exclusions.

Clarifying Definition of Antenna Structure Property. The Commission's rules impose a variety of requirements on applicants and licensees that are dependent on the boundaries of the "antenna structure property" or "site" (hereafter "antenna site") where an antenna structure is located. However, these requirements do not provide for a uniform definition of an antenna site. Consistent with the policy goals of E.O. 14154 to remove ambiguities that may cause confusion or delay, and in recognition of the amended NEPA, we seek comment on whether to adopt a universal definition of "antenna structure property" in the Commission's environmental rules.

Removing References to Rescinded Regulations. As detailed above, CEQ issued an interim final rule seeking comment on removing CEQ regulations from the CFR. Additionally, the D.C. Circuit stated in *Marin Audubon Society* that CEQ rules are not binding on other agencies and that CEQ serves as an advisory agency. We propose to remove references to CEQ's regulations in the Commission's environmental rules and

seek comment on if the removal of these references creates other necessary revisions not currently proposed.

C. Modernizing the Commission's EA and EIS Requirements

1. Updating the Commission's EA Requirements

Project Sponsor Preparation of an EA. The Commission's rules require applicants and not the responsible Bureau to prepare an EA in cases where it is determined one is necessary. Further, the Commission's rules provide project sponsors with guidance on the information that must be included in an EA and state that the Commission will independently review EAs. Similarly, the amended NEPA provides that "[a] lead agency shall prescribe procedures to allow a project sponsor to prepare an environmental assessment . . . under the supervision of the agency." This amendment further provides that the "agency may provide such sponsor with appropriate guidance and assist in the preparation" and that "[t]he lead agency shall independently evaluate the environmental document and shall take responsibility for the contents." Consistent with the policy goals of E.O. 14154 to remove ambiguities that may cause confusion or delay, and in recognition of the amended NEPA requirements, we seek comment on any changes to these rules that we should make. Are there any changes we could make to these rules that are consistent with NEPA and the revisions to NEPA that would help expedite environmental processing time and reduce costs and burdens for project sponsors, including those that are small entities?

EA Document Requirements. We propose to modify § 1.1311 of the Commission's rules to require EAs to include "a statement of purpose and need that briefly summarizes the underlying purpose and need for the proposed agency action" and to impose a 75-page limit on EAs, excluding citations and appendices, as required by the amended NEPA statute. Section 1.1311 of the Commission's rules sets forth the information that must be included in an EA, which does not require a statement as to the purpose or the need for the proposed Commission action nor does it impose a page limit on the length of an EA. Accordingly, we seek comment on our proposal to modify § 1.1311 of the Commission's rules to require EAs to include a statement of purpose and need and to impose a 75-page limit on the length of EAs. With respect to the EA page limit requirement, we seek comment on how

the Commission should enforce this requirement.

Public Comment on Submitted EAs. We seek comment on whether we should continue to require EAs to be placed on public notice for a 30-day comment period prior to the issuance of a FONSI or a decision to require further environmental processing. The antenna structure registration rules provide for the processing of EAs by placing them on public notice for a 30-day comment period. Specifically, section 17.4(c)(5) and (7) of the Commission's rules provide that the Commission shall post notification of an EA on its website and the posting shall remain on the Commission's website for a period of 30 days. When an EA is submitted as an amendment to a pending application, the 30-day comment period is restarted.

While NEPA describes an EA as a "public document," its provisions requiring an agency to seek public comment apply specifically to notices of intent to prepare an EIS. NEPA provides: "[e]ach notice of intent to prepare an environmental impact statement under section 4332 of this title shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action." The public comment requirement of NEPA does not specifically reference EAs. We seek comment on whether we should continue to require a public comment period before determining whether to issue a FONSI or require further environmental processing. Beyond the NEPA statute, are there procedural requirements under the Administrative Procedure Act or other environmental statutes that should inform our approach to these issues, either alone or in conjunction with provisions of the Communications Act?

As part of this inquiry, we seek comment on what it means when a document is considered a "public document" under NEPA and whether NEPA's referral to EAs as public documents means that the Commission must continue to provide public notice of EAs and allow for the public to comment on EAs before the Commission determines whether to issue a FONSI or require further environmental processing.

One-Year EA Submission Deadline. We propose to modify §§ 1.1308 and 17.4 of the Commission's rules to require that the EA submission process be completed within a one-year period, as required by the amended NEPA statute. The amended statute allows the Commission, in consultation with the applicant, to extend the deadline, but

only by so much time as is needed to complete the EA, and the Commission must report to Congress all EAs that were not completed by the one-year deadline with an explanation for why the one-year deadline was missed. The NEPA amendments, however, do not specify when an EA is deemed to be completed.

We seek comment on how the Commission should implement this one-year deadline. The amended NEPA statute states the start of the one-year period is the sooner of three dates/instances, as applicable: (i) the date on which the agency determines an EA is required; (ii) the date on which the agency notifies the applicant that the application to establish a right-of-way for such action is complete; or (iii) the date on which the agency issues a notice of intent to prepare the EA. We tentatively find that not all of these scenarios are applicable to the Commission's environmental procedures and seek comment on that finding. As noted above, the Commission currently relies on its applicants to determine, in the first instance, whether an EA is required. Should the Commission deem that the one-year period starts on the date the Commission receives an applicant's completed EA or is there another benchmark that should be used for the start of the one-year period? How should the Commission determine when the one-year period ends? Are there any special circumstances that may merit consideration of a different start date for all applicants or for small entities? We also seek comment on how we should implement the statutory directive that allows an agency, in consultation with the applicant, to extend the EA submission deadline, but by only so much time as needed to complete the EA submission process.

Timeframes for Commission Action on EAs. In the *Wireless Broadband Deployment Second R&O*, the Commission committed to timeframes for reviewing and processing EAs in order to provide greater certainty and transparency to applicants, thereby facilitating broadband deployment. While the Commission committed to specific timeframes when it adopted the *Wireless Broadband Deployment Second R&O*, these timeframes were not codified into our rules. We seek comment on whether the Commission should continue to commit to these timeframes and whether we should codify them in our environmental processing rules. We note that CTIA asserts that the Commission should amend § 1.1308 of the Commission's rules to incorporate these timeframes for

reviewing and processing EAs. Further, CTIA argues that: “[i]n all cases, the Commission must issue a determination no later than one year after the EA is determined to be complete, unless a new deadline is established in consultation with the applicant. If the Commission fails to timely act, the applicant may seek review by a court of competent jurisdiction.” If the Commission determines to maintain these timeframes, will this create any issues with the amended NEPA requirement that the EA submission process be completed within a one-year period? Do the timeframes adequately balance the Commission’s need to fulfill its statutory obligations under NEPA with the need to facilitate broadband deployment?

Deleting Unnecessary EA Rules.

Finally, we seek comment on whether there are parts of the Commission’s EA rules that should be deleted. Commenters supporting the deletion of any of the Commission’s EA rules should explain how this action would be consistent with the Commission’s statutory obligations and would be in the public interest. For instance, do the NEPA EA provisions speak for themselves and, therefore, the Commission could just reference these statutory provisions or parts of these provisions in its EA rules? Are there other changes the Commission should consider to streamline its EA procedures?

2. Updating the Commission’s EIS Requirements

We seek comment on how to revise the Commission’s EIS rules to align them with the changes in the amended NEPA statute. The amended NEPA statute made several changes to NEPA’s EIS requirements. These revisions include: (1) a requirement that agencies prescribe procedures to allow a project sponsor to prepare an EIS under the supervision of the agency; (2) public notice of intent to prepare an EIS and request for comments on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action; (3) a 150-page limit except for complex issues, which are limited to 300 pages; and (4) a two-year deadline for completion, with the ability to extend the deadline only so long as necessary to complete the EIS, and a requirement that missed deadlines be reported to Congress. Below, we seek comment on whether we should incorporate these statutory changes into the Commission’s EIS rules or just reference the statutory provisions in the EIS rules.

Project Sponsor Preparation of an EIS.

Currently, section 1.1314(a) of the Commission’s rules provides that the responsible Bureau shall prepare draft and final EISs. We seek comment on whether we should revise § 1.1314(a) of the Commission’s rules to require applicants to prepare an EIS, as permitted by the amended NEPA, when the Commission determines one is necessary. Would requiring the project sponsor (*i.e.*, the applicant) to prepare the EIS prioritize efficiency and expeditious review? Are there any other factors that the Commission should consider in deciding whether to make this change? If the Commission decides to require applicants to prepare an EIS when one is required, what other changes to the Commission’s EIS procedures may be needed to facilitate this process?

Public Notice and Related

Requirements. Sections 1.1308(c) and 1.1314(b) of the Commission’s rules provide that the responsible Bureau will publish in the **Federal Register** a notice of intent that Draft and Final EISs will be prepared in those situations where the responsible Bureau determines that further environmental processing is required. Section 1.1315(d) of the Commission’s rules provides that members of the public may comment on the Draft EIS and the environmental effect of the proposal within 45 days after notice of the availability of the statement is published in the **Federal Register**. The Commission’s rules, however, do not include the amended NEPA requirement that “[e]ach notice of intent to prepare an environmental impact statement . . . shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.” We propose to modify the Commission’s EIS rules to better align with the statutory directive.

Page Limits. We seek comment on how we should incorporate the statutory directive that an EIS should not be longer than 150 pages, not including any citations or appendices, except for a proposed action of extraordinary complexity where the page limit is 300 pages, not including any citations or appendices. The Commission’s existing EIS rules do not include page limits pertaining to the length of an EIS.

Two-year Completion Deadline. The Commission’s existing environmental processing rules do not contain EIS completion deadlines. The amended NEPA, however, includes a two-year deadline for completing an EIS and gives the Commission the ability to extend the deadline as long as necessary

to complete the EIS with the requirement that the Commission report to Congress any missed deadlines. We seek comment on how we should incorporate these provisions into Commission’s rules. The amended NEPA statute starts the two-year period at the soonest of three dates: (i) the date on which the agency determines an EIS is required; (ii) the date on which the agency notifies the applicant that the application to establish a right-of-way for such action is complete; or (iii) the date on which the agency issues a notice of intent to prepare the EIS. We tentatively find that not all of these scenarios are applicable to the Commission’s environmental procedures and seek comment on this finding. For those that apply, does one of these scenarios occur before the other? For instance, should the Commission determine that the two-year completion period starts on the date the Commission publishes in the **Federal Register** a notice of intent to prepare an EIS? This approach seems consistent with the Commission’s current regulations, but are there situations where one of the other two ways might make more sense? If so, what are these situations and how should the Commission determine that one of the other ways should be utilized? Does it make a difference if the EIS will be a project sponsor-prepared EIS or if the project sponsor is a small entity? Further, we seek comment on how we should implement the statutory directive that allows the Commission, in consultation with the applicant, to extend the completion deadline, but by only so much time as needed to complete the EIS.

D. Review of the Commission’s Emergency Procedures for Environmental Review

In response to emergencies and natural disasters, the Commission has provided ad hoc assistance and relief to Commission licensees and applicants seeking to offer and restore wireless services. In the context of wireless communications infrastructure, this assistance has typically been offered in the form of public notices that extend filing and regulatory deadlines, expedite the review of Special Temporary Authority (STA) requests, remind ASR applicants of the exceptions to the environmental notification process, and advise ASR applicants to submit emergency waiver requests through the ASR system for emergency deployments not otherwise subject to an exception. In situations where the environmental notification process is required but applicants need to act before for that

process can be completed, the Commission permits the responsible Bureau to waive or postpone the requirement at the applicant's request, upon an appropriate showing.

However, the Commission's rules implementing NEPA do not include procedures governing compliance with section 4332(2)(C) of NEPA under emergency circumstances. In its February 2025 Guidance Memo, CEQ advised that all agency procedures implementing NEPA should include processes for consideration of emergency actions and encouraged agencies to use the 2020 CEQ Final Rules as the initial framework for developing revisions to their NEPA-implementing rules. The 2020 CEQ Final Rules stated that agencies should consult with CEQ about alternative arrangements to comply with section 102(2)(C) of NEPA when emergency circumstances necessitate taking an action with significant environmental impact without sufficient time to follow the agency's standard NEPA regulations, noting that the application of such arrangements should be limited to actions necessary to control the immediate impacts of the emergency. The 2020 CEQ Final Rules did not address emergency actions whose effects were not expected to be significant or were unknown.

In the past, CEQ has emphasized that agencies should not, in case of an emergency, delay immediate actions necessary to secure lives and safety of citizens or to protect valuable resources, but should consider whether there is sufficient time to follow agency NEPA-implementing procedures and regulations. It recommended that agencies first determine whether the action is statutorily exempt from NEPA, and, if not, whether a CE applies. For actions that meet the criteria for neither a statutory exemption nor an applicable CE, and which the agency does not expect to have a significant environmental impact, CEQ has advised that agencies should prepare a focused, concise, and timely EA. For actions that meet the criteria for neither a statutory exemption nor an available CE, but which the agency expects would have a significant impact, CEQ advises that agencies should next determine whether there is an existing NEPA analysis covering the activity and, if not, consult with CEQ about alternative arrangements. CEQ's past guidance has emphasized that alternative arrangements do not waive the requirement to comply with NEPA, but instead establish an alternative means for NEPA compliance.

Given this guidance, we seek comment on whether the Commission should adopt emergency NEPA procedures in its rules and, if so, what they should be. Would it be sufficient for the Commission to adopt a rule requiring consultation with CEQ about alternative arrangements for compliance with section 102(2)(C) of NEPA when emergency circumstances make it necessary to take action with reasonably foreseeable significant environmental effects, or should the Commission adopt in its rules additional procedures for applicants to follow in emergency situations? Commenters should explain why or why not, including in the context of the Commission's NEPA process pursuant to which applicants make the initial determinations about the potential environmental effects of their propose projects. Alternatively, should the Commission delegate to responsible Bureaus the authority to issue emergency guidance on an *ad hoc* basis, similar to guidance provided by Bureaus about NEPA and NHPA compliance in response to past emergencies? Should the Commission define criteria for when emergency circumstances apply, and what should they be? Should the Commission adopt in its rules unique criteria for EAs completed in emergency circumstances?

Commission licensees and applicants make an initial determination of whether a proposed MFA is categorically excluded under the Commission's rules by completing the Commission's NEPA Checklist, *i.e.*, by determining whether any of the extraordinary circumstances in § 1.1307 of its rules are present. Given that the determination of whether any of the Commission's extraordinary circumstances is present depends on other agencies or processes, is there a way the Commission can help reduce the time it takes applicants to complete the checklist under emergency circumstances? Would it be appropriate and in the public interest to eliminate or shorten any public comment period in the event of emergency circumstances? For an emergency action that would otherwise require an EIS, and for which the Commission has no existing applicable NEPA analysis such as a pre-existing plan to respond to a particular scenario, CEQ advises that agencies should consult with CEQ to determine whether alternative arrangements may take the place of an EIS. Should the Commission adopt the above criteria and delegate to the responsible Bureau to consult with CEQ when these circumstances apply to an emergency action in its rules?

E. Cost-Benefit Analysis

Benefits. The Commission's effort to modernize, optimize, and clarify its environmental rules and associated procedures promises to stimulate innovation, investment, and efficiency in the U.S. economy. We seek comment on whether, and to what extent, the various ways to streamline the Commission's environmental rules and procedures, discussed above, will speed the deployment of Commission-licensed services and infrastructure vital to the provision of broadband and other goods and services highly valued by American consumers and businesses. We also seek any quantifications of such expected benefits. Finally, we seek comment on any additional economic benefits that streamlining the Commission's environmental rules and procedures may unleash.

Costs. The risk of streamlining the Commission's environmental rules and procedures is a chance that projects posing harm to the environment may escape scrutiny, early detection, and mitigation. We seek comment on the nature and extent of this risk and any quantifications of that risk. We also seek comment on any other potential costs of streamlining the Commission's NEPA rules and procedures.

IV. Procedural Matters

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff

during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with 47 CFR 1.1206(b). In proceedings governed by 47 CFR 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

In light of the Commission's trust relationship with Tribal Nations and our commitment to engage in government-to-government consultation with them, we find the public interest requires a limited modification of the *ex parte* rules in this proceeding. Tribal Nations, like other interested parties, should file comments, reply comments, and *ex parte* presentations in the record to put facts and arguments before the Commission in a manner such that they may be relied upon in the decision-making process consistent with the requirements of the Administrative Procedure Act. However, at the option of the Tribe, *ex parte* presentations made during consultations by elected and appointed leaders and duly appointed representatives of federally recognized Tribal Nations and Native Hawaiian Organizations to Commission decision makers shall be exempt from the rules requiring disclosure in permit-but-disclose proceedings and exempt from the prohibitions during the Sunshine Agenda period. To be clear, while the Commission recognizes consultation is critically important, we emphasize that the Commission will rely in its decision-making only on those presentations that are placed in the public record for this proceeding.

We note that some of the issues discussed above might uniquely affect Tribes. We direct the Office of Native Affairs and Policy (ONAP), in coordination with WTB and other Bureaus and Offices as appropriate, to conduct government-to-government consultation as appropriate with Tribal Nations. Tribal Nations may notify ONAP of their desire for consultation via email to Native@fcc.gov.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated,

have a significant economic impact on a substantial number of small entities." Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in this Notice of Proposed Rulemaking. The IRFA is set forth in Appendix A. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the first page of this Notice of Proposed Rulemaking and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act. This document may contain proposed new or modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on any information collections contained in this document, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

Filing of Comments and Reply Comments. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

V. Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the Notice of Proposed Rulemaking (NPRM). The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the NPRM. The Commission will send a copy of the

NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

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

In the NPRM, the Commission reviews its environmental review procedures to comport with the amended National Environmental Policy Act (NEPA), accelerate the federal permitting process, further a national priority of faster and more infrastructure deployment, and ensure that its rules are clear. The Commission seeks comment on the terms in the amended NEPA, including the definition of "major federal action" (MFA), the statute's jurisdictional trigger, and on the statute's enumerated exclusions from the definition of MFA.

The Commission seeks comment on whether it has substantial federal control and responsibility over the construction of certain communications towers, such as towers deployed pursuant to geographic area licenses, to determine whether those towers qualify as Commission MFAs under the amended NEPA. Additionally, the Commission seeks comment on whether certain other actions, including licensing of satellites, constitute "extraterritorial activities or decisions . . . with effects located entirely outside of the jurisdiction of the United States" to determine whether those activities are the Commission's MFAs under NEPA, as amended. The Commission also seeks comment regarding the need to retain or make changes to the Commission's environmental notice rules that stem from the requirement that certain towers must be registered in the Commission's Antenna Structure Registration (ASR) database.

Through its proposals, the Commission explores its responsibilities and procedures with respect to other laws, such as the Endangered Species Act and the National Historic Preservation Act (NHPA), for Commission actions that are determined not to be MFAs as defined by NEPA. In this situation, the NPRM seeks comment on what the Commission responsibilities are under the NHPA or other laws. The NPRM asks whether NHPA compliance or compliance with other environmental statutes continues to be required for categories of Commission actions that no longer constitute MFAs as defined by NEPA.

In addition, the NPRM explores actions that the Commission might take to streamline its environmental rules

and to otherwise implement the amended NEPA. More specifically, the Commission seeks comment on reorganizing the framework of our environmental rules to list specific MFAs that would be categorically excluded in place of the Commission's current approach of applying a broad CE. The Commission seeks comment on revising the environmental rules to create, instead of an overarching CE rule, a list of individual CEs specific to particular Commission MFAs, describing the MFAs and the conditions under which they are categorically excluded. If the Commission decides to create CEs specific to individual categories of Commission MFAs, the *NPRM* seeks comment on how to formulate them. If Commission opts to restructure its NEPA process to create a list of CEs (instead of an overarching CE), the *NPRM* seeks comment on what other resulting changes to the Commission's NEPA process and associated environmental rules would be necessary.

The *NPRM* also seeks comment on whether to amend the Commission's categorical exclusion (CE) regulation, including on whether it should update its list of extraordinary circumstances at 47 CFR 1.1307, and on whether any existing categories of extraordinary or provisions circumstances should be deleted.

The *NPRM* seeks comment on whether the Commission should retain its environmental notification process for applications that require antenna structure registration and, if so, whether the exceptions to this requirement should be amended. In addition, the *NPRM* asks whether the Commission should adopt procedures for adopting another agency's CEs, where appropriate, consistent with the amended NEPA statute. The *NPRM* also seeks comment on whether and how it should implement NEPA procedures for designating a lead agency in its rules, whether and how to amend its rules excepting proposed MFAs from environmental processing when the Commission is not the lead agency, and on how the Commission should document the designation of another agency as lead agency.

The *NPRM* seeks comment on updating the regulations to end the Federal Aviation Administration (FAA) notice requirement for applicants completing voluntary ASR registrations for towers that do not otherwise meet the height requirement to trigger the FAA notice requirement. The *NPRM* also seeks comment on adopting a uniform definition of "antenna structure property" throughout the regulations

and on whether to update our rules to remove all references to the Council on Environmental Quality's regulations.

Further, the *NPRM* seeks comment on implementing NEPA's document requirements for environmental assessments (EAs) and environmental impact statements (EISs). The *NPRM* asks if the Commission should continue to solicit public comment on EAs prior to issuing a Finding of No Significant Impact (FONSI). The *NPRM* also seeks comment on how to implement the one-year deadline to complete an EA that the amended NEPA requires, and specifically how to determine, for the Commission's purposes, when the one-year period starts and ends.

With regard to EIS requirements under the amended NEPA, the *NPRM* asks how the Commission should incorporate the requirement that a public notice of intent to prepare an EIS should request comments on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action. Similarly, the *NPRM* seeks comment on how the Commission should adopt the 150-page limit for an EIS except for complex issues, which the amended statute limits to 300 pages. Further, the *NPRM* seeks comment on how to adopt the two-year deadline for completing an EIS, the ability to extend the deadline for only so long as necessary to complete the EIS, and the requirement that the Commission report to Congress any missed deadlines.

Along these same lines, the *NPRM* asks about the February 19, 2025, CEQ Guidance Memo which states that agencies should prioritize project-sponsor prepared environmental documents, including EAs and EISs, for expeditious review. The Commission's rules already require applicants to prepare EAs, but not EISs. The *NPRM* asks if the Commission should require applicants to prepare EISs, if one is determined to be necessary. Finally, the *NPRM* seeks comment on whether the Commission should adopt emergency procedures. The *NPRM* observes that while NEPA does not speak to emergency procedures specifically the February 19, 2025, CEQ Guidance Memo states that all agency implementing procedures should include processes for consideration of emergency actions.

B. Legal Basis

The proposed action is authorized pursuant to sections 1, 2, 4(i), 201, 214, 301, 303, 309, and 332 of the Communications Act of 1934, as amended 47 U.S.C. 151, 152, 154(i), 201, 214, 301, 303, 309, and 332, section

102(C) of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4332(C), section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108, and the Endangered Species Act of 1973, as amended, 16 U.S.C. 1536.

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

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

Small Businesses, Small Organizations, Small Governmental Jurisdictions. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.

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

Finally, the small entity described as a "small governmental jurisdiction" is defined generally as "governments of cities, counties, towns, townships,

villages, school districts, or special districts, with a population of less than fifty thousand.” U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts) with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 entities fall into the category of “small governmental jurisdictions.”

Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA’s small business size standard, most of these providers can be considered small entities.

The Commission’s own data—available in its Universal Licensing System—indicates that, as of April 23, 2025, there were 192 Cellular licensees that will be affected by our actions today. The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities.

Satellite Telecommunications. This industry comprises firms “primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of

satellites or reselling satellite telecommunications.” Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$44 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than \$25 million. Consequently, using the SBA’s small business size standard most satellite telecommunications service providers can be considered small entities. The Commission notes however, that the SBA’s revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau’s Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of satellite telecommunications providers that would be classified as a small business under the SBA size standard.

Fixed Microwave Services. Fixed microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. They also include the Upper Microwave Flexible Use Service (UMFUS), Millimeter Wave Service (70/80/90 GHz), Local Multipoint Distribution Service (LMDS), the Digital Electronic Message Service (DEMS), 24 GHz Service, Multiple Address Systems (MAS), and Multichannel Video Distribution and Data Service (MVDDS), where in some bands licensees can choose between common carrier and non-common carrier status. Wireless Telecommunications Carriers (*except Satellite*) is the closest industry with a SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

The Commission’s small business size standards with respect to fixed microwave services involve eligibility for bidding credits in the auction of spectrum licenses for the various frequency bands included in fixed

microwave services. When bidding credits are adopted for the auction of licenses in fixed microwave services frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in part 101 of the Commission’s rules for the specific fixed microwave services frequency bands.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA’s small business size standard.

Location and Monitoring Service (LMS). LMS operates in the 902–928 MHz frequency band. The band is allocated for primary use by federal government radiolocation systems. Next in order of priority are uses for industrial, scientific, and medical devices. Federal government fixed and mobile and LMS systems are secondary to both uses. The remaining uses of the 902–928 MHz band include licensed amateur radio operations and unlicensed part 15 equipment, both of which are secondary to all other uses of the band. LMS systems use non-voice radio techniques to determine the location and status of mobile radio units and may transmit and receive voice and non-voice status and instructional information related to such units. Wireless Telecommunications Carriers (*except Satellite*) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of November 2021, there were two licensees with approximately 354 active LMS licenses. The Commission's small business size standards with respect to LMS involve eligibility for bidding credits in the auction of spectrum licenses for these services. For the auction of LMS licenses, the Commission defined a "small business" as an entity that, together with controlling interests and affiliates with average annual gross revenues for the preceding three years not to exceed \$15 million, and a "very small business" as an entity that, together with controlling interests and affiliates with average annual gross revenues for the preceding three years not to exceed \$3 million. Pursuant to these definitions, four winning bidders that claimed small business credits won 289 licenses in Auction 21, and four winning bidders that claimed small business credits won 201 LMS licenses in Auction 43. Of these winning bidders, only one had active licenses in November 2021.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Multichannel Video Distribution and Data Service (MVDDS). MVDDS is a fixed microwave service operating in the 12.2–12.7 GHz band that can be used to provide various wireless services. Mobile and aeronautical operations are prohibited. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were 9 licensees with 250 active licenses in this service. The Commission's small business size standards with respect to MVDDS involve eligibility for bidding credits in the auction of spectrum licenses for these services. For auctions of MVDDS licenses the Commission adopted criteria for three groups of small businesses. A very small business is an entity that, together with its affiliates and controlling interests, has average annual gross revenues not exceeding \$3 million for the preceding three years, a small business is an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$15 million for the preceding three years, and an entrepreneur is an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years. In two auctions for MVDDS licenses, eight of the ten winning bidders who won 144 licenses claimed one of the small business status classifications, and two of the three winning bidders who won 21 of 22 licenses, claimed one of the small business status classifications. Five of the winning bidders claiming a small business status classification in these auctions had active licenses as of December 2021.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Multiple Address Systems (MAS). MAS are point-to-multipoint or point-to-point radio communications systems used for either one-way or two-way transmissions that operates in the 928/952/956 MHz, the 928/959 MHz or the 932/941 MHz bands. Entities using MAS spectrum, in general, fall into two categories: (1) those using the spectrum for profit-based uses, and (2) those using the spectrum for private internal uses to accommodate internal communications needs. MAS serves an essential role in a range of industrial, safety, business,

and land transportation activities and are used by companies of all sizes operating in virtually all U.S. business categories, and by all types of public safety entities. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 9,798 active MAS licenses. The Commission's small business size standards with respect to MAS involve eligibility for bidding credits in the auction of spectrum licenses for these services. For the auction of MAS licenses, the Commission defined "small business" as an entity that has average annual gross revenues of less than \$15 million over the three previous calendar years, and a "very small business" is defined as an entity that, together with its affiliates, has average annual gross revenues of not more than \$3 million over the preceding three calendar years. In auctions for MAS licenses, 7 winning bidders claimed status as small or very small businesses and won 611 of 5,104 licenses, and 5 of 26 winning bidders claimed status as small or very small businesses and won 1,891 of 4,226 licenses.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Non-Licensee Owners of Towers and Other Infrastructure. Neither the Commission nor the SBA have developed a small business size

standard for Non-Licensee Owners of Towers and Other Infrastructure. All Other Telecommunications is the closest industry with a SBA small business size standard. The SBA size standard for this industry classifies firms with annual receipts of \$35 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms that operated in this industry for the entire year. Of this number, 1,039 firms had revenue of less than \$25 million. Thus, under this SBA size standard a majority of the firms in this industry can be considered small.

At one time most communications towers were owned by the licensee using the tower to provide communications service. Many towers are now owned by third-party businesses that do not provide communications services themselves but lease space on their towers to other companies that provide communications services. The Commission's rules require that any entity, including a non-licensee, proposing to construct a tower over 200 feet in height or within the glide slope of an airport must register the tower with the Commission's Antenna Structure Registration ("ASR") system and comply with applicable rules regarding review for impact on the environment and historic properties.

As of March 6, 2025, the ASR database includes approximately 139,219 registration records reflecting a "Constructed" status and 17,786 registration records reflecting a "Granted, Not Constructed" status. These figures include both towers registered to licensees and towers registered to non-licensee tower owners. The Commission does not keep information from which we can easily determine how many of these towers are registered to non-licensees or how many non-licensees have registered towers. Regarding towers that do not require ASR registration, we do not collect information as to the number of such towers in use and therefore cannot estimate the number of tower owners that would be subject to the rules on which we seek comment. Moreover, the SBA has not developed a size standard for small businesses in the category "Tower Owners." Therefore, we are unable to determine the number of non-licensee tower owners that are small entities. We believe, however, that when all entities owning 10 or fewer towers and leasing space for collocation are included, non-licensee tower owners number in the thousands. In addition, there may be other non-licensee owners of other wireless infrastructure, including Distributed Antenna Systems

(DAS) and small cells that might be affected by the measures on which we seek comment. We do not have any basis for estimating the number of such non-licensee owners that are small entities.

The closest applicable SBA category is All Other Telecommunications, and the appropriate size standard consists of all such firms with gross annual receipts of \$35 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than \$25 million and 15 firms had annual receipts of \$25 million to \$49,999,999. Thus, under this SBA size standard a majority of the firms potentially affected by our action can be considered small.

Personal Radio Services. Personal radio services provide short-range, low-power radio for personal communications, radio signaling, and business communications not provided for in other services. Personal radio services include services operating in spectrum licensed under part 95 of our rules. These services include Citizen Band Radio Service, General Mobile Radio Service, Radio Control Radio Service, Family Radio Service, Wireless Medical Telemetry Service, Medical Implant Communications Service, Low Power Radio Service, and Multi-Use Radio Service. There are a variety of methods used to license the spectrum in these rule parts, from licensing by rule, to conditioning operation on successful completion of a required test, to site-based licensing, to geographic area licensing. All such services utilize are wireless frequencies, therefore we apply the industry definition of Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies firms employing 1,500 or fewer persons as small. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that the majority of firms in this industry can be considered small. We note however, that many of the licensees in this category are individuals and not small entities. In addition, due to the mostly unlicensed and shared nature of the spectrum utilized in many of these services, the Commission lacks direct information upon which to base an estimation of the number of small entities that may be affected by our actions in this proceeding.

Private Land Mobile Radio Licensees—900 MHz Band (PLMR—900 MHz Band). Private land mobile radio (PLMR) systems serve an essential role in a vast range of industrial, business, land transportation, and public safety activities. Companies of all sizes operating in all U.S. business categories use these radios. The 900 MHz band (896–901/935–940 MHz) is designated for narrowband PLMR communications by Business/Industrial/Land Transportation (B/ILT) licensees and for Specialized Mobile Radio (SMR) providers, with deployed systems primarily used for two-way communication by land transportation, utility, manufacturing, and petrochemical companies. Only B/ILT and SMR licensees are eligible to operate in the 900 MHz band. Wireless Telecommunications Carriers (*except Satellite*) is the closest industry with a SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates licensees in this can be considered small.

Based on Commission data, as of December 14, 2021, there were 2,716 active licenses (714 B/ILT and 2,002 SMR licenses) in the 900 MHz band (896–901/935–940 MHz). The Commission's small business size standards with respect to PLMR licenses in the 900 MHz band involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of 900 MHz SMR licenses, the Commission defined a "small business" as an entity with average annual gross revenues of \$15 million or less in the three preceding calendar years and a "very small business", as an entity with average gross revenues that are not more than \$3 million for the preceding three years. Pursuant to these definitions, approximately 59 winning bidders claiming small business credits won approximately 263 licenses and 3 winning bidders claiming small business credits won approximately 7 licenses. None of the winning bidders claiming a small business status classification in these 900 MHz band PLMR license auctions had an active license as of December 2021.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the

number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard. Nevertheless, the Commission believes that a majority of B/ILT and SMT PLMR—900 MHz band licenses are held by small entities.

Public Safety Radio Licensees. As a general matter, Public Safety Radio Pool licensees include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services. Because of the vast array of public safety licensees, the Commission has not developed a small business size standard specifically applicable to public safety licensees. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

With respect to local governments, in particular, since many governmental entities comprise the licensees for these services, we include under public safety services the number of government entities affected. According to Commission records as of December 2021, there were approximately 127,019 active licenses within these services. Included in this number were 3,577 active licenses in the Public Safety 4.9 GHz band. Since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are therefore not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Broadband Radio Service and Educational Broadband Service. Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and

Multichannel Multipoint Distribution Service (MMDS) systems, and “wireless cable,” transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)). Wireless cable operators that use spectrum in the BRS often supplemented with leased channels from the EBS, provide a competitive alternative to wired cable and other multichannel video programming distributors. Wireless cable programming to subscribers resembles cable television, but instead of coaxial cable, wireless cable uses microwave channels.

In light of the use of wireless frequencies by BRS and EBS services, the closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (*except* Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

According to Commission data as of December 2021, there were approximately 5,869 active BRS and EBS licenses. The Commission's small business size standards with respect to BRS involves eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of BRS licenses, the Commission adopted criteria for three groups of small businesses. A very small business is an entity that, together with its affiliates and controlling interests, has average annual gross revenues exceed \$3 million and did not exceed \$15 million for the preceding three years, a small business is an entity that, together with its affiliates and controlling interests, has average gross revenues exceed \$15 million and did not exceed \$40 million for the preceding three years, and an entrepreneur is an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for the preceding three years. Of the ten winning bidders for BRS licenses, two bidders claiming the small business status won 4 licenses, one bidder claiming the very small business status

won three licenses and two bidders claiming entrepreneur status won six licenses. One of the winning bidders claiming a small business status classification in the BRS license auction has an active licenses as of December 2021.

The Commission's small business size standards for EBS define a small business as an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$55 million for the preceding five (5) years, and a very small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$20 million for the preceding five (5) years. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Broadband Personal Communications Service. The broadband personal communications services (PCS) spectrum encompasses services in the 1850–1910 and 1930–1990 MHz bands. The closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (*except* Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

Based on Commission data as of November 2021, there were approximately 5,060 active licenses in the Broadband PCS service. The Commission's small business size standards with respect to Broadband PCS involve eligibility for bidding credits and installment payments in the

auction of licenses for these services. In auctions for these licenses, the Commission defined “small business” as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a “very small business” as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. Winning bidders claiming small business credits won Broadband PCS licenses in C, D, E, and F Blocks.

In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA’s small business size standard.

1. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (e.g. dial-up ISPs) or Voice over internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on this data, the Commission estimates that the majority of “All Other Telecommunications” firms can be considered small.

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

The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

The Commission anticipates that any rule changes that result from the *NPRM* will meet the Commission’s objective of providing certainty for all applicants that are small entities. The *NPRM* seeks comment on ways that the Commission can streamline the environmental review process, prioritize efficiency and certainty and expedite the process for all applicants seeking environmental approval of pending construction projects. While these types of changes will reduce economic impact and regulatory burden for all applicants, we expect that small entity applicants, who typically lack the both the financial and staffing resources of their larger counterparts, will particularly benefit from any rules changes, if adopted.

Along these lines, the *NPRM* asks if the Commission has substantial federal control and responsibility over the construction of certain communications towers, such as towers deployed pursuant to geographic area licenses, to determine whether those towers qualify as Commission MFAs under the amended NEPA. If the Commission determines that it does not have substantial federal control and responsibility over these types of projects, then this finding would apply equally to small entities as well as all other applicants. Such a finding could mean that these types of construction projects would not need to undergo environmental processing before construction could begin, thereby creating a cost savings. Along these same lines, the *NPRM* asks what the Commission responsibilities are under the NHPA if the Commission determines that these types of projects are not considered to be MFAs as defined by NEPA. Depending on the Commission’s decision, these types of changes would reduce economic impact and record keeping requirements for small entity applicants, as well as all applicants.

Further, the Commission seeks comment on other methods that might reduce economic burden and record keeping, including making changes to

the Commission’s environmental notice rules that stem from the requirement that certain towers must be registered in the Commission’s Antenna Structure Registration (ASR) database. The Commission seeks comment on whether to amend its categorical exclusion (CE) regulation, including on whether to categorically exclude additional categories of Commission actions, and on whether to amend the list of extraordinary circumstances. The Commission also seeks comment on reorganizing the framework of its environmental rules to list specific MFAs that would be categorically excluded in place of the Commission’s current approach of applying a broad CE. The *NPRM* also seeks comment on whether and how it should implement NEPA procedures for designating a lead agency in its rules, whether and how to amend its rules excepting proposed MFAs from environmental processing when the Commission is not the lead agency, and on how the Commission should document the designation of another agency as lead agency. If the Commission adopts these types of changes, these changes could further reduce economic and regulatory burden.

At this time, the Commission cannot quantify the potential cost savings of any rules changes discussed in the *NPRM*, should they be adopted. As part of our invitation for comment by interested parties, we request that any small entities participating in the comment process discuss any benefits or drawbacks associated with the proposed approaches, and provide information on their current costs of compliance with the Commission’s existing rules. We expect the information we receive in comments to help the Commission identify and evaluate relevant matters for small entities, including compliance costs, and identify other burdens that may result from the matters raised in the *NPRM*.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or

simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

The *NPRM* seeks comment on ways the Commission could refine its environmental processing rules that will reduce economic impact and regulatory burden on small and other applicants. In this regard, the *NPRM* seeks comment on different approaches or alternatives that the Commission might take to complying with the revised NEPA requirements. For instance, the Commission is considering the application of its environmental processing rules in the geographic licensing context. In the *NPRM*, we consider whether the start and end dates for the one-year EA submission deadline should be modified in a way that would assist small entities. The Commission is also evaluating whether to broaden its CE regulation to include more Commission actions and if it should establish a process to adopt another agency's CEs. Further, the *NPRM* specifically asks if the Commission should change its rules for a project sponsor-prepared EA to help expedite environmental processing time and reduce costs and burdens for project sponsors, including those that are small entities.

The Commission will decide what actions it should take based on the record that it receives on the *NPRM*.

Part of the decisional process will include evaluating the impact of these decisions on small entities and what alternatives it might adopt to lessen significant economic impact and regulatory burden on small entities while complying with the amendments to NEPA.

The Commission will fully consider the economic impact on small entities as it evaluates the comments filed in response to the *NPRM*, including comments related to costs and benefits. Alternative proposals and approaches from commenters will further develop the record and could help the Commission further minimize the economic impact on small entities. The Commission's evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes to minimize any significant economic impact that may occur on small entities from the final rules.

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

None.

VI. Ordering Clauses

Accordingly, *it is ordered* that, pursuant to sections 1, 2, 4(i) and (j), 201, 214, 301, 303, 309, 319, and 332 of the Communications Act of 1934, as amended 47 U.S.C. 151, 152, 154(i) and (j), 201, 214, 301, 303, 309, 319, and 332, section 102 of the National

Environmental Policy Act of 1969, as amended, 42 U.S.C. 4332, section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108, and the Endangered Species Act of 1973, as amended, 16 U.S.C. 1536, this Notice of Proposed Rulemaking *is adopted*.

It is further ordered that, pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415, 1.419, interested parties may file comments on the Notice of Proposed Rulemaking on or before 30 days after publication in the **Federal Register**, and reply comments on or before 45 days after publication in the **Federal Register**.

It is further ordered that the Petition for Rulemaking filed by CTIA in the Commission's rulemaking proceeding RM-12003 is *granted* to the extent specified herein, that RM-12003 is incorporated into this proceeding WT Docket No. 25-217, and that RM-12003 is *terminated*.

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

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025-15818 Filed 8-18-25; 8:45 am]

BILLING CODE 6712-01-P

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-FGIS-25-0033]

Notice of Intent To Terminate Agricultural Marketing Service Master Scale Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) proposes to terminate the master scale testing program effective September 30, 2025. Significantly reduced customer usage has led to insufficient collection of user fees that are required to cover program costs. AMS seeks public comment on this service termination from affected parties.

DATES: Submit comments on or before September 18, 2025.

ADDRESSES: To submit comments in response to this notice, go to [Regulations.gov](https://www.regulations.gov) (<https://www.regulations.gov>). Instructions for submitting and reading comments are detailed on the site. All comments must be submitted through the Federal e-rulemaking portal at <https://www.regulations.gov> and should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT:

Barry Gomoll, Grain Marketing Specialist, Federal Grain Inspection Service, AMS, USDA; telephone: (202) 720-8286; email: barry.l.gomoll@usda.gov.

SUPPLEMENTARY INFORMATION:

Authority

Section 16 of the United States Grain Standards Act (USGSA), as amended (7 U.S.C. 71 *et seq.*), states that the Secretary of Agriculture "may provide for the testing of weighing equipment used for purposes other than weighing grain." The USGSA further states that the testing shall be performed "for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed" and that testing "may not conflict with or impede the objectives" specified in the Congressional findings and declaration of policy of the USGSA. Moreover, AMS requires that scales used in the weighing of grain function in an approved manner (7 CFR 800.217(c)) and section 9 of the USGSA (7 U.S.C. 79b) requires the Secretary to provide regulations for the testing of official scales as the needed to ensure accuracy and integrity of that equipment. AMS uses this discretionary authority to maintain and operate the Federal Grain Inspection Service (FGIS) master scale depot.

Background

Since 1980, AMS has maintained and operated the master scale depot in Chicago, Illinois. AMS uses this depot as a central testing location to calibrate other master scales throughout the United States. Once AMS has completed testing and calibration, railroad companies and States can then calibrate their own railroad track scales and other industry owned scales with their own test cars to ensure uniform weighing performance.

From 2010 through 2019, AMS had an agreement with the Association of American Railroads (Association) that supported costs and maintenance of the master scale depot, weighing equipment, and salaries of personnel. The Association elected not to reestablish the agreement in 2020, thereby removing guaranteed funding that supported operating expenses. A primary reason the Association subsidized the scale calibration and testing services was consolidation of scale service providers, while the Association projected the number test cars sent to the Chicago-based master scale facility would increase. Today, the overall business environment and

model has changed drastically. When AMS assumed the master scale calibration service decades ago, historical records indicate there were eleven master scales in use throughout the United States. In fiscal year 2024, AMS tested and calibrated only three of five currently operating master scales, two owned by railroad companies and one owned by the State of Minnesota. Due to the cancellation of the Association agreement and changes in business conditions, AMS has not collected sufficient fees to cover the cost of this service.

Service Fees

Maintaining the master scale program involves coverage of fixed and variable expenses that include, but are not limited to, facility maintenance, repairs, and utilities; weighing equipment technology and test car repairs, upgrades, or replacements to increase testing efficiency and reduce wear and tear on equipment; and personnel salaries and required training costs. AMS made attempts to generate business by modernizing operations that would ensure the accuracy of official weight certificates and traceability. AMS conducted long overdue renovations of the depot building in fiscal years 2020–2021 and replaced outdated equipment in fiscal year 2022. Due to the decreased volume of testing, the master scale testing program user fees have not kept pace with the fixed costs of operating the program.

AMS bills master scale testing customers through a combination of an hourly rate, travel expenses, and a daily rate for the use of the test car. AMS decreased scale testing fees each fiscal year from 2018–2020 and has only modestly increased fees in the years since, while overall testing volume remains unsustainably low. Since the termination of the Association agreement in 2020, individual companies assume user fee-based costs for each master scale test, which totaled approximately \$7,800 per master scale test as of 2024. If AMS were to test all five master scales annually, the estimated revenue collection of \$39,000 would only cover about 20 percent of the total cost of providing and maintaining the service, which is more than \$200,000 each year. The USGSA requires that scale testing fees be reasonable and sufficient to cover

applicable costs. AMS is not collecting sufficient fees to cover the cost of providing the master scale testing service. To continue operating the master scale testing program, AMS would require a significant user fee increase that the agency does not believe customers would consider reasonable.

Request for Comments

AMS proposes to cease operation of the master scale depot and transfer the depot to either another government agency or a private entity. AMS is soliciting feedback including data, recommendations, and other information from customer stakeholders on plans to terminate the master scale testing program service effective September 30, 2025. Faced with significantly less service volume and constrained revenue collection, AMS made substantial strides to adapt services to no avail. While scale calibration and testing services remain vital to all weighed freight moving on the U.S. railroad system, AMS can only operate the master scale program if it can be fully self-sustained through user fee funding. The USGSA does not mandate testing of scales used for commodities other than grain and AMS believes that non-federal expertise and viable providers through a State-government program or a private sector entity could preserve service affordability without compromising the integrity of standards.

AMS is also requesting any historical information pertaining to an agreement established in 1980 whereas the USDA Federal Grain Inspection Service (FGIS) and the National Institute of Standards and Technology (NIST)—formerly the National Bureau of Standards (NBS)—transferred responsibility to maintain the Chicago-based Master Scale facility to FGIS.

After reviewing feedback and comments submitted in response to this notice, AMS will make a final determination concerning the master scale testing program.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2025-15756 Filed 8-18-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-NOP-25-0034]

Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), is announcing a meeting of the National Organic Standards Board (NOSB). The NOSB assists USDA in the development of standards for substances to be used in organic production and advises the Secretary of Agriculture on any other aspects of the implementation of the Organic Foods Production Act (OFPA).

DATES: The meeting will be held November 4–6, 2025, from 9:00 a.m. to approximately 5:00 p.m. Central Time (CT) each day. The NOSB will hear oral public comments via webinars on Tuesday, October 28, and Thursday, October 30, 2025, from 12:00 p.m. to approximately 5:00 p.m. Eastern Time (ET). The deadline to submit written comments and/or sign up for oral comments is 11:59 p.m. ET, October 8, 2025.

ADDRESSES: The comment webinars are virtual and will be accessed via the internet and/or phone. The in-person meeting will be held at the Embassy Suites Omaha—Downtown/Old Market, 555 S 10th Street, Omaha, NE 68102, United States. The meeting will also be broadcast live. In the event we are not able to meet in person, the meeting will be held virtually. The meeting information will be available on the AMS website including links to join virtually: <https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-fall-2025>.

FOR FURTHER INFORMATION CONTACT: Ms. Michelle Arsenault, Advisory Committee Specialist, National Organic Standards Board, USDA-AMS-NOP, 1400 Independence Avenue SW, Room 2642-S, STOP 0268, Washington, DC 20250-0268; phone: (202) 997-0115; email: nosb@usda.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, 5 U.S.C. 10, and 7 U.S.C. 6518(e), as amended, AMS is announcing a meeting of the NOSB. The NOSB makes recommendations to USDA about whether substances should be allowed or prohibited in organic

production and/or handling, assists in the development of standards for organic production, and advises the Secretary on other aspects of the implementation of the Organic Foods Production Act, 7 U.S.C. 6501, *et seq.* NOSB is holding a public meeting to discuss and vote on proposed recommendations to USDA, to obtain updates from the NOP on issues pertaining to organic agriculture, and to receive comments from the organic community. Registration is only required to sign up for oral comments. All meeting documents and instructions for participating will be available on the AMS website at <https://www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-fall-2025>. Please check the website periodically for updates. Meeting topics will encompass a wide range of issues, including substances petitioned for addition to, or removal from, the National List of Allowed and Prohibited Substances (National List), substances on the National List that are under sunset review, and guidance on organic policies.

Public Comments: Comments should address specific topics noted on the meeting agenda.

Written Comments: Written public comments will be accepted until 11:59 p.m. ET, October 8, 2025, via <https://www.regulations.gov> (Doc. No. AMS-NOP-25-0034). Comments submitted after this date will be added to the public comment docket, but Board members may not have adequate time to consider those comments prior to making recommendations. NOP strongly prefers comments to be submitted electronically. However, written comments may also be submitted (*i.e.*, postmarked) via mail, by or before October 8, 2025, to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Oral Comments: The NOSB will hear oral public comments via webinars on Tuesday, October 28, and Thursday, October 30, 2025, from 12:00 p.m. to approximately 5:00 p.m. ET, and during the first day of the meeting. Commenters wishing to address the Board must pre-register by 11:59 p.m. ET on October 8, 2025. Instructions for registering and providing oral comments can be found on the meeting web page noted under **ADDRESSES**.

Meeting Accommodations: USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable

accommodation to the person listed under **FOR FURTHER INFORMATION CONTACT**. Determinations for reasonable accommodation will be made 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, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Dated: August 15, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025-15774 Filed 8-18-25; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-FGIS-25-0221]

2025/2026 Rates for Grain Inspection and Weighing Services Under the United States Grain Standards Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS or the Agency) is announcing the 2025/2026 rates it will charge for official grain inspection and weighing services, supervision of official grain inspection and weighing services, and miscellaneous fees for other services performed under the United States Grain Standards Act (USGSA), as amended. This action publishes the resulting fees from the annual review of fees. The 2025/2026 hourly, unit, and tonnage rates will be applied at the beginning of the fiscal year. This action establishes the rates for user-funded services based on costs incurred by AMS. This year, cost-based analyses indicated the need to increase certain user fee rates when current rates are insufficient to cover the costs of providing the service. While cost-saving

measures have and will continue to be implemented, user fee rate increases are necessary to offset rising operational costs and rebuild the user fee reserve. Prospective customers can find the fee schedule posted on the Agency's public website: <https://www.ams.usda.gov/about-ams/fgis-program-directives>.

DATES: Applicable October 1, 2025.

FOR FURTHER INFORMATION CONTACT:

Anthony Goodeman, Senior Policy Advisor, USDA AMS; telephone: 202-720-0291, or email:

anthony.t.goodeman@usda.gov.

SUPPLEMENTARY INFORMATION: The USGSA provides the Secretary of Agriculture with the authority to charge and collect reasonable fees to cover the costs of performing official services, as well as those associated with managing the program. The USGSA also mandates that the Secretary must maintain an operating reserve of three- to six-months of expenses and adjust fees no less frequently than annually to maintain those reserves. The grain inspection regulations stipulate how the Federal Grain Inspection Service (FGIS) conducts annual fee reviews of Direct Service and Supervision fees (7 CFR 800.71).

On January 6, 2025, FGIS published in the **Federal Register** a final rule that established standardized formulas for calculating the fees charged by FGIS user-funded programs (90 FR 531). On the basis of rates calculated using these formulas, FGIS determines the fee rates necessary to sustain program services, then publishes a **Federal Register** notice announcing the rates for its user-funded programs.

This notice announces the 2025/2026 fee rates for grain inspection and weighing services on a per-hour rate, unit fee, and tonnage fee. Fee rates will be effective at the beginning of the fiscal year.

Rates reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of Program and Agency activities supporting the services provided to the industry. The formula used to calculate these rates also includes operating reserve, which may add to or draw upon the existing operating reserves.

These services include the inspection, weighing, and/or certification of quality factors in accordance with established U.S. Grain Standards or other specifications. The quality grades and official weights serve as a basis for market prices and reflect the value of grain to producers, consumers,

handlers, exporters, and foreign buyers. FGIS' grading and certification services include both mandatory and voluntary services paid for by the users on a fee-for-service basis. The grain industry can use these tools to promote and communicate the quality of grain to domestic and foreign buyers and to maintain compliance with USGSA requirements. FGIS is required by statute to recover the costs associated with these services and to maintain a three- to six-month operating reserve.

2025/2026 Rate Calculations

Hourly and Unit Fees

FGIS calculated the rate for services, per hour per program employee, using the following formulas (a per-unit base is included for charges for services on a per-unit basis; the specific amounts in each rate calculation are available upon request from FGIS):

(1) Regular rate. The total direct pay of program personnel performing grading, weighing, laboratory services, and equipment testing divided by the total direct hours for the previous year, which is then multiplied by the next year's percentage cost-of-living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses will be added to the cost of providing the service through the operating rate or the travel will be billed separately.

(2) Overtime rate. The total direct pay of program personnel performing grading, weighing, laboratory services, and equipment testing divided by the total direct hours for the previous year, which is then multiplied by the next year's percentage cost-of-living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses will be added to the cost of providing the service through the operating rate or the travel will be billed separately.

(3) Holiday rate. The total direct pay of program personnel performing grading, weighing, laboratory services, and equipment testing divided by the total direct hours for the previous year, which is then multiplied by the next year's percentage cost-of-living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses will be added to the cost of providing the service through the operating rate or the travel will be billed separately.

Overview of Direct Service Tonnage Fee Calculations

The USGSA and its implementing regulations (7 CFR 800.71(b)(1)(i) and (ii)) require that annual tonnage rates are adjusted annually, and that the rates should be based on the prior year's costs, divided by the five-year rolling average of tonnage volumes. To comply with this requirement, FGIS conducts an annual review of its tonnage fees.

Tonnage for the 5-year rolling average was calculated on the previous 5 fiscal years (2020, 2021, 2022, 2023, and 2024). Tonnage fees consist of the National tonnage fee and local tonnage fee and are calculated and rounded to

the nearest \$0.001 per metric ton. The specific amounts in each rate calculation are available upon request from FGIS.

Calculation of National tonnage fee. The National tonnage fee is the National program administrative costs for the previous fiscal year divided by the average yearly tons of export grain officially inspected and/or weighed by delegated States and designated agencies, excluding land carrier shipments to Canada and Mexico, and outbound grain officially inspected and/or weighed by FGIS during the previous 5 fiscal years.

The 2025 National tonnage fee is \$0.060 per metric ton. The calculation of this fee is based on FY24 National administrative costs of \$6,906,002, divided by the 5-year rolling tonnage average of 115,262,834 metric tons.

Calculation of local tonnage fee. The local tonnage fee is the field office administrative costs for the previous fiscal year divided by the average yearly tons of outbound grain officially inspected and/or weighed by FGIS field offices during the previous 5 fiscal years.

2025/26 Grain Inspection and Weighing Direct Service Fees, Effective October 1, 2025

TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT'S FACILITY IN AN ONSITE FGIS LABORATORY ¹

Service	Regular rate Monday– Friday (6 a.m.–6 p.m.)	Night differential Monday– Friday (6 p.m.–6 a.m.)	Overtime rate Sunday and Saturday	Holiday rate
Inspection and Weighing Services Hourly Fees (per service representative)				
One-Year Contract (per hour per Service representative)	\$70.00	\$77.00	\$87.00	\$104.00
Noncontract (per hour per Service representative)	100.00	.....	125.00	150.00

Additional Tests (cost per test, assessed in addition to the hourly rate) ²

Service	2025/26 Rate
Aflatoxin (rapid test kit method)	\$17.90
All other Mycotoxins (rapid test kit method)	32.60
NIR or NMR Analysis (protein, oil, starch, etc.)	4.30
Waxy corn (per test)	4.30
Class Y Weighing—online (per carrier)	2.80
Fees for other tests not listed above will be based on the noncontract hourly rate from Table 1 (per hour/per representative).	

Tonnage Fee (assessed in addition to all other applicable fees, only one tonnage fee will be assessed when inspection and weighing services are performed on the same carrier):

All Outbound Carriers Serviced by the Specific Field Office (per-metric ton) ³

Delegated States/Designated Agencies (National \$0.060) ⁴	0.060
League City tonnage fee (local \$0.094 plus National \$0.060)	0.154
New Orleans tonnage fee (local \$0.025 plus National \$0.060)	0.085
Pacific Northwest tonnage fee (local \$0.045 plus National \$0.060)	0.105
Toledo tonnage fee (local \$0.287 plus National \$0.060)	0.347

¹ Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

² Appeal and re-inspection services will be assessed the same fee as the original inspection service.

³ Standard carrier capacity for trucks/submitted samples—52,800 lbs. (approx. 23.95 metric tons (mt)), container—54,000 lbs. (approx. 24.49 mt), rail—220,000 lbs. (approx. 99.79 mt), barge—3,648,000 lbs. (approx. 1,654.70 mt), Pacific Northwest (PN) barge—6,707,000 lbs. (approx. 3,042.24 mt).

⁴ Tonnage fee is assessed on export grain inspected and/or weighed, excluding land carrier shipments to Canada and Mexico.

TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY ^{1 2}

Original Inspection and Weighing (Class X) Services	
Sampling only (use hourly rates from Table 1).	
Stationary Lots (sampling, grade/factor, and checkloading)	
Service	2025/26 Rate
Truck/trailer/container (per carrier)	\$35.00
Railcar (per carrier)	51.90

TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY^{1 2}—Continued

Service	
Sacked grain (per hour per service representative plus an administrative fee per hundred weight)	0.125/CWT
Lots Sampled Online During Loading (sampling use hourly rates from Table 1, plus)	
Truck/trailer/container (per carrier)	21.30
Railcar (per carrier)	43.90
Sacked grain (per hour per service representative plus an administrative fee per hundred weight)	0.125/CWT
Other Services	
Submitted sample (per sample—grade and factor)	21.30
Factor only (per factor—maximum 2 factors)	10.40
Class X Weighing will be based on the noncontract hourly rate from Table 1 (per hour/per service representative).	
Additional Tests (excludes sampling)	
Aflatoxin (rapid test kit method)	52.50
All other Mycotoxins (rapid test kit method)	67.60
Fecal Matter Assay—Detection of Fecal Matter (Qualitative)	326.55
NIR or NMR Analysis (protein, oil, starch, etc.)	17.90
Test Kit Evaluation (Monday–Friday)	111.70
Tilletia controversa Kühn (TCK) spores testing (per sample)	326.55
Waxy Corn (per test)	17.90
Fees for other tests not listed above will be based on the noncontract hourly rate from Table 1.	
Pesticide Residue Testing	
Routine Compounds (per hour per service representative)	376.50
Non-routine Compounds (Subject to availability) (per hour per service representative)	200.90
Original Inspection and Weighing (Class X) Services Appeal Inspection and Review of Weighing Service³ Sampling Service for Appeals Additional (hourly rates from Table 1)	
Board appeal and Appeals (grade and factor)	142.70
Factor only (per factor—max 2 factors) ⁴	75.10
Additional Tests (assessed in addition to all other applicable tests)	
Aflatoxin (rapid test kit method)	52.50
All other Mycotoxins (rapid test kit method)	82.20
Mycotoxin (per test—HPLC)	245.60
NIR or NMR Analysis (protein, oil, starch, etc.)	31.10
Sunflower oil (per test)	31.10
Fees for other tests not listed above will be based on the noncontract hourly rate from Table 1.	
Stowage Examination (service on request)	
Ship (per stowage space)(minimum 5 spaces per ship)	89.00
Subsequent ship examinations(same as original)	
(minimum 3 spaces per ship)	89.00
Barge (per examination)	71.30
All other carriers (per examination)	28.20

¹ Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

² In addition to a 2-hour minimum charge on Saturday, Sunday, and holidays, an additional charge will be assessed when the revenue from the services in Table 2, does not equal or exceed what would have been collected at the applicable hourly rate.

³ If, at the request of the Service, a file sample is located and forwarded by the Agency, the Agency may, upon request, be reimbursed at the rate of \$3.50 per sample by the Service. (Invoice processed through appropriate payment method.)

⁴ Factor only appeal—In accordance with 800.135(b) Kind and Scope, an appeal inspection is limited to the kind and scope of the original or re-inspection service; in the case of factor-only inspections, the service is limited to a maximum of two factors with no grade assignment.

TABLE 3—MISCELLANEOUS SERVICES

Service	2025/26 Rate
Grain grading seminars (per hour per service representative) ¹	\$120.00
Samples provided to interested parties (per sample)	5.20
Extra copies of certificates and divided lots (per certificate)	3.50
Special mailing (actual cost)	Actual cost
Travel (mileage, airfare, per diem, etc.)	Actual cost

TABLE 3—MISCELLANEOUS SERVICES—Continued

Service	2025/26 Rate
Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 2).	
Special Weighing Services (per hour per service representative)¹⁰	
Scale testing and certification	145.20
Evaluation of weighing and material handling systems	145.20
NTEP prototype evaluation (other than Railroad Track Scales)	145.20
NTEP prototype evaluation of Railroad Track Scales	145.20
Use of FGIS railroad track scale test equipment per facility for each requested service	870.70
Mass standards calibration and re-verification	145.20
Special [weighing] projects	145.20

¹⁰ Regular business hours—Monday through Friday—service provided at other than regular business hours will be charged at 1½ times the applicable hourly rate (see § 800.0(b)(14) for definition of “business day”).

Overview of Supervision Fees (Fees for Supervision of Official Inspection and Weighing Services Performed by Delegated States and Designated Agencies in the United States)

The supervision tonnage fee for 2025/26 is \$0.008 per ton. FGIS calculates the supervision tonnage fee using the prior year's actual costs and the 5-year average tonnage of domestic U.S. grain shipments inspected, weighed, or both, including land carrier shipments to Canada and Mexico.

Operating reserve adjustment. In order to maintain an operating reserve of not less than 3 and not more than 6 months, FGIS reviewed the value of the operating reserve at the end of FY2024 to ensure that an operating reserve of 6 months is maintained. The operating reserve adjustment is the difference between FY2024 ending reserves and the operating reserve threshold, which is equivalent to 6 months of supervisory costs. The operating reserve is less than the operating reserve threshold, and the adjustment is \$398,289.

Supervision tonnage fee. FGIS adds the total prior year supervision costs and the operating reserve adjustment, then divides the result by the previous 5-year average tonnage. If the calculated fee is zero or a negative value, FGIS will suspend collection of supervision tonnage fees for the next calendar year. The calculation, based on FY2024 supervision costs of \$1,363,509, is \$1,363,509 plus the operating reserve adjustment of \$398,289, which equals \$1,761,798, divided by a 5-year average tonnage of 219,633,243 which equals \$0.008 per ton.

Therefore, for 2025, FGIS will assess a supervision tonnage fee of \$0.008 per ton on domestic shipments officially inspected and/or weighed, including land carrier shipments to Canada and Mexico, performed by delegated States and/or designated agencies on or after October 1, 2025. The specific amounts

in each rate calculation are available upon request from FGIS. The Supervision fee will be published in FGIS Directive 9180.74 and on the Agency's public website.

Miscellaneous Fees for Other Services Calculations Under 7 CFR 800.71(d)

Registration certificates and renewals. FGIS calculates the application fee by multiplying the Direct Service non-contract hourly rate (Table 1) by a quantity of five. The resulting fee is expected to cover FGIS personnel costs to review applications, fee publication expenses, and administrative expenses. The Direct Service non-contract hourly rate is \$100.00. Thus, the application fee for 2025/26 is \$100.00 times 5, or \$500.00. This fee will be published in FGIS Directive 9180.74 and on the Agency's public website.

Designation amendments. FGIS calculates the rate using the **Federal Register** publication rate for three columns, plus one hour of noncontract hourly rate from Table 1 of Direct Service Fees. The fee covers FGIS personnel costs, administrative expenses, and costs for publishing notices regarding the designation of official service providers in the **Federal Register**. The **Federal Register** publication rate is \$151 per column, and the Direct Service non-contract hourly rate is \$100.00. FGIS calculates the fee as \$553.00 for 2025/26. This fee will be published in FGIS Directive 9180.74 and on the Agency's public website.

Authority: 7 U.S.C. 71–87k.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2025–15768 Filed 8–18–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID: FSA–2025–0103]

Information Collection Requests; Farm Loan Programs—Direct Loan Making

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on an extension of a currently approved information collection associated with the Direct Loan Making and Loan Servicing Program. The collected information is used in eligibility and feasibility determinations on farm loan applications as well as to determine borrower compliance with loan agreements, assist the borrower in achieving business goals, and regular servicing of the loan account such as graduation, subordination, partial release, and use of proceeds.

DATES: We will consider comments that we receive by October 20, 2025.

ADDRESSES: We invite you to submit comments in response to this notice. FSA prefers that the comments are submitted electronically through the Federal eRulemaking Portal, identified by Docket ID No. FSA–2025–0103, go to <http://www.regulations.gov> and search for docket ID FSA–2025–0103. Follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: For specific questions related to the collection activities or to obtain a copy of the information collection request: For the Direct Loan Making Program please contact Paul B. Peterson; telephone; (507) 702–3062; email: paul.peterson@usda.gov; for Direct Loan Servicing, please contact Lee Nault,

(202) 720-6834; lee.nault@usda.gov. Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720-2600 (voice) or (844) 433-2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION:

Title: Farm Loan Programs, Direct Loan Making.

OMB Control Number: 0560-0237.

Expiration Date of Approval: January 31, 2026.

Type of Request: Revision and Extension of a currently approved information collection.

Abstract: FSA's Farm Loan Programs provide loans to family farmers to purchase real estate and equipment, and to finance agricultural production. Direct Loan Making (including Direct Farm Ownership Microloan (DFOML)) regulations in 7 CFR part 764 provide the requirements and process for determining an applicant's eligibility for a direct loan.

The following forms are part of the Direct Loan Making package which is being renewed. FSA-2001, Request for Direct Loan Assistance; FSA-2029-M, Mortgage for _____; FSA-2310, Lenders Verification of Loan Application (Emergency Loan Use); FSA-2341, Certification of Attorney; FSA-2340, Selection of Attorney/Title Agent; FSA-2309, Certification of Disaster Losses; FSA-2042, Consent to Payment of Proceeds from Sale of Products; FSA-2041, Assignment of Proceeds From the Sale of Products; FSA-2370, Request for Waiver of Borrower Training Requirements/Borrowers Training Assessment; FSA-2028, Security Agreement; FSA-2044, Assignment of Income from Real Estate Security; FSA-2026, Promissory Note; FSA-2007, Cosigner Application and Agreement; FSA-2006, Property Owned and Leased; FSA-2005, Creditor List; FSA-2004, Authorization to Release Information; FSA-2002, Three-Year Financial History; FSA-2376, Borrower Training Course Evaluation; FSA-2371, Agreement to Complete Training; FSA-2027, Supplemental Payment Agreement; FSA-2003, Three-Year Production History; FSA-2352, Final Title Opinion; FSA-2344, Preliminary Title Opinion; FSA-2317, Consent and Subordination Agreement; FSA-2319, Agreement with Prior Lienholder; FSA-2342, Certification of Title Agent; FSA-2361, Subordination To The Government; FSA-2360, Report of Lien Search; FSA-2314, Streamlined Request for Direct OL Assistance; FSA-2313, Notification of Loan Approval and Borrower Responsibilities; Notification of Loan Approval and Borrower

Responsibilities; FSA-2351, Certification Of Improvement Of Property; FSA-2350, Loan Closing Instructions; FSA-2313, Notification of Loan Approval and Borrower Responsibilities; FSA-2301, Request For Youth Loan; FSA-2318, Agreement for Disposition of Jointly-Owned Property; FSA-2320, Property Insurance Mortgage Clause (Without Contribution); FSA-2015, Verification of Debts and Assets; FSA-2014, Verification of Income; FSA-2043, Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the number of responses multiplied by the number of responses per respondent to get the total annual responses which is multiplied by the hours per response.

Estimate of Average Time to Respond: Public reporting burden for the information collection is estimated to average 0.484 hours per response.

Type of Respondents: Individuals or households, businesses or other for-profit farms.

Estimated Annual Number of Respondents: 202,013.

Estimated Number of Responses per Respondent: 3.45.

Estimated Total Annual Responses: 696,203.

Estimated Average Time per Response: 0.48 hours.

Estimated Total Annual Burden on Respondents: 336,908 hours.

FSA is requesting OMB approval on the revised, estimated numbers, which are being provided in this request. The burden hours increased by 41,058 hours while the annual responses have increased by 84,844.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per responses multiplied by the estimated total annual of responses.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of FSA's estimate of burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected;

(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.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

William Beam,

Administrator, Farm Service Agency.

[FR Doc. 2025-15744 Filed 8-18-25; 8:45 am]

BILLING CODE 3411-E2-P

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed Recreation Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Coconino National Forest is proposing to establish several recreation fee sites and a special recreation permit. Proposed recreation fees collected at the proposed recreation fee sites and for the proposed special recreation permit would be used for operation, maintenance, and improvement of the sites and the special recreation use covered by the proposed special recreation permit. An analysis of nearby recreation fee sites and special recreation uses with similar amenities shows that the proposed recreation fees that would be charged at the proposed recreation fee sites are reasonable and typical of similar recreation fee sites and special recreation uses in the area.

DATES: If approved, the proposed recreation fee sites and proposed recreation fees would be established no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Coconino National Forest, Attention: Recreation Fees, 1824 S. Thompson St., Flagstaff, AZ 86001.

FOR FURTHER INFORMATION CONTACT: Brian Poturalski, Recreation Program Manager, (928) 527-3474, brian.poturalski@usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(b)) requires the Forest Service to publish in the **Federal Register** a six-month advance notice before establishment of proposed recreation fee sites and proposed special recreation permits. In accordance with Forest Service Handbook 2309.13,

chapter 30, the Forest Service will publish the proposed recreation fee sites and proposed special recreation permit fees in local newspapers and other local publications for public comment. At least 80% of the proposed recreation fees would be spent where they are collected to enhance the visitor experience at the proposed recreation fee sites and in connection with the special recreation use covered by the proposed special recreation permit.

A proposed expanded amenity recreation fee of \$100 per night would be charged for rental of Mormon Lake Guard Station Cabin. A proposed expanded amenity recreation fee of \$75 per night would be charged for rental of Buck Mountain Lookout.

A proposed standard amenity recreation fee of \$10 per day per vehicle, \$30 per week per vehicle, and \$60 per year per vehicle would be charged at CC Cragin and Knoll Lake boating sites. The Red Rock Pass and the America the Beautiful—the National Parks and Federal Recreational Lands Pass would be honored at these standard amenity recreation fee sites. A proposed special recreation permit fee of \$25 per vehicle per day is proposed at sites within the Fossil Creek Wild and Scenic Corridor, including Homestead Day Use Area, Fossil Creek Bridge Day Use Area, Mazatzal Day Use Area, Tonto Bench Day Use Area, Sally May Day Use Area, Purple Mountain Day Use Area, Irving/Flume Trailhead, and Dixon Lewis Trailhead.

Fee revenue would be used to enhance recreation opportunities, improve customer service, and address maintenance needs.

Once public involvement is complete, the proposed recreation fee sites and special recreation permit fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation. Reservations for cabins, lookouts, and permits could be made online at www.recreation.gov or by calling 877-444-6777. Reservations would cost \$8.00 per reservation for cabins and lookouts or \$6.00 per reservation for permits. The \$8.00 and \$6.00 reservation fees for cabins, lookouts, and permits are transaction fees charged by the recreation.gov reservation platform and is not a Forest Service recreation fee under the Federal Lands Recreation Enhancement Act. These transaction fees are retained by the

service provider to support the cost of the reservation system.

Lisa Northrop,

Associate Deputy Chief State, Private and Tribal Forestry, National Forest System.

[FR Doc. 2025-15803 Filed 8-18-25; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed Recreation Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Inyo National Forest is proposing to establish several recreation fee sites. Proposed recreation fees collected at the proposed recreation fee sites would be used for operation, maintenance, and improvement of the sites. An analysis of nearby recreation fee sites with similar amenities shows that the proposed recreation fees that would be charged at the proposed recreation fee sites are reasonable and typical of similar recreation fee sites in the area.

DATES: If approved, the proposed recreation fee sites and proposed recreation fees would be established no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Inyo National Forest, Attention: Recreation Fees, 351 Pacu Lane, Suite 200, Bishop, CA 93514.

FOR FURTHER INFORMATION CONTACT: Andrew Kennedy, Forest Recreation Officer, (760) 920-3522, andrew.kennedy@usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(b)) requires the Forest Service to publish in the **Federal Register** a six-month advance notice before establishment of proposed recreation fee sites. In accordance with Forest Service Handbook 2309.13, chapter 30, the Forest Service will publish the proposed recreation fee sites and proposed recreation fees in local newspapers and other local publications for public comment. At least 80% of the proposed recreation fees would be spent where they are collected to enhance the visitor experience at the proposed recreation fee sites.

A proposed expanded amenity recreation fee of \$20 per night and \$5 extra vehicle fee would be charged for Hartley Springs, Grandview, Upper Deadman, and Lower Deadman Campgrounds. A proposed expanded

amenity recreation fee of \$25 per night and \$5 extra vehicle fee would be charged for Glass Creek and Big Springs Campgrounds.

Fee revenue would be used to enhance recreation opportunities, improve customer service, and address maintenance needs.

Once public involvement is complete, the proposed recreation fee sites and proposed recreation fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation. Reservations for campgrounds and cabins can be made online at www.recreation.gov or by calling 877-444-6777. Reservations would cost \$8.00 per reservation. The \$8.00 reservation fee is a transaction fee charged by the recreation.gov reservation platform and is not a Forest Service recreation fee under the Federal Lands Recreation Enhancement Act. This transaction fee is retained by the service provider to support the cost of the reservation system.

Lisa Northrop,

Associate Deputy Chief State, Private and Tribal Forestry, National Forest System.

[FR Doc. 2025-15805 Filed 8-18-25; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed Recreation Fee Site

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Arapaho and Roosevelt National Forests & Pawnee National Grassland are proposing to establish a special recreation permit fee site. Proposed recreation fees collected for the proposed special recreation permit fee site would be used for operation, maintenance, and improvement of the site and the special recreation use covered by the proposed special recreation permit. An analysis of nearby recreation fee sites and special recreation uses with similar amenities shows that the proposed recreation fees that would be charged at the proposed special recreation permit fee site are reasonable and typical of similar recreation fee sites and special recreation uses in the area.

DATES: If approved, the proposed special recreation permit fee site and proposed recreation fees would be established no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Arapaho and Roosevelt National Forests & Pawnee National Grassland, Attention: Recreation Fees, 2150 Centre Avenue, Building E, Fort Collins, CO 80526.

FOR FURTHER INFORMATION CONTACT: Bryce Hoffmann, Recreation Planner, (719) 239-4937, bryce.hoffmann@usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(b)) requires the Forest Service to publish in the **Federal Register** a six-month advance notice before establishment of proposed recreation fee sites and proposed special recreation permits. In accordance with Forest Service Handbook 2309.13, chapter 30, the Forest Service will publish the proposed recreation fee site, proposed special recreation permit, and proposed recreation fees in local newspapers and other local publications for public comment. At least 80% of the proposed recreation fees would be spent where they are collected to enhance the visitor experience at the proposed recreation fee site.

A special recreation permit fee is proposed at the Devil's Nose Target Range, with two scenarios. The staffed range scenario is \$20 per lane per hour and a half, with a reservation required through www.recreation.gov and includes a range master onsite. The unstaffed range scenario is \$10 per lane for all-day, first-come, first-served with no reservation required and no range master onsite. Both scenarios allow one vehicle with up to four people per lane.

Fee revenue would be used to enhance recreation opportunities, improve customer service, and address maintenance needs.

Once public involvement is complete, the proposed recreation fee site, proposed special recreation permit, and proposed recreation fees will be reviewed by a Regional Recreation Resource Advisory Committee prior to a final decision and implementation. Reservations for the shooting range can be made online at www.recreation.gov or by calling 877-444-6777. Reservations would cost \$2.00 per reservation for the staffed range scenario. The \$2.00 reservation fee associated with the staffed range scenario is charged by the recreation.gov reservation platform and is not a Forest Service recreation fee under the Federal Lands Recreation Enhancement Act. This transaction fee is retained by the

service provider to support the cost of the reservation system.

Lisa Northrop,

Associate Deputy Chief State, Private and Tribal Forestry, National Forest System.

[FR Doc. 2025-15804 Filed 8-18-25; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 240814-0099]

XRIN 0694-XC132

Adoption and Procedures of the Section 232 Steel and Aluminum Tariff Inclusions Process

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

ACTION: Notice.

SUMMARY: BIS is adding 407 Harmonized Tariff Schedule of the United States (HTSUS) codes to the list of products that will be considered as steel or aluminum derivative products. For such products, steel and aluminum tariffs based on Section 232 of the Trade Expansion Act of 1962 (Section 232) will apply to the steel and aluminum content. The non-steel and non-aluminum content will remain subject to the reciprocal and other applicable tariffs. For 60 HTSUS codes, BIS has decided not to include them as steel and aluminum derivative products at this time, because they are subject to other ongoing investigations pursuant to Section 232 or other trade statutes. The complete list of HTSUS codes added to the Section 232 tariffs by today's action is listed in the annexes to this notice.

DATES: *Steel and aluminum derivatives added to the annex in this notice:* The duties set out in the annex for these additional steel and aluminum derivatives are effective with respect to certain products that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. Eastern Time on August 18, 2025.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2025, the President issued the Aluminum Presidential Proclamation adjusting imports of aluminum into the United States (Proclamation 10895 of February 10, 2025) (90 FR 9807) and the Steel Presidential Proclamation adjusting imports of steel into the United States (Proclamation 10896 of February 10, 2025) (90 FR 9817). These

Proclamations instructed the Secretary of Commerce (Secretary), in consultation with other relevant executive departments and agencies, to revise the HTSUS so that it conforms to the amendments and effective dates directed in the Steel and Aluminum Presidential Proclamations within ten days of the issuance of the Proclamations. The Proclamations directed and authorized the Secretary to publish any such modifications to the HTSUS in the **Federal Register**. BIS published such modifications in Annex 1 to the notice, *Implementation of Duties on Steel Pursuant to Proclamation 10896 Adjusting Imports of Steel Into the United States and Implementation of Duties on Steel Pursuant to Proclamation 10895 Adjusting Imports of Aluminum Into the United States* on behalf of the Secretary on March 5, 2025 (90 FR 11249; 90 FR 11251). Additionally, Proclamations 10895 and 10896 required the Secretary to establish a process for including additional derivative aluminum and steel articles within the scope of the ad valorem duties. The Secretary, through BIS, established the Section 232 Inclusions Process via an Interim Final Rule effective April 30, 2025, and the first two-week submission window opened on May 1, 2025 (90 FR 18780). BIS completed its first submission cycle of the Section 232 Inclusions Process for the Section 232 Steel and Aluminum Tariffs and made the submissions available for public comment. After considering the submissions received, today's notice implements the Secretary's decisions and revises Annex I to add additional steel and/or aluminum derivative products.

Memoranda detailing the Secretary's decisions may be viewed at <https://www.regulations.gov/docket/BIS-2025-0023/document>.

Today's notice, in Annex II, also makes technical corrections to the HTSUS.

The tariff imposed under Proclamations 10895 and 10896 will be assessed on these derivative products for the value of the steel or aluminum content in each product.

Robby S. Saunders,

Deputy Assistant Secretary for Technology Security.

Annex I

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. on August 18, 2025, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

a. By amending subdivision (m) to note 16, by inserting the following into the list HTSUS provisions in numerical order: 7216.91.0010; 7302.90.9000; 7307.19.30; 7307.19.90;

b. By amending subdivision (n) to note 16, by deleting “and (2)” and inserting “; (2)” in lieu thereof, and by inserting the following to the end of the first paragraph after “9403.99.9020”:

“; and (3) all imported derivative iron or steel products that are classified in the following provisions of the HTSUS, including products admitted into a U.S. foreign trade zone under “privileged foreign status” as defined by 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on August 18, 2025, unless the derivative iron or steel product was processed in another country from steel articles that were melted and poured in the United States: 0402.99.68; 0402.99.70; 0402.99.90; 2106.90.9998; 2710.19.3050; 2711.12.0020; 2804.29.0010; 2804.40.0000; 2901.22.0000; 2903.42.1000; 2903.43.10; 2903.44.10; 2903.45.10; 2903.49.00; 2903.51.10; 2903.59.90; 2903.71.0100; 3004.90.9244; 3208.10.00; 3208.20.00; 3208.90.00; 3209.10.00; 3209.90.00; 3213.90.00; 3214.10.00; 3303.00.10; 3303.00.20; 3303.00.30; 3304.30.00; 3304.99.50; 3305.10.00; 3305.30.00; 3305.90.00; 3306.90.00; 3307.10.10; 3307.10.20; 3307.20.00; 3307.49.00; 3307.90.00; 3401.30.10; 3401.30.50; 3402.31.90; 3402.49.90; 3402.50.11; 3402.50.51; 3402.90.10; 3402.90.30; 3402.90.50; 3403.19.10; 3403.19.50; 3403.99.00; 3405.10.00; 3405.20.00; 3405.40.00; 3405.90.00; 3506.10.50; 3506.91.10; 3506.91.50; 3506.99.00; 3808.59.10; 3808.59.40; 3808.61.10; 3808.61.50; 3808.62.10; 3808.62.50; 3808.69.10; 3808.69.50; 3808.91.15; 3808.91.25; 3808.91.30; 3808.91.50; 3808.94.10; 3808.94.50; 3809.91.00; 3810.10.00; 3811.19.00; 3811.21.00; 3814.00.10; 3814.00.20; 3814.00.50; 3820.00.00; 3824.99.9397; 3827.61.0000; 3827.62.0000; 3827.63.0000; 3827.64.0000; 3827.65.0000; 3925.20.00; 3926.90.10; 7614.10.10; 8202.39.0040; 8203.40.60; 8205.59.55; 8205.70.00; 8207.20.0070; 8207.30.6062; 8207.30.6095; 8211.10.00; 8211.91.10; 8211.91.20; 8211.91.25; 8211.91.30; 8211.91.40; 8211.91.50; 8211.91.80; 8211.92.20; 8211.92.40; 8211.92.60; 8211.92.90; 8211.93.00; 8211.94.10; 8211.94.50; 8211.95.10; 8211.95.50; 8211.95.90; 8215.10.00; 8215.20.00; 8215.91.30; 8215.91.60; 8215.91.90; 8215.99.01; 8215.99.05; 8215.99.10; 8215.99.15; 8215.99.20; 8215.99.22; 8215.99.24; 8215.99.26; 8215.99.30; 8215.99.35; 8215.99.40; 8215.99.45; 8215.99.50; 8302.10.60; 8302.41.30; 8302.41.60; 8302.42.30; 8302.49.60; 8305.20.00; 8307.10.60; 8401.40.0000; 8403.10.00; 8406.90.4000; 8407.21.00; 8407.90.10; 8407.90.90; 8408.20.10; 8408.20.90; 8409.91.50; 8409.91.92; 8409.91.99; 8409.99.91; 8409.99.92; 8409.99.99; 8410.90.0000; 8411.81.80; 8412.21.00; 8412.29.80; 8412.90.9070; 8412.90.9075; 8413.81.00; 8413.91.9055; 8413.91.9060; 8413.91.9096; 8414.30.40; 8414.80.16;

8414.90.30; 8414.90.41; 8415.10.30; 8415.10.60; 8415.10.90; 8415.81.01; 8415.82.01; 8415.83.00; 8415.90.40; 8415.90.80; 8417.90.0000; 8418.21.00; 8418.29.20; 8418.99.40; 8419.81.50; 8421.29.00; 8424.10.0000; 8424.89.90; 8425.42.00; 8426.20.00; 8426.99.00; 8427.10.40; 8427.10.80; 8427.20.40; 8427.20.80; 8427.90.00; 8428.32.00; 8428.33.00; 8428.39.00; 8428.60.00; 8428.70.00; 8428.90.03; 8429.11.00; 8429.19.00; 8429.20.00; 8429.30.00; 8429.40.00; 8429.51.10; 8429.51.50; 8429.52.10; 8429.52.50; 8429.59.10; 8429.59.50; 8431.20.00; 8431.39.00; 8431.41.00; 8431.43.40; 8431.43.80; 8433.11.00; 8433.20.00; 8433.51.00; 8433.59.00; 8433.90.10; 8433.90.50; 8443.16.0000; 8454.20.0010; 8454.20.0060; 8455.30.00; 8455.90.4000; 8455.90.8000; 8457.10.00; 8474.90.00; 8477.10.30; 8477.10.40; 8477.10.90; 8477.90.25; 8477.90.8601; 8479.89.55; 8479.89.65; 8479.90.45; 8479.90.55; 8479.90.65; 8479.90.75; 8479.90.85; 8479.90.95; 8480.49.0010; 8480.71.8045; 8480.71.8060; 8480.79.9010; 8482.10.5004; 8482.10.5008; 8482.10.5012; 8482.10.5016; 8482.10.5024; 8482.10.5028; 8482.10.5032; 8482.10.5036; 8482.10.5052; 8482.10.5056; 8482.10.5060; 8482.10.5064; 8482.10.5068; 8482.20.0064; 8482.20.0067; 8482.20.0090; 8482.99.05; 8482.99.15; 8482.99.25; 8482.99.35; 8482.99.45; 8482.99.65; 8483.10.1010; 8483.10.1050; 8483.10.50; 8483.20.40; 8483.20.80; 8483.30.40; 8483.30.80; 8483.40.10; 8483.40.5020; 8483.40.90; 8483.50.60; 8483.50.90; 8483.60.40; 8483.60.80; 8483.90.20; 8483.90.30; 8483.90.50; 8483.90.70; 8483.90.80; 8501.53.40; 8501.53.60; 8501.53.80; 8501.64.0110; 8502.31.0000; 8503.00.35; 8503.00.45; 8503.00.65; 8503.00.75; 8503.00.90; 8503.00.95; 8504.23.00; 8504.33.00; 8504.90.9634; 8504.90.9638; 8504.90.9642; 8514.20.40; 8514.20.60; 8516.29.00; 8516.60.60; 8601.10.00; 8601.20.00; 8602.10.00; 8602.90.00; 8603.10.00; 8603.90.00; 8604.00.00; 8605.00.00; 8607.11.00; 8607.19.0300; 8607.19.06; 8607.19.12; 8607.19.15; 8607.19.90; 8607.21.50; 8607.30.1010; 8607.30.1050; 8607.30.1090; 8607.30.50; 8607.91.00; 8607.99.50; 8609.00.00; 8701.10.01; 8701.21.0080; 8701.22.0080; 8701.23.0080; 8701.24.0080; 8701.29.0080; 8701.30.10; 8701.30.50; 8701.91.10; 8701.91.50; 8701.92.10; 8701.92.50; 8701.93.10; 8701.93.50; 8701.94.10; 8701.94.50; 8701.95.10; 8701.95.50; 8702.10.31; 8702.10.61; 8703.10.10; 8703.10.50; 8703.21.01; 8705.10.00; 8705.20.00; 8705.90.0010; 8705.90.0020; 8706.00.30; 8708.40.30; 8708.40.60; 8708.92.10; 8708.92.50; 8708.92.60; 8708.92.75; 8708.93.15; 8708.93.30; 8708.99.23; 8708.99.81; 8710.00.00; 8711.30.00; 8711.50.00; 8711.60.00; 8714.10.00; 8716.10.00; 8716.39.00; 8716.80.10; 8716.80.50; 8716.90.10; 8716.90.30; 9401.71.00; 9401.79.00; 9403.10.00; 9403.99.10; 9403.99.9010; 9403.99.9015; 9403.99.9040; 9403.99.9045; 9403.99.9051; 9403.99.9061; 9506.91.00”;

c. By amending subdivision (t) to note 16, by inserting the following into the list

HTSUS provisions in numerical order: 7216.91.0010; 7302.90.9000; 7307.19.30; 7307.19.90;

d. By amending subdivision (u) to note 16, by deleting “and (2)” and inserting “; (2)” in lieu thereof, and by inserting the following to the end of the first paragraph after “9403.99.9020”:

“; and (3) all imported derivative iron or steel products that are classified in the following provisions of the HTSUS, including products admitted into a U.S. foreign trade zone under “privileged foreign status” as defined by 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on August 18, 2025, unless the derivative iron or steel product was processed in another country from steel articles that were melted and poured in the United States: 0402.99.68; 0402.99.70; 0402.99.90; 2106.90.9998; 2710.19.3050; 2711.12.0020; 2804.29.0010; 2804.40.0000; 2901.22.0000; 2903.42.1000; 2903.43.10; 2903.44.10; 2903.45.10; 2903.49.00; 2903.51.10; 2903.59.90; 2903.71.0100; 3004.90.9244; 3208.10.00; 3208.20.00; 3208.90.00; 3209.10.00; 3209.90.00; 3213.90.00; 3214.10.00; 3303.00.10; 3303.00.20; 3303.00.30; 3304.30.00; 3304.99.50; 3305.10.00; 3305.30.00; 3305.90.00; 3306.90.00; 3307.10.10; 3307.10.20; 3307.20.00; 3307.49.00; 3307.90.00; 3401.30.10; 3401.30.50; 3402.31.90; 3402.49.90; 3402.50.11; 3402.50.51; 3402.90.10; 3402.90.30; 3402.90.50; 3403.19.10; 3403.19.50; 3403.99.00; 3405.10.00; 3405.20.00; 3405.40.00; 3405.90.00; 3506.10.50; 3506.91.10; 3506.91.50; 3506.99.00; 3808.59.10; 3808.59.40; 3808.61.10; 3808.61.50; 3808.62.10; 3808.62.50; 3808.69.10; 3808.69.50; 3808.91.15; 3808.91.25; 3808.91.30; 3808.91.50; 3808.94.10; 3808.94.50; 3809.91.00; 3810.10.00; 3811.19.00; 3811.21.00; 3814.00.10; 3814.00.20; 3814.00.50; 3820.00.00; 3824.99.9397; 3827.61.0000; 3827.62.0000; 3827.63.0000; 3827.64.0000; 3827.65.0000; 3925.20.00; 3926.90.10; 7614.10.10; 8202.39.0040; 8203.40.60; 8205.59.55; 8205.70.00; 8207.20.0070; 8207.30.6062; 8207.30.6095; 8211.10.00; 8211.91.10; 8211.91.20; 8211.91.25; 8211.91.30; 8211.91.40; 8211.91.50; 8211.91.80; 8211.92.20; 8211.92.40; 8211.92.60; 8211.92.90; 8211.93.00; 8211.94.10; 8211.94.50; 8211.95.10; 8211.95.50; 8211.95.90; 8215.10.00; 8215.20.00; 8215.91.30; 8215.91.60; 8215.91.90; 8215.99.01; 8215.99.05; 8215.99.10; 8215.99.15; 8215.99.20; 8215.99.22; 8215.99.24; 8215.99.26; 8215.99.30; 8215.99.35; 8215.99.40; 8215.99.45; 8215.99.50; 8302.10.60; 8302.41.30; 8302.41.60; 8302.42.30; 8302.49.60; 8305.20.00; 8307.10.60; 8401.40.0000; 8403.10.00; 8406.90.4000; 8407.21.00; 8407.90.10; 8407.90.90; 8408.20.10; 8408.20.90; 8409.91.50; 8409.91.92; 8409.91.99; 8409.99.91; 8409.99.92; 8409.99.99; 8410.90.0000; 8411.81.80; 8412.21.00; 8412.29.80; 8412.90.9070; 8412.90.9075; 8413.81.00; 8413.91.9055; 8413.91.9060; 8413.91.9096; 8414.30.40; 8414.80.16; 8414.90.30; 8414.90.41; 8415.10.30; 8415.10.60; 8415.10.90; 8415.81.01;

8415.82.01; 8415.83.00; 8415.90.40;
 8415.90.80; 8417.90.0000; 8418.21.00;
 8418.29.20; 8418.99.40; 8419.81.50;
 8421.29.00; 8424.10.0000; 8424.89.90;
 8425.42.00; 8426.20.00; 8426.99.00;
 8427.10.40; 8427.10.80; 8427.20.40;
 8427.20.80; 8427.90.00; 8428.32.00;
 8428.33.00; 8428.39.00; 8428.60.00;
 8428.70.00; 8428.90.03; 8429.11.00;
 8429.19.00; 8429.20.00; 8429.30.00;
 8429.40.00; 8429.51.10; 8429.51.50;
 8429.52.10; 8429.52.50; 8429.59.10;
 8429.59.50; 8431.20.00; 8431.39.00;
 8431.41.00; 8431.43.40; 8431.43.80;
 8433.11.00; 8433.20.00; 8433.51.00;
 8433.59.00; 8433.90.10; 8433.90.50;
 8443.16.0000; 8454.20.0010; 8454.20.0060;
 8455.30.00; 8455.90.4000; 8455.90.8000;
 8457.10.00; 8474.90.00; 8477.10.30;
 8477.10.40; 8477.10.90; 8477.90.25;
 8477.90.8601; 8479.89.55; 8479.89.65;
 8479.90.45; 8479.90.55; 8479.90.65;
 8479.90.75; 8479.90.85; 8479.90.95;
 8480.49.0010; 8480.71.8045; 8480.71.8060;
 8480.79.9010; 8482.10.5004; 8482.10.5008;
 8482.10.5012; 8482.10.5016; 8482.10.5024;
 8482.10.5028; 8482.10.5032; 8482.10.5036;
 8482.10.5052; 8482.10.5056; 8482.10.5060;
 8482.10.5064; 8482.10.5068; 8482.20.0064;
 8482.20.0067; 8482.20.0090; 8482.99.05;
 8482.99.15; 8482.99.25; 8482.99.35;
 8482.99.45; 8482.99.65; 8483.10.1010;
 8483.10.1050; 8483.10.50; 8483.20.40;
 8483.20.80; 8483.30.40; 8483.30.80;
 8483.40.10; 8483.40.5020; 8483.40.90;
 8483.50.60; 8483.50.90; 8483.60.40;
 8483.60.80; 8483.90.20; 8483.90.30;
 8483.90.50; 8483.90.70; 8483.90.80;
 8501.53.40; 8501.53.60; 8501.53.80;
 8501.64.0110; 8502.31.0000; 8503.00.35;
 8503.00.45; 8503.00.65; 8503.00.75;
 8503.00.90; 8503.00.95; 8504.23.00;
 8504.33.00; 8504.90.9634; 8504.90.9638;
 8504.90.9642; 8514.20.40; 8514.20.60;
 8516.29.00; 8516.60.60; 8601.10.00;
 8601.20.00; 8602.10.00; 8602.90.00;
 8603.10.00; 8603.90.00; 8604.00.00;
 8605.00.00; 8607.11.00; 8607.19.0300;
 8607.19.06; 8607.19.12; 8607.19.15;
 8607.19.90; 8607.21.50; 8607.30.1010;
 8607.30.1050; 8607.30.1090; 8607.30.50;
 8607.91.00; 8607.99.50; 8609.00.00;
 8701.10.01; 8701.21.0080; 8701.22.0080;
 8701.23.0080; 8701.24.0080; 8701.29.0080;
 8701.30.10; 8701.30.50; 8701.91.10;
 8701.91.50; 8701.92.10; 8701.92.50;
 8701.93.10; 8701.93.50; 8701.94.10;
 8701.94.50; 8701.95.10; 8701.95.50;
 8702.10.31; 8702.10.61; 8703.10.10;
 8703.10.50; 8703.21.01; 8705.10.00;
 8705.20.00; 8705.90.0010; 8705.90.0020;
 8706.00.30; 8708.40.30; 8708.40.60;
 8708.92.10; 8708.92.50; 8708.92.60;
 8708.92.75; 8708.93.15; 8708.93.30;
 8708.99.23; 8708.99.81; 8710.00.00;
 8711.30.00; 8711.50.00; 8711.60.00;
 8714.10.00; 8716.10.00; 8716.39.00;
 8716.80.10; 8716.80.50; 8716.90.10;
 8716.90.30; 9401.71.00; 9401.79.00;
 9403.10.00; 9403.99.10; 9403.99.9010;
 9403.99.9015; 9403.99.9040; 9403.99.9045;
 9403.99.9051; 9403.99.9061; 9506.91.00";

e. By amending subdivision (j) to note 19, by inserting the following into the list HTSUS provisions in numerical order:
 7612.10.0000; 7612.90.5000; 7613.00.0000;
 7614.10.10;

f. By amending subdivision (k) to note 19, by inserting the following into the list of HTSUS provisions, in numerical order:

"0402.99.68; 0402.99.70; 0402.99.90;
 2106.90.9998; 2710.19.3050; 2903.43.10;
 2903.45.10; 2903.49.00; 2903.51.10;
 2903.59.90; 3004.90.9244; 3208.10.00;
 3208.20.00; 3208.90.00; 3209.10.00;
 3209.90.00; 3213.90.00; 3214.10.00;
 3303.00.10; 3303.00.20; 3303.00.30;
 3304.30.00; 3304.99.50; 3305.10.00;
 3305.30.00; 3305.90.00; 3306.90.00;
 3307.10.10; 3307.10.20; 3307.20.00;
 3307.49.00; 3307.90.00; 3401.30.10;
 3401.30.50; 3402.31.90; 3402.49.90;
 3402.50.11; 3402.50.51; 3402.90.10;
 3402.90.30; 3402.90.50; 3403.19.10;
 3403.19.50; 3403.99.00; 3405.10.00;
 3405.20.00; 3405.40.00; 3405.90.00;
 3506.10.50; 3506.91.10; 3506.91.50;
 3506.99.00; 3701.30.0000; 3808.59.10;
 3808.59.40; 3808.61.10; 3808.61.50;
 3808.62.10; 3808.62.50; 3808.69.10;
 3808.69.50; 3808.91.15; 3808.91.25;
 3808.91.30; 3808.91.50; 3808.94.10;
 3808.94.50; 3809.91.00; 3810.10.00;
 3811.19.00; 3811.21.00; 3814.00.10;
 3814.00.20; 3814.00.50; 3820.00.00;
 3824.99.9397; 7308.20.0035; 8307.90.6000;
 8309.90.0020; 8309.90.0025; 8412.90.9070;
 8412.90.9075; 8414.80.16; 8418.10.00;
 8419.50.1000; 8424.89.90; 8443.16.0000;
 8450.11.00; 8451.21.00; 8467.22.00;
 8467.29.00; 8467.81.00; 8467.89.50;
 8483.40.5020; 8483.90.5020; 8501.64.0110;
 8502.20.00; 8502.31.0000; 8503.00.9546;
 8503.00.9570; 8504.31.20; 8504.31.40;
 8504.31.60; 8504.33.00; 8504.34.00;
 8504.90.20; 8504.90.41; 8504.90.65;
 8504.90.75; 8504.90.96; 8544.19.00;
 8544.42.90; 8544.49.2000; 8544.49.9000;
 8544.60.2000; 8544.60.6000; 8716.39.0040;
 9401.79.00"

g. By amending subdivision (r) to note 19, by inserting the following HTSUS into the list provisions in numerical order:

7612.10.0000; 7612.90.5000; 7613.00.0000;
 7614.10.10; and

h. By amending subdivision (s) to note 19, by inserting the following into the list of HTSUS provisions, in numerical order:

"0402.99.68; 0402.99.70; 0402.99.90;
 2106.90.9998; 2710.19.3050; 2903.43.10;
 2903.45.10; 2903.49.00; 2903.51.10;
 2903.59.90; 3004.90.9244; 3208.10.00;
 3208.20.00; 3208.90.00; 3209.10.00;
 3209.90.00; 3213.90.00; 3214.10.00;
 3303.00.10; 3303.00.20; 3303.00.30;
 3304.30.00; 3304.99.50; 3305.10.00;
 3305.30.00; 3305.90.00; 3306.90.00;
 3307.10.10; 3307.10.20; 3307.20.00;
 3307.49.00; 3307.90.00; 3401.30.10;
 3401.30.50; 3402.31.90; 3402.49.90;
 3402.50.11; 3402.50.51; 3402.90.10;
 3402.90.30; 3402.90.50; 3403.19.10;
 3403.19.50; 3403.99.00; 3405.10.00;
 3405.20.00; 3405.40.00; 3405.90.00;
 3506.10.50; 3506.91.10; 3506.91.50;
 3506.99.00; 3701.30.0000; 3808.59.10;
 3808.59.40; 3808.61.10; 3808.61.50;
 3808.62.10; 3808.62.50; 3808.69.10;
 3808.69.50; 3808.91.15; 3808.91.25;
 3808.91.30; 3808.91.50; 3808.94.10;
 3808.94.50; 3809.91.00; 3810.10.00;
 3811.19.00; 3811.21.00; 3814.00.10;
 3814.00.20; 3814.00.50; 3820.00.00;

3824.99.9397; 7308.20.0035; 8307.90.6000;
 8309.90.0020; 8309.90.0025; 8412.90.9070;
 8412.90.9075; 8414.80.16; 8418.10.00;
 8419.50.1000; 8424.89.90; 8443.16.0000;
 8450.11.00; 8451.21.00; 8467.22.00;
 8467.29.00; 8467.81.00; 8467.89.50;
 8483.40.5020; 8483.90.5020; 8501.64.0110;
 8502.20.00; 8502.31.0000; 8503.00.9546;
 8503.00.9570; 8504.31.20; 8504.31.40;
 8504.31.60; 8504.33.00; 8504.34.00;
 8504.90.20; 8504.90.41; 8504.90.65;
 8504.90.75; 8504.90.96; 8544.19.00;
 8544.42.90; 8544.49.2000; 8544.49.9000;
 8544.60.2000; 8544.60.6000; 8716.39.0040;
 9401.79.00"

Annex II

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 18, 2025, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

a. By amending subdivision (v)(vi) to U.S. note 2 by inserting after "9903.81.88" the following: " , but such additional duties shall apply to the non-steel content of such products of iron or steel";

b. By amending subdivision (v)(vii) to U.S. note 2 by deleting the subdivision text and by inserting "The additional duties imposed by headings 9903.01.25, 9903.01.35, 9903.01.39, 9903.01.63, and 9903.02.01–9903.02.71 shall not apply to the declared value of the steel content of the derivative iron or steel products provided for in headings 9903.81.89, 9903.81.90, 9903.81.91, 9903.81.92 and 9903.81.93, but such additional duties shall apply to the non-steel content." in lieu thereof;

c. By amending subdivision (v)(viii) to U.S. note 2 by inserting after "9903.85.02" the following: " , but such additional duties shall apply to the non-aluminum content of such products of aluminum"; and

d. By amending subdivision (v)(ix) to U.S. note 2 by deleting the subdivision text and by inserting "The additional duties imposed by headings 9903.01.25, 9903.01.35, 9903.01.39, 9903.01.63, and 9903.02.01–9903.02.71 shall not apply to the declared value of the aluminum content of the derivative aluminum products provided for in headings 9903.85.04, 9903.85.07, 9903.85.08 and 9903.85.09, but such additional duties shall apply to the non-aluminum content." in lieu thereof.

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on August 18, 2025, subchapter III of chapter 99 of the HTSUS is modified:

a. By amending subdivision (b)(ii) to U.S. note 16 by deleting "7302.90.00" and inserting "7302.90" in lieu thereof; and

b. By amending subdivision (j)(ii) to U.S. note 16 by deleting "7302.90.00" and inserting "7302.90" in lieu thereof.

C. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 1, 2025, subchapter III of chapter 99 of the HTSUS is modified:

a. By amending subdivision (k) to U.S. note 19 by deleting “9401.99.9081” and inserting “9401.99.9030; 9401.99.9070” in lieu thereof; and

b. By amending subdivision (s) to U.S. note 19 by deleting “9401.99.9081” and inserting “9401.99.9030; 9401.99.9070” in lieu thereof.

[FR Doc. 2025–15819 Filed 8–15–25; 4:15 pm]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee

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

ACTION: Notice of partially closed meeting.

SUMMARY: The Transportation and Related Equipment Technical Advisory Committee (TRANSTAC) advises and assists the Secretary of Commerce and other Federal officials on matters related to export control policies; the TRANSTAC will meet on September 10, 2025, to review and discuss these matters. This meeting will be partially closed to the public pursuant to the exemptions under the Federal Advisory Committee Act (FACA) and the Government in the Sunshine Act.

DATES: The meeting will be held on September 10, 2025, from 9:30 a.m. to 4:00 p.m. Eastern Time (all times are Eastern Time). Specifically, the open session will start at 9:30 a.m. and end at approximately 10:15 a.m.; the closed session will start at approximately 10:30 a.m. and end no later than 4:00 p.m. Individuals requiring special accommodations to access the open session on September 10, 2025, should contact TAC@bis.doc.gov no later than 11:59 p.m. on September 3, 2025, so that BIS can make the appropriate arrangements. Individuals interested in participating virtually should contact TAC@bis.doc.gov no later than 11:59 p.m. on September 5, 2025.

ADDRESSES: The open session will be held virtually; the closed session will be held at the Herbert C. Hoover Building, 1401 Constitution Avenue NW, Washington, DC. The open session will be accessible to the public via teleconference.

FOR FURTHER INFORMATION CONTACT: Kevin Coyne, Committee Liaison Officer, Bureau of Industry and Security, U.S. Department of Commerce. For additional information, contact TAC@bis.doc.gov or by phone 202–482–4933.

SUPPLEMENTARY INFORMATION:

Background

The Transportation and Related Equipment Technical Advisory Committee (TRANSTAC) advises and assists the Secretary of Commerce (Secretary) and other Federal officials and agencies with respect to actions designed to carry out the policy set forth in Section 1752 of the Export Control Reform Act. The purpose of the meeting is to have Committee members and U.S. Government representatives mutually review updated technical data and policy-driving information that has been gathered.

Agenda

The open session will include open business discussions and/or industry presentations. The closed session will include the discussion of matters determined to be exempt from the open meeting consistent with the public participation requirements in Sections 1009(a)(1) and 1009(a)(3) of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001–1014). The exemption is authorized by Section 1009(d) of the FACA, which permits the closure of advisory committee meetings, or portions thereof, if the head of the agency to which the advisory committee reports determines such meetings may be closed to the public in accordance with subsection (c) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). In this case, the applicable provisions of 5 U.S.C. 552b(c) are subsection 552b(c)(4), which permits closure to protect trade secrets and commercial or financial information that is privileged or confidential, and subsection 552b(c)(9)(B), which permits closure to protect information that would be likely to disclose information the premature disclosure of which would be likely to significantly frustrate the implementation of a proposed agency action. The closed session of the meeting will involve committee discussions and guidance regarding U.S. Government strategies and policies.

Open Session Attendance

The open session will be accessible via teleconference. Registration in advance is required to receive the meeting invite for virtual attendance. Individuals interested in participating virtually should contact TAC@bis.doc.gov no later than 11:59 p.m. Eastern Time on September 5, 2025.

Special Accommodations

Individuals requiring special accommodations to access the open session virtually should contact TAC@bis.doc.gov no later than 11:59 p.m. Eastern Time on September 3, 2025, so

that appropriate arrangements can be made.

Public Participation

To the extent that time permits, members of the public may present oral statements to the TRANSTAC. The public may also submit written statements at any time before or after the meeting. However, to facilitate the distribution of materials to the TRANSTAC members, written materials should be submitted to TAC@bis.doc.gov prior to the start of the meeting. All such materials submitted will be made public and, therefore, should not contain confidential information. Meeting materials from the open session will be posted to the Technical Advisory Committee (TAC) site (<https://tac.bis.doc.gov>) within 30 days after the meeting.

Closure Determination

The Senior Advisor, performing the non-exclusive functions and duties of the Chief Financial Officer and Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined pursuant to 5 U.S.C. 1009(d), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. 1009(a)(1) and 1009(a)(3). The remaining portions of the meeting will be open to the public.

Meeting Cancellation

If the meeting is cancelled, a cancellation notice will be posted on the TAC website at <https://tac.bis.doc.gov>.

Kevin Coyne,

Committee Liaison Officer.

[FR Doc. 2025–15791 Filed 8–18–25; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee

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

ACTION: Notice of partially closed meeting.

SUMMARY: The Regulations and Procedures Technical Advisory Committee (RPTAC) advises and assists the Secretary of Commerce and other Federal officials on matters related to export control policies; the RPTAC will

meet on September 9, 2025, to review and discuss these matters. This meeting will be partially closed to the public pursuant to the exemptions under the Federal Advisory Committee Act (FACA) and the Government in the Sunshine Act.

DATES: The meeting will be held on September 9, 2025, from 9:00 a.m. to 12:30 p.m. Eastern Time (all times are Eastern Time). Specifically, the open session will start at 9:00 a.m. and end at approximately 9:15 a.m.; the closed session will start at approximately 9:15 a.m. and end no later than 12:30 p.m. Individuals requiring special accommodations should contact TAC@bis.doc.gov no later than 11:59 p.m. on September 2, 2025, so that BIS can make the appropriate arrangements. Individuals interested in participating virtually should contact TAC@bis.doc.gov no later than 11:59 p.m. on September 4, 2025.

ADDRESSES: The open session will be held virtually; the closed session will be held at the Herbert C. Hoover Building, 1401 Constitution Avenue NW, Washington, DC. The open session will be accessible to the public via teleconference.

FOR FURTHER INFORMATION CONTACT: Kevin Coyne, Committee Liaison Officer, Bureau of Industry and Security, U.S. Department of Commerce. For additional information, contact TAC@bis.doc.gov or by phone 202-482-4933.

SUPPLEMENTARY INFORMATION:

Background

The Regulations and Procedures Technical Advisory Committee (RPTAC) advises and assists the Secretary of Commerce (Secretary) and other Federal officials and agencies with respect to actions designed to carry out the policy set forth in Section 1752 of the Export Control Reform Act. The purpose of the meeting is to have Committee members and U.S. Government representatives mutually review updated technical data and policy-driving information that has been gathered.

Agenda

The open session will include open business discussions. The closed session will include the discussion of matters determined to be exempt from the open meeting consistent with the public participation requirements in Sections 1009(a)(1) and 1009(a)(3) of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001-1014). The exemption is authorized by Section 1009(d) of the FACA, which permits the closure of advisory committee meetings,

or portions thereof, if the head of the agency to which the advisory committee reports determines such meetings may be closed to the public in accordance with subsection (c) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). In this case, the applicable provisions of 5 U.S.C. 552b(c) are subsection 552b(c)(4), which permits closure to protect trade secrets and commercial or financial information that is privileged or confidential, and subsection 552b(c)(9)(B), which permits closure to protect information that would be likely to disclose information the premature disclosure of which would be likely to significantly frustrate the implementation of a proposed agency action. The closed session of the meeting will involve committee discussions and guidance regarding U.S. Government strategies and policies.

Open Session Attendance

The open session will be accessible via teleconference. Registration in advance is required to receive the meeting invite for virtual attendance. Individuals interested in participating virtually should contact TAC@bis.doc.gov no later than 11:59 p.m. Eastern Time on September 4, 2025.

Special Accommodations

Individuals requiring special accommodations should contact TAC@bis.doc.gov no later than 11:59 p.m. Eastern Time on September 2, 2025, so that appropriate arrangements can be made.

Public Participation

To the extent that time permits, members of the public may present oral statements to the RPTAC. The public may also submit written statements at any time before or after the meeting. However, to facilitate the distribution of materials to the RPTAC members, written materials should be submitted to TAC@bis.doc.gov prior to the start of the meeting. All such materials submitted will be made public and, therefore, should not contain confidential information. Meeting materials from the open session will be posted to the Technical Advisory Committee (TAC) site (<https://tac.bis.doc.gov>) within 30 days after the meeting.

Closure Determination

The Deputy Assistant Secretary for Administration, performing the non-exclusive functions and duties of the Chief Financial Officer and Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined pursuant to 5 U.S.C. 1009(d), that the

portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. 1009(a)(1) and 1009(a)(3). The remaining portions of the meeting will be open to the public.

Meeting Cancellation

If the meeting is cancelled, a cancellation notice will be posted on the TAC website at <https://tac.bis.doc.gov>.

Kevin Coyne,

Committee Liaison Officer.

[FR Doc. 2025-15790 Filed 8-18-25; 8:45 am]

BILLING CODE 3510-JT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-921]

Certain Monomers and Oligomers From the Republic of Korea: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

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

DATES: Applicable August 19, 2025.

FOR FURTHER INFORMATION CONTACT: Sun Cho, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6458.

SUPPLEMENTARY INFORMATION:

Background

On April 16, 2025, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of certain monomers and oligomers (monomers and oligomers) from the Republic of Korea (Korea) and Taiwan.¹ Currently, the preliminary determination is due no later than September 3, 2025.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of

¹ See *Certain Monomers and Oligomers from the Republic of Korea and Taiwan: Initiation of Less-Than-Fair-Value Investigations*, 90 FR 17044 (April 23, 2025) (Initiation Notice).

the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner² makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 11, 2025,³ the petitioner submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation of monomers and oligomers from Korea.⁴ The petitioner stated that postponement of the preliminary determination is necessary given the complexity of this investigation and because postponement will allow Commerce to analyze the responses to supplemental questionnaires and give the petitioner adequate time to analyze and comment on the responses prior to the issuance of the preliminary determination.⁵

For the reasons stated above, and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (i.e., to 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination in the above-referenced investigation no later than October 23, 2025. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

² The petitioner is Arkema, Inc.

³ Commerce's practice dictates that where a deadline falls on a weekend or a Federal Holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930*, As Amended, 70 FR 24533 (May 10, 2005). As such, the deadline to timely request postponement was Monday, August 11, 2025.

⁴ See Petitioner's Letter, "Request to Extend Preliminary Determination," dated August 11, 2025.

⁵ *Id.* at 1.

Notification to Interested Parties

This notice is issued and published pursuant to section 732(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 14, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–15782 Filed 8–18–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–847]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From Mexico: Final Results of Antidumping Duty Administrative Review; 2022–2023; Correction

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

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published notice in the *Federal Register* on July 24, 2025, in which Commerce announced the final results of the 2022–2023 administrative review of the antidumping duty (AD) order on heavy-walled rectangular welded carbon steel pipes and tubes (HWR) from Mexico. In the final results, Commerce incorrectly assigned a review-specific cash deposit rate of 11.80 percent to certain non-examined companies for which the review was rescinded in the *Preliminary Results*. Commerce is correcting two items in the final results.

FOR FURTHER INFORMATION CONTACT: Katie Smith, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0557.

SUPPLEMENTARY INFORMATION:

Background

On June 24, 2025, Commerce published in the *Federal Register* the *Final Results* of the 2022–2023 administrative review¹ of the antidumping duty order on HWR from Mexico.

In the *Final Results*, Commerce incorrectly assigned a review-specific

cash deposit rate of 11.80 percent to certain non-examined companies for which the review was rescinded in the *Preliminary Results*.² Because we previously rescinded the review for these companies in the *Preliminary Results*, this notice preserves that rescission and revises the “Final Results of Review” section in the *Final Results* to remove the rate assigned to these companies.

Consistent with our treatment of all non-examined companies in the *Preliminary Results*,³ we continue to rescind the review for the following 14 companies: (1) Aceros del Toro S.A. de C.V.; (2) Aceros El Fraile S.A. de C.V.; (3) Arco Metal S.A. de C.V.; (4) Border Assembly S. de R.L. de C.V.; (5) Buffalo Tube S.A. de C.V.; (6) Fortacero S.A. de C.V.; (7) Forza Steel S.A. de C.V.; (8) Grupo Collado S.A. de C.V.; (9) Industrias Monterrey S.A. de C.V.; (10) Perfiles y Herrajes L.M. S.A. de C.V.; (11) Placa y Fierro de Monterrey S.A. de C.V.; (12) PYTCO S.A. de C.V.; (13) Regiomontana de Perfiles y Tubos S.A. de C.V.; and (14) Tuberias Procarsa S.A. de C.V. As a result, we are correcting aspects of the *Final Results*, identified below.

Correction 1

In the *Federal Register* of July 24, 2025, in FR Doc 2025–13985, on pages 34842–43, correct the notice by removing the entire section entitled “Rates for Companies Not Selected for Individual Examination.”

Correction 2

In the *Federal Register* of July 24, 2025, in FR Doc 2025–13985, on page 34843, correct the notice by removing, in part, the section of the table entitled, “Review Specific Rate for Non-Examined Companies.”

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.221(b)(5).

Dated: August 14, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–15783 Filed 8–18–25; 8:45 am]

BILLING CODE 3510–DS–P

² See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Preliminary Results and Rescission in Part, of the Antidumping Duty Administrative Review; 2022–2023*, 89 FR 84530 (October 23, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

³ See *Preliminary Results*, 89 FR at 84530.

¹ See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Final Results of Antidumping Duty Administrative Review; 2022–2023*, 90 FR 34842 (July 24, 2025) (*Final Results*), and accompanying Issues and Decision Memorandum.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-198]

Temporary Steel Fencing From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination and Extension of Provisional Measures

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that temporary steel fencing from the People's Republic of China (China) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2024, through December 31, 2024. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable August 19, 2025.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Noah Wetzel, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5973 or (202) 482-7466, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on February 11, 2025.¹ On May 15, 2025, Commerce postponed the preliminary determination of this investigation and the revised deadline is now August 13, 2025.²

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.³ A list of topics included in the Preliminary Decision

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

Scope of the Investigation

The products covered by this investigation are temporary steel fencing products from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).⁵ For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.⁶ Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice*. *See* the revised scope in Appendix I to this notice.

All interested parties are invited to comment on Commerce's Preliminary Scope Decision Memorandum in scope case and scope rebuttal briefs. The deadline for interested parties to submit scope case briefs is 30 days after the issuance of the Preliminary Scope Decision Memorandum. Scope rebuttal briefs, limited to issues raised in the scope case briefs, may be submitted no later than seven days after the deadline for the scope case briefs. Scope case and rebuttal briefs must be filed simultaneously, via ACCESS, on records of the LTFV and CVD investigations of temporary steel fencing from China.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has

calculated export prices in accordance with section 772(a) of the Act and constructed export prices in accordance with section 772(b) of the Act for Shijiazhuang Sd Company Ltd. (SD). Because China is a non-market economy (NME), within the meaning of section 771(18) of the Act, Commerce has calculated normal value in accordance with section 773(c) of the Act for SD. In addition, Commerce has relied on total adverse facts available (AFA) pursuant to section 776(a)(2) of the Act for Shenzhou Yongao Metal Products Co., Ltd./Shenzhou Yuelei Metal Products Co., Ltd. (collectively, Yongao/Yuelei).⁷ Furthermore, pursuant to sections 776(a) and (b) of the Act, Commerce preliminarily has relied upon AFA for the China-wide entity, which includes (1) Shaoxing Zhangzhan Trading Co., (2) Pacific Fence and Barricades Limited, (3) Sichuan Gold-Link Industry, (4) Suzhou Dihang Defense Facilities Co., (5) Sourcing Solution Co., Ltd., (6) Foshan Greatness Trade Co., Ltd., (7) Hebei Bending Fence Technology Co., Ltd., (8) Dezhou Hualude Hardware Products Co., Ltd. and (9) Zhejiang Zhenge Co., Ltd. For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily determines that critical circumstances exist for the China-wide entity and Yongao/Yuelei, but do not exist for temporary steel fencing exported by SD and produced by: (1) Huanghua Xingchang Hardware Products Co., Ltd., (2) Huanghua Shengrundong Hardware Products Co., Ltd., and (3) Hebei Oriental Star Metal Products Co., Ltd. Additionally, Commerce preliminarily determines that critical circumstances exist for the following separate rate companies regarding temporary steel fencing: (1) exported by Hebei Minmetals Co., Ltd. and produced or supplied by Huanghua Wangang Hardware Co., Ltd., Huanghua Taiyue Hardware Co., Ltd., Hebei Wuxin Garden Products Co., Ltd., Huanghua Qingxin Metal Products Co., Ltd., Huanghua Xingyu Hardware Products Co., Ltd., Huanghua Deyue Hardware Co., Ltd., Cangzhou Hualing Metal Products Co., Ltd., and Huanghua

¹ *See* Temporary Steel Fencing from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation, 90 FR 9315 (February 11, 2025) (Initiation Notice).

² *See* Temporary Steel Fencing from China: Postponement of Preliminary Determinations of Antidumping Duty Investigation, 90 FR 20621 (May 14, 2025).

³ *See* Memorandum, "Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Temporary Steel Fencing from China," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

⁵ *See* Initiation Notice, 90 FR at 9316.

⁶ *See* Memorandum, "Less-Than-Fair Value and Countervailing Duty Investigations on Temporary Steel Fencing from the People's Republic of China: Preliminary Scope Decision Memorandum," dated concurrently with this memorandum (Preliminary Scope Decision Memorandum).

⁷ Commerce has preliminarily determined that the mandatory respondent Yongao is affiliated with Yuelei and has treated these companies as a single entity. *See* Memorandum, "Preliminary Results of Affiliation and Single Entity Determination," dated concurrently with this preliminary determination.

Huanyu Hardware Factory; (2) exported by Tianjin Linkwel International Trading Co., Ltd. and produced by Tianjin Lianhao Metal Products Co., Ltd. and Chanzhou Lianrui Metal Products Co., Ltd.; (3) exported by Shantou Jiayu Trading Co., Ltd. and supplied by Huanghua Juntai Hardware Products Co., Ltd.; (4) exported by Shijiazhuang Shuangming Trade Co., Ltd. and produced by Hebei Wangang Hardware Co., Ltd., Huanghua Taiyue Hardware Co., Ltd., Hebei Wuxin Garden Products Co., Ltd., Huanghua Qingxin Metal Products Co., Ltd., and Huanghua Xingyu Hardware Products Co., Ltd.; (5) exported by Metaltec Group Co., Limited and produced by Shijiazhuang Shuangming Trade Co., Ltd., Hebei Wangang Hardware Co., Ltd., Huanghua Taiyue Hardware Co., Ltd., Hebei Wuxin Garden Products Co., Ltd., Huanghua Qingxin Metal Products Co., Ltd., and Huanghua Xingyu Hardware Products Co., Ltd.; (6) exported by Hebei Yelang Imp. & Exp. Trade Co., Ltd. and produced by Huanghua Pengxiang Hardware Products Co., Ltd.; (7) exported by Joint Force Int'l Co., Limited and produced by Hebei Wuxin Garden Products Co., Ltd.; (8) exported by Hebei Jinshi Industrial Metal Co., Ltd. and produced and supplied by Tangshan ZhongRui Industrial Co., Ltd.; (9) exported by Hebei Haiao Wire Mesh Products Co., Ltd. and produced by Raoyang Shengshi

Metal Products Co., Ltd.; (10) exported and produced by Anping Chengxin Metal Mesh Co., Ltd.; (11) exported by Hebei Houtuo Co., Ltd. and produced by Huanghua Aiyuan Hardware Products Co., Ltd.; (12) exported by Hebei Neweast Yilong Trading Co., Ltd., and produced by Huanghua City Deyue Hardware Co., Ltd.; and (13) exported and produced by Hebei Giant Metal Technology Co., Ltd. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice*,⁸ Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.⁹

Separate Rates

We preliminarily granted a separate rate to certain respondents that we did not select for individual examination.¹⁰ In calculating the rate for non-individually examined separate rate respondents in an NME LTFV investigation, Commerce normally looks to section 735(c)(5)(A) of the Act, which pertains to the calculation of the all-others rate in a market economy LTFV investigation, for guidance. Pursuant to section 735(c)(5)(A) of the Act, normally

this rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for those companies individually examined, excluding zero and *de minimis* dumping margins, and any dumping margins based entirely under section 776 of the Act. The statute further provides that, where all margins are zero, *de minimis*, or based entirely on facts available, Commerce may use "any reasonable method" for assigning the rate to non-selected respondents.¹¹

In this investigation, Commerce calculated an individual estimated weighted-average dumping margin for SD that is not zero, *de minimis*, or based entirely on facts otherwise available with adverse inference. In this investigation, Commerce also preliminarily assigned a rate based entirely on AFA to Yongao/Yuelei. Thus, the only rate that is not zero, *de minimis* or based entirely on AFA is the weighted-average dumping margin calculated for SD. Consequently, the rate calculated for SD is the margin assigned to the non-examined, companies receiving a separate rate in this investigation. *See* the table below in the "Preliminary Determination" section of this notice.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Shenzhou Yongao Metal Products Co., Ltd./ Shenzhou Yuelei Metal Products Co., Ltd.	Shenzhou Yongao Metal Products Co., Ltd./ Shenzhou Yuelei Metal Products Co., Ltd.	* 187.69	177.15
Shijiazhuang Sd Company Ltd	Huanghua Xingchang Hardware Products Co., Ltd.	136.57	136.57
Shijiazhuang Sd Company Ltd	Huanghua Shengrundong Hardware Products Co., Ltd.	136.57	136.57
Shijiazhuang Sd Company Ltd	Hebei Oriental Star Metal Products Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Wangang Hardware Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Taiyue Hardware Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Hebei Wuxin Garden Products Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Qingxin Metal Products Co	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Xingyu Hardware Products Co., Ltd ...	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Deyue Hardware Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Cangzhou Hualing Metal Products Co., Ltd	136.57	136.57
Hebei Minmetals Co., Ltd	Huanghua Huanyu Hardware Factory	136.57	136.57
Tianjin Linkwel International Trading Co., Ltd	Tianjin Lianhao Metal Products Co., Ltd	136.57	136.57
Tianjin Linkwel International Trading Co., Ltd	Changzhou Lianrui Metal Products Co., Ltd	136.57	136.57
Shantou Jiayu Trading Co., Ltd	Huanghua Juntai Hardware Products Co., Ltd ...	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Hebei Wangang Hardware Co., Ltd. Products Co., Ltd.	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Huanghua Taiyue Hardware Co., Ltd	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Hebei Wuxin Garden Products Co., Ltd	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Huanghua Qingxin Metal Products Co	136.57	136.57
Shijiazhuang Shuangming Trade Co., Ltd	Huanghua Xingyu Hardware	136.57	136.57

⁸ See *Initiation Notice*, 90 FR at 9318–9319.

⁹ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in

Antidumping Investigations Involving Non-Market Economy Countries," (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at <https://enforcement.trade.gov/policy/bull05-1.pdf>.

¹⁰ See Preliminary Decision Memorandum for additional details.

¹¹ See section 735(c)(5)(B) of the Act

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Metaltec Group Co., Limited	Shijiazhuang Shuangming Trade Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Hebei Wangang Hardware Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Huanghua Taiyue Hardware Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Hebei Wuxin Garden Products Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Huanghua Qingxin Metal Products Co., Ltd	136.57	136.57
Metaltec Group Co., Limited	Huanghua Xingyu Hardware Products Co., Ltd ...	136.57	136.57
Hebei Yelang Imp. & Exp. Trade Co., Ltd	Huanghua Pengxiang Hardware Products Co., Ltd.	136.57	136.57
Joint Force Int'l Co., Limited	Hebei Minmetals Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Wangang Hardware Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Taiyue Hardware Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Hebei Wuxin Garden Products Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Qingxin Metal Products Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Xingyu Hardware Products Co., Ltd ...	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Deyue Hardware Co., Ltd	136.57	136.57
Joint Force Int'l Co., Limited	Huanghua Huanyu Hardware Factory	136.57	136.57
Hebei Jinshi Industrial Metal Co., Ltd	Tangshan ZhongRui Industrial Co., Ltd	136.57	136.57
Hebei Jinshi Industrial Metal Co., Ltd	Huanghua Tianhang Hardware Products Co., Ltd	136.57	136.57
Hebei Jinshi Industrial Metal Co., Ltd	Hebei Tinlin Metal Products Co., Ltd	136.57	136.57
Hebei Jinshi Industrial Metal Co., Ltd	Huanghua Xindarui Hardware Products Co., Ltd	136.57	136.57
Hebei Haiao Wire Mesh Products Co., Ltd	Raoyang Shengshi Metal Products Co., Ltd	136.57	136.57
Anping Chengxin Metal Mesh Co., Ltd	Anping Chengxin Metal Mesh Co., Ltd	136.57	126.03
Hebei Houtuo Co., Ltd	Huanghua Aiyuan Hardware Products Co., Ltd ...	136.57	136.57
Hebei Neweast Yilong Trading Co., Ltd	Huanghua City Deyue Hardware Co., Ltd	136.57	136.57
Hebei Giant Metal Technology Co., Ltd	Hebei Giant Metal Technology Co., Ltd	136.57	136.57
China-Wide Entity .....	.....	* 187.69	187.69

* This rate is based on AFA.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above, as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Chinese producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Chinese producer/exporter combination (or the

China-wide entity) that supplied that third-country exporter.

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 merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date that is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise from the China-wide entity, and Yongao/Yuele. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to all unliquidated entries of merchandise from the China-wide entity, and Yongao/Yuele that were entered, or withdrawn from warehouse, for consumption on or after the date that is 90 days before the publication of this notice in the **Federal Register**.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic

subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate.¹³ Any such adjusted rates may be found in the "Preliminary Determination" section's chart of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this preliminary determination unadjusted for the passed-through domestic subsidies or for export subsidies at the time the CVD provisional measures expire. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose to interested parties the calculations

¹² See Memorandum, "Less-Than-Fair-Value Investigation of Temporary Steel Fencing from the People's Republic of China: Preliminary Analysis of Critical Circumstances," dated concurrently with this preliminary determination (Critical Circumstances Memorandum).

¹³ See Memorandum, "Preliminary Calculation of Export Subsidy Offsets," dated concurrently with this preliminary determination.

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

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

Verification

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

Public Comment

Case briefs or other written comments, regarding non-scope issues, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last final verification report is issued in this investigation, unless the Secretary alters the time limit.¹⁴ A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. 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.¹⁵ 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.¹⁶

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.¹⁷ 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).¹⁸

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

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On July 23, 2025 and July 25, 2025, pursuant to 19 CFR 351.210(e), Yongao/Yuelei and SD requested that Commerce postpone the final determination and that provisional measures be extended from a four month period to a period not

to exceed six months.¹⁹ In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: August 13, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise subject to this investigation is temporary steel fencing. Temporary steel fencing consists of temporary steel fence panels and temporary steel fence stands. Temporary steel fence panels, when assembled with temporary steel fence stands or other types of stands outside of the scope, with each other, or with posts, create a free-standing fence. Temporary steel fence panels are covered by the scope regardless of whether they attach to a stand or the type of stand to which they connect.

Temporary steel fence panels have a welded frame of steel tubing and an interior consisting of chain link, steel wire mesh, or other steel materials that are not more than ten millimeters in actual diameter or width. The steel tubing may surround all edges of the temporary steel fence panel or only be attached along two parallel sides of the

¹⁴ See 19 CFR 351.309(c)(1)(i); see also 19 CFR 351.303 (for general filing requirements).

¹⁵ 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*).

¹⁶ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁷ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁸ See *APO and Service Final Rule*.

¹⁹ See Yongao/Yuelei's Letter, "Request to Postpone Final Determination," dated July 23, 2025; see also SD's Letter, "Request to Postpone the Final Determination," dated July 25, 2025.

panel. All temporary steel fence panels with at least two framed sides are covered by the scope, regardless of the number of edges framed with steel tubing.

Temporary steel fence panels are typically between 10 and 12 feet long and six to eight feet high, though all temporary steel fence panels are covered by the scope regardless of dimension or weight as long as a single panel meets each of the three following criteria: (1) it has over seven and a half square feet in actual surface area; (2) it weighs more than four pounds; and (3) it weighs less than 1.92 pounds per square foot. Temporary steel fence panels may be square, rectangular, or have rounded edges, and may or may not have gates, doors, wheels, or barbed wire or other features, though all temporary steel fence panels are covered by the scope regardless of shape and other features. Temporary steel fence panels may have one or more horizontal, vertical, or diagonal reinforcement tubes made of steel welded to the inside frame, though all temporary steel fence panels are covered by the scope regardless of the existence, number, or type of reinforcement tubes attached to the panel. Temporary steel fence panels may have extensions, pins, tubes, or holes at the bottom of the panel, but all temporary steel fence panels are covered regardless of the existence of such features.

Steel fence stands are shapes made of steel that stand flat on the ground and have one or two open tubes or solid pins into which temporary steel fence panels are inserted to stand erect. The steel fence stand may be made of welded steel tubing or may be a flat steel plate with one or two tubes or pins welded onto the plate for connecting the panels.

Temporary steel fencing is covered by the scope regardless of coating, painting, or other finish. Both temporary steel fence panels and temporary steel fence stands are covered by the scope, whether imported assembled or unassembled, and whether imported together or separately.

Subject merchandise includes material matching the above description that has been finished, assembled, or packaged in a third country, including by coating, painting, assembling, attaching to, or packaging with another product, or any other finishing, assembly, or packaging operation that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the temporary steel fencing.

Temporary steel fencing is included in the scope of this investigation whether or not imported attached to, or in conjunction with, other parts and accessories such as posts, hooks, rings, brackets, couplers, clips, connectors, handles, brackets, or latches. If temporary steel fencing is imported attached to, or in conjunction with, such non-subject merchandise, only the temporary steel fencing is included in the scope.

Excluded from the scope of this investigation are decorative steel fence panels. Decorative steel fence panels are steel fence panels that have all of the following characteristics: (i) the panel's long ends are no more than 48 inches; (ii) the panel's short ends are no more than 38 inches; (iii) the

panel weighs 7 pounds or less; (iv) the panel is framed on all sides with steel tubing no wider than 10 mm; and (v) the panel's the interior contains a decorative pattern (meaning a pattern other than square, rectangular, diamond, or hexagonal meshing) accounting for at least 5 percent of the area within the frame.

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the subheading 7308.90.9590. Subject merchandise may also enter under subheadings 7326.90.8688 and 7323.99.9080 of the HTSUS. The HTSUS subheadings set forth above are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Affiliation and Single Entity Treatment
- V. Application of Facts Available and Use of Adverse Inference
- VI. Discussion of the Methodology
- VII. Preliminary Determination of Critical Circumstances
- VIII. Currency Conversion
- IX. Adjustment Under Section 777(A)(f) of the Act
- X. Recommendation

[FR Doc. 2025–15781 Filed 8–18–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–943, C–570–944]

Oil Country Tubular Goods From the People's Republic of China: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that imports of seamless oil country tubular goods (OCTG), completed in Thailand using steel billets produced in the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on OCTG from China. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable August 19, 2025.

FOR FURTHER INFORMATION CONTACT: Walter Schaub, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0907.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 2010 and January 20, 2010, Commerce published in the **Federal Register** the AD and CVD orders on OCTG from China, respectively.¹ On December 18, 2024, Commerce initiated a country-wide circumvention inquiry pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act), to determine whether imports of seamless OCTG completed in Thailand using steel billets manufactured in China are circumventing the *Orders* and, accordingly, should be covered by the scope of the *Orders*.² On February 27, 2025, Commerce selected, in alphabetical order, Boly Pipe Co., Ltd. (Boly Pipe), Nanobest Limited (Nanobest), and Petroleum Equipment (Thailand) Co., Ltd. (PET) as the mandatory respondents in this circumvention inquiry.³

On April 23, 2025, Commerce extended the time limit for issuing the preliminary determination in this circumvention inquiry from May 19 to August 15, 2025.⁴ For a complete description of the events that followed the initiation of this circumvention inquiry, see the Preliminary Decision Memorandum.⁵

Scope of the Orders

The products covered by the *Orders* include hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than

¹ See *Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 75 FR 28551 (May 21, 2010); see also *Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 75 FR 3203 (January 20, 2010) (collectively, *Orders* or *China Orders*).

² See *Oil Country Tubular Goods from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders*, 89 FR 102864 (December 18, 2024) (*Initiation Notice*), and accompanying Initiation Checklist, “Oil Country Tubular Goods (OCTG) from the People's Republic of China,” dated December 12, 2024 (Initiation Checklist).

³ See Memorandum, “Respondent Selection,” dated February 27, 2025.

⁴ See Memorandum, “Extension of Deadline for the Preliminary Determination in the Circumvention Inquiry Pertaining to Thailand,” dated April 23, 2025.

⁵ See Memorandum, “Antidumping and Countervailing Duty Orders on Oil Country Tubular Goods from the People's Republic of China: Preliminary Decision Memorandum for the Circumvention Inquiry Covering Exports from Thailand,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (e.g., whether or not plain end, threaded, or threaded and coupled) whether or not conforming to API or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. For a full description of the scope of the *Orders*, see the Preliminary Decision Memorandum.⁶

Merchandise Subject to the Circumvention Inquiry

This circumvention inquiry covers seamless OCTG completed in Thailand using Chinese-origin steel billets and subsequently exported from Thailand to the United States (inquiry merchandise).

Methodology

Commerce is conducting this circumvention inquiry in accordance with section 781(b) of the Act and 19 CFR 351.226. For a complete description of the methodology underlying the preliminary determination, see the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Preliminary Circumvention Determination

As detailed in the Preliminary Decision Memorandum, Commerce preliminarily determines that seamless OCTG completed in Thailand using Chinese-origin steel billets and subsequently exported from Thailand to the United States is circumventing the *Orders* on a country-wide basis. As a result, in accordance with section 781(b) of the Act, we preliminarily determine that this merchandise should be included within the scope of the *Orders*. See the "Suspension of Liquidation and Cash Deposit Requirements" section below for details regarding suspension of liquidation and cash deposit requirements. See the "Certifications"

and "Certification Requirements" sections below for details regarding the use of certifications.

Suspension of Liquidation and Cash Deposit Requirements

Based on the preliminary affirmative country-wide determination of circumvention with respect to Thailand, in accordance with 19 CFR 351.225(l)(2), Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation and to require a cash deposit of estimated duties on unliquidated entries of inquiry merchandise that were entered, or withdrawn from warehouse, for consumption, on or after December 18, 2024, the date of publication of the initiation of this circumvention inquiry in the **Federal Register**.

Seamless OCTG completed in Thailand from steel billets that are not of Chinese origin is not subject to this inquiry. Therefore, cash deposits are not required for such merchandise under the *China Orders*. However, Commerce preliminarily finds that seamless OCTG completed in Thailand using China-origin steel billets is circumventing the AD and CVD orders on OCTG from China. Imports of seamless OCTG completed in Thailand are subject to certification requirements, and cash deposits may be required.

Entries for which the importer and exporter have met the certification and documentation requirements described below and in Appendix II to this notice will not be subject to suspension of liquidation or the cash deposit requirements.

In accordance with 19 CFR 351.228(b), where the certification and documentation requirements are not met for an entry, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the rates applicable to the AD and CVD orders on OCTG from China, and may instruct CBP to assess antidumping or countervailing duties at the applicable rate. For companies with their own company-specific rate under the *China Orders*, the cash deposit rate will be the company-specific rate. Otherwise, Commerce will instruct CBP to require AD cash deposits equal to the China-wide rate of 99.14 percent and CVD cash deposits equal to the all-others rate of 13.41 percent.

Commerce established the following third-country case number in the Automated Commercial Environment (ACE) for entries of seamless OCTG completed in Thailand using China-origin steel billets: A-549-991 and C-549-992.

These suspension of liquidation requirements will remain in effect until further notice.

Certifications

To administer the preliminary affirmative country-wide determination of circumvention for Thailand, Commerce established importer and exporter certifications, which allow companies to certify that specific entries of seamless OCTG from Thailand are not subject to suspension of liquidation or the collection of cash deposits pursuant to this preliminary affirmative country-wide determination of circumvention because the merchandise is not made with Chinese-origin steel billets or is made with an input other than steel billets (see Appendix II to this notice).

Importers and exporters that claim that the entry of seamless OCTG is not subject to suspension of liquidation or the collection of cash deposits because the merchandise is not made with Chinese-origin steel billets or is made with an input other than steel billets must complete the applicable certification and meet the certification and documentation requirements described below, as well as the requirements identified in the applicable certification.

Certification Requirements

Importers are required to complete and maintain the applicable importer certification, and maintain a copy of the applicable exporter certification, and retain all supporting documentation for both certifications. With the exception of the entries described below, the importer certification must be completed, signed, and dated by the time the entry summary is filed for the relevant entry.

The importer, or the importer's agent, must submit the importer's certification, the exporter's certification, the steel mill certificate for the seamless OCTG, and the steel mill certificate for the steel input used to produce the seamless OCTG (e.g., steel billet), to CBP at the time of entry by uploading these documents into the document imaging system (DIS) in ACE. The steel mill certificates must identify the country of melt and pour. Where the importer uses a broker to facilitate the entry process, the importer should obtain the entry summary number from the broker. Agents of the importer, such as brokers, however, are not permitted to certify on behalf of the importer. Consistent with CBP's procedures, importers shall identify certified entries by using importers' additional declaration (record 54) AD/CVD Certification

⁶ *Id.* at 3.

Designation (type code 06) when filing an entry summary.⁷

Exporters are required to complete and maintain the applicable exporter certification and provide the importer with a copy of that certification and all supporting documentation (e.g., invoice, purchase order, production records, mill certificates, etc.). With the exception of the entries described below, the exporter certification must be completed, signed, and dated by the time of shipment of the relevant entries. The exporter certification should be completed by the party selling the seamless OCTG that was manufactured in Thailand and exported to the United States.

Additionally, the claims made in the certifications and any supporting documentation are subject to verification by Commerce or CBP. Importers and exporters are required to maintain the certifications and supporting documentation until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

For all seamless OCTG from Thailand that was entered, or withdrawn from warehouse, for consumption during the period December 18, 2024 (the date of initiation of this circumvention inquiry), through September 3, 2025, where the entry has not been liquidated (and entries for which liquidation has not become final), the importer and exporter certifications should be completed and signed as soon as practicable, but not later than October 3, 2025. The importer/exporter certifications, the steel mill certificate for the seamless OCTG, and the steel mill certificate for the steel input used to produce the seamless OCTG (e.g., steel billet) should be uploaded to the DIS in ACE as soon as practicable, but not later than October 3, 2025. For such entries, importers, and exporters each have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof. The exporter must provide the importer with a copy of the exporter certification no later than October 3, 2025.

For unliquidated entries (and entries for which liquidation has not become final) of seamless OCTG that were declared as non-AD or non-CVD type

entries (e.g., type 01) and entered, or withdrawn from warehouse, for consumption in the United States during the period December 18, 2024 (the date of initiation of these circumvention inquiries) through September 3, 2025, for which none of the above certifications may be made, importers must file a Post Summary Correction with CBP, in accordance with CBP's regulations, regarding conversion of such entries from non-AD/CVD type entries to AD/CVD type entries (e.g., from type 01 to type 03). Importers must report those AD/CVD type entries using the third country case numbers identified in the "Suspension of Liquidation and Cash Deposit Requirements" section, above. The importer must pay cash deposits on those entries consistent with the regulations governing post summary corrections that require payment of additional duties.

Interested parties may comment on these certification requirements, and on the certification language contained in Appendix II to this notice in their case briefs.

Public Comment

Pursuant to 19 CFR 351.226(f)(4), case briefs or other written comments should be submitted to the Assistant Secretary for Enforcement and Compliance no later than fourteen days after the date of the publication of this notice.⁸ Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline for case briefs.⁹ Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.¹⁰

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide a public executive summary of their brief that should be limited to five pages total, including footnotes. In this proceeding, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹¹ 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 proceeding. 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).¹²

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**, filed electronically via ACCESS. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to issues raised in the respective comments.¹³ If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined and will notify the parties through ACCESS.¹⁴ Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

All submissions, including affirmative and rebuttal comments, as well as hearing requests, should be filed using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

U.S. International Trade Commission (ITC) Notification

Consistent with section 781(e) of the Act, Commerce will notify the ITC of this preliminary determination to include the merchandise subject to this circumvention inquiry within the *Orders*. Pursuant to section 781(e) of the Act, the ITC may request consultations concerning Commerce's proposed inclusion of the inquiry merchandise. If, after consultations, the ITC believes that a significant injury issue is presented by the proposed inclusion, it will have 60 days from the date of notification by Commerce to provide written advice.

⁸ See 19 CFR 351.309(f)(4).

⁹ 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*).

¹⁰ See 19 CFR 351.309(c)(2)(d)(2).

¹¹ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹² See *APO and Service Final Rule*.

¹³ See 19 CFR 351.310.

¹⁴ See 19 CFR 351.310(d).

⁷ See Cargo System Messaging Service #59384253, dated February 12, 2024; see also *Announcing an Importer's Additional Declaration in the Automated Commercial Environment Specific to Antidumping/Countervailing Duty Certifications*, 89 FR 7372 (February 2, 2024).

Notification to Interested Parties

This determination is issued and published in accordance with section 781(b) of the Act and 19 CFR 351.226(g)(1).

Dated: August 14, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Period of Circumvention Inquiry
- VI. Surrogate Country and Methodology for Valuing Factors of Production from Non-Market Economy Sources and Processing in China
- VII. Statutory and Regulatory Framework for a Circumvention Inquiry
- VIII. Analysis of Statutory Criteria for the Circumvention Inquiry
- IX. Other Statutory Criteria
- X. Summary of Analysis
- XI. Verification
- XII. Certification Process and Country-Wide Affirmative Determination of Circumvention
- XIII. Recommendation

Appendix II

Importer Certification

I hereby certify that:

A. My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY};

B. I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of seamless oil country tubular goods (OCTG) produced in Thailand that entered under entry summary number(s), identified below, and are covered by this certification. "Direct personal knowledge" refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of seamless OCTG, including the exporter's and/or foreign seller's identity and location;

C. If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The seamless OCTG covered by this certification was imported by {IMPORTING COMPANY} on behalf of {U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER};

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

D. The seamless OCTG covered by this certification was shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM THE MERCHANDISE WAS FIRST

SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

E. I have personal knowledge of the facts regarding the production of the imported products covered by this certification. "Personal knowledge" includes facts obtained from another party, (e.g., correspondence received by the importer (or exporter) from the producer regarding the source of steel (steel billets) or other inputs used to produce the imported seamless OCTG);

F. This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:

Entry Summary Line Item #:

Foreign Seller:

Foreign Seller's Address:

Foreign Seller's Invoice #:

Foreign Seller's Invoice Line Item #:

Seamless OCTG Producer:

Seamless OCTG Producer's Address:

Name of Producer of steel input (e.g., billets):

Address of Producer of steel input (e.g., billets):

Country of Origin of steel input (e.g., billets):

G. The seamless OCTG covered by this certification is not produced using steel billets produced in China;

H. I understand that {IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (i.e., documents maintained in the normal course of business, or documents obtained by the certifying party, for example, certificates of origin, product data sheets, mill test reports, productions records, invoices, etc.) until the later of: (1) the date that is five years after the date of the latest entry covered by the certification or; (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries;

I. I understand that {IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and exportation of the imported merchandise identified above), and any supporting documentation provided to the importer by the exporter, until the later of: (1) the date that is five years after the date of the latest entry covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries;

J. I understand that {IMPORTING COMPANY} is required to submit a copy of the importer and exporter certifications, the steel mill certificate for the seamless OCTG, and the steel mill certificate for the steel input used to produce the seamless OCTG (e.g., steel billet) at the time of entry summary by uploading these documents into the Document Imaging System in the Automated Commercial Environment, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, a copy of the exporter's certification, and any supporting documentation provided to the importer by the exporter, upon request of either agency.

Consistent with CBP's procedures, importers shall identify certified entries by using importers' additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing entry summary.

K. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;

L. I understand that entries of seamless OCTG from Thailand that are accompanied by deficient certifications may be subject to antidumping and/or countervailing duties.

M. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on OCTG from China. I understand that such finding will result in:

(i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the importer being required to post the antidumping duty and countervailing duty cash deposits determined by Commerce; and

(iii) the importer no longer being allowed to participate in the certification process.

N. I understand that agents of the importer, such as brokers, are not permitted to make this certification;

This certification was completed and signed on, or prior to, the date of the entry summary if the entry date is after September 3, 2025. If the entry date is on or before September 3, 2025, this certification was completed, signed, and uploaded to CBP's ACE DIS by no later than October, 3, 2025.

O. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}

{TITLE OF COMPANY OFFICIAL}

{DATE}

Exporter Certification

The party that made the sale to the United States should fill out the exporter certification.

I hereby certify that:

A. My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES}; located at {ADDRESS OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES};

B. I have direct personal knowledge of the facts regarding the production and exportation of the seamless oil country tubular goods (OCTG) and the steel input to the seamless OCTG for which sales are identified below. "Direct personal knowledge" refers to facts the certifying party is expected to have in its own records. For example, an exporter should have direct

personal knowledge of the producer's identity and location;

C. The seamless OCTG covered by this certification was shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED};

D. The seamless OCTG covered by this certification is not produced using steel billets produced in China;

E. This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER} (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:

Foreign Seller's Invoice to U.S. Customer
Line item #:

Seamless OCTG Producer Name:

Seamless OCTG Producer's Address:

Producer's Invoice # to Foreign Seller: (*If the foreign seller and the producer are the same party, put NA here.*)

Name of Producer of steel input (*e.g.*, billets):

Address of Producer of steel input (*e.g.*, billets):

Country of Origin of steel input (*e.g.*, billets):

F. The seamless OCTG covered by this certification was shipped to {NAME OF U.S. PARTY TO WHOM MERCHANDISE WAS SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED};

G. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.*, documents maintained in the normal course of business, or documents obtained by the certifying party, for example, product data sheets, mill test reports, productions records, invoices, *etc.*) until the later of: (1) the date that is five years after the latest date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries;

H. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to provide the U.S. importer with a copy of this certification, the steel mill certificate for the seamless OCTG, and the steel mill certificate for the steel input used to produce the seamless OCTG (*e.g.*, steel billet), and is required to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with this certification, and any supporting documents, upon request of either agency;

I. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;

J. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all sales to which this certification applies are within the scope of the antidumping duty and countervailing duty orders on OCTG from China. I understand that such a finding will result in:

(i) suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the importer being required to post the antidumping duty and countervailing duty cash deposits determined by Commerce; and

(iii) the seller/exporter no longer being allowed to participate in the certification process.

K. I understand that agents of the seller/exporter, such as freight forwarding companies or brokers, are not permitted to make this certification.

L. This certification was completed and signed, and a copy of the certification was provided to the importer, on, or prior to, the date of shipment if the shipment date is after September 3, 2025. If the shipment date is on or before September 3, 2025, this certification was completed and signed, and a copy of the certification was provided to the importer, by no later than October 3, 2025; and

M. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}

{TITLE OF COMPANY OFFICIAL}

{DATE}

[FR Doc. 2025–15785 Filed 8–18–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–890, C–489–838]

Quartz Surface Products From India and the Republic of Türkiye: Final Results of the Expedited First Sunset Reviews of the Countervailing Duty Orders

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) orders on quartz surface products from India and the Republic of Türkiye (Türkiye) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Reviews” section of this notice.

DATES: Applicable August 19, 2025.

FOR FURTHER INFORMATION CONTACT: Julie Al-Saadawi, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–1930.

SUPPLEMENTARY INFORMATION:

Background

On June 22, 2020, the U.S. Department of Commerce (Commerce) published the *Orders* on quartz surface products from India and Türkiye.¹ On May 1, 2025, Commerce published the notice of initiation of the first sunset review of the *Orders*, pursuant to section 751(c) of the Act and 19 CFR 351.218(c).²

On May 13, 2025, Commerce received a notice of intent to participate in this review from Cambria Company LLC, Dal-Tile LLC, and Guidoni USA (the domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).³ The domestic interested parties claim interested party status within the meaning of section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as a domestic producer of the domestic like-product.⁴

On June 2, 2025, Commerce received an adequate substantive response from the domestic interested parties, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce did not receive a substantive response from either the Governments of Türkiye or India or a respondent interested party to this proceeding. On June 20, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁶ As a result, Commerce conducted an expedited (120-day) sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Scope of the Orders

The product covered by these *Orders* is quartz surface products from India

¹ See *Certain Quartz Surface Products from India and the Republic of Turkey: Countervailing Duty Orders*, 85 FR 37431 (June 22, 2020) (*India Order* and *Türkiye Order*; collectively, *Orders*).

² See *Initiation of Five-Year (Sunset) Reviews*, 90 FR 18642 (May 1, 2025).

³ See Domestic Interested Parties' Letter, “Notice of Intent to Participate in the First Five-Year Review of the Countervailing Duty Order on Quartz Surface Products from India,” dated May 13, 2025; and Domestic Interested Parties' Letter, “Notice of Intent to Participate in the First Five-Year Review of the Countervailing Duty Order on Quartz Surface Products from the Republic of Turkey,” dated May 13, 2025.

⁴ *Id.*

⁵ See Domestic Interested Parties' Letter, “First Five-Year (“Sunset”) Review of the Countervailing Duty Order on Quartz Surface Products from India: Domestic Interested Parties' Substantive Response,” dated June 2, 2025; and Domestic Interested Parties' Letter, “First Five-Year (“Sunset”) Review of the Countervailing Duty Order on Quartz Surface Products from the Republic of Turkey: Domestic Interested Parties' Substantive Response,” dated June 2, 2025.

⁶ See Commerce's Letter, “Sunset Reviews Initiated on May 1, 2025,” dated June 20, 2025.

and Türkiye. For the full description of the scope of the *Orders*, see the Issues and Decisions Memorandum.⁷

Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Orders* were to be revoked, is contained in the accompanying Issues and Decision Memorandum.⁸ A list of

the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <https://access.trade.gov>. In addition, complete versions of the Issues and Decision

Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Reviews

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *India Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Producers/exporters	Net countervailable subsidy rate (percent <i>ad valorem</i>)
Antique Marbonite Private Limited	1.57
Pokarna Engineered Stone Limited	2.34
All Others	2.17

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Türkiye Order* would

be likely to lead to continuation or recurrence of countervailable subsidies

at the following net countervailable subsidy rates:

Producers/exporters	Net countervailable subsidy rate (percent <i>ad valorem</i>)
Belenco Dış Ticaret A.Ş. and Peker Yüzey Tasarımları Sanayi ve Tic A.Ş.	2.43
All Others	2.43

Notification Regarding Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: August 14, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. History of the *Orders*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy Likely to Prevail
 2. Net Countervailable Subsidy Rates
 3. Nature of the Subsidies
- VII. Final Results of Sunset Reviews
- VIII. Recommendation

[FR Doc. 2025–15784 Filed 8–18–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of the First Meeting of the Federal Advisory Committee Known as the Western Water Cooperative Committee

AGENCY: Corps of Engineers, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Western Water Cooperative Committee, a Federal Advisory Committee, provides a forum for discussions between the Corps and Western States regarding the operation of Corps projects and water rights and water laws of Western States. The first meeting of the Western Water Cooperative Committee will be an online virtual meeting on September 4, 2025. This meeting is open to the public.

DATES: The Western Water Cooperative Committee will conduct an online virtual meeting from 2:00 p.m. EDT to

⁷ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Reviews of the Countervailing Duty

Orders on Quartz Surface Products from India and the Republic of Turkey,” dated concurrently with, and hereby adopted by, this notice.

⁸ *Id.*

4:00 p.m. on Thursday, September 4, 2025.

ADDRESSES: For additional information about the Committee, please visit the committee's website at <https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/Western-Water-Cooperative-Committee/>. The Western Water Cooperative Committee will be an online virtual meeting. Comments or requests to speak at the meeting should be submitted in writing to: The Designated Federal Officer (DFO) for the committee: Mr. Sean L. Smith, ATTN: CEEC, 441 G St. NW, Washington, DC 20314-1000; or by email at WWCC@usace.army.mil. Alternatively, contact the Alternate Designated Federal Officer (ADFO): Ms. Virginia K. Rynk, ATTN: CEEC, 441 G St. NW, Washington, DC 20314-1000; or by email at WWCC@usace.army.mil.

Information for the online virtual meeting can be accessed at the committee's website.

FOR FURTHER INFORMATION CONTACT: The DFO for the committee: Mr. Sean L. Smith, by telephone at 202-761-0301; and by email at WWCC@usace.army.mil; or the ADFO, Ms. Virginia K. Rynk by telephone at 202-761-4741; and by email at WWCC@usace.army.mil.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150.

Purpose of the Meeting: The committee is chartered to ensure that the U.S. Army Corps of Engineers flood control projects in Western States, as described in section 8158(b) of the James M. Inhofe National Defense Authorization Act for FY2023, are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of the U.S. Army Corps of Engineers projects and water rights and water laws in such States. This is the first meeting of the committee and will focus on the administrative details of committee, and identification of the next meeting date to begin the discussions the committee is charged with conducting.

Agenda: At this meeting the agenda will include the introductions of the approved committee members, explanation of what a Federal Advisory Committee is, the committee charge, election of the Chair and Vice-Chair for the committee, discuss the meeting date and location for the next meeting, and

the process for determining agenda items.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the September 4, 2025 virtual meeting will be available on the website. All materials will be posted to the website after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, this virtual meeting is open to the public. Any interested person may participate in the meeting, file written comments or statements with the committee, or make verbal comments during the virtual public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: Individuals requiring any special accommodations related to the virtual public meeting or seeking additional information about the procedures, should contact Mr. Smith, the committee DFO, or Ms. Rynk, an ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102-3.105(j) and 102-3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee about its mission and/or topics to be addressed in this virtual public meeting. Written comments or statements should be submitted to Mr. Smith, the committee DFO, or Ms. Rynk, a committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the committee for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting. Please note that because the committee operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the virtual public meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open virtual meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three business (3) days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Thomas P. Smith,

Director, Engineering and Construction Directorate, Corps of Engineers.

[FR Doc. 2025-15755 Filed 8-18-25; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

Docket No.: ED-2025-SCC-0349]

Agency Information Collection Activities; Comment Request; 84.421F Disability Innovation Fund (DIF) Evidence Building Support (EBS)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a new information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 20, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-

2025–SCC–0349. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Training and Service Programs Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4B103, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Diandra Bailey, 202–987–0126.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 84.421F Disability Innovation Fund (DIF) Evidence Building Support (EBS).

OMB Control Number: 1820–NEW.

Type of Review: A new ICR.
Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 24.

Total Estimated Number of Annual Burden Hours: 36.

Abstract: The U.S. Department of Education's Rehabilitation Services Administration (RSA) requests clearance for a new data collection activity to support the 84.421F Disability Innovation Fund (DIF) Evidence-Building Support (EBS) project. The purpose of the DIF, as provided by the Consolidated Appropriations Act, 2023 (Pub. L. 117–328), is to support innovative activities aimed at increasing competitive integrated employment (CIE) as defined in section 7 of the Rehabilitation Act of 1973 (Rehabilitation Act) (29 U.S.C. 705(5)) for children, youth, and other individuals with disabilities. RSA is investing a total of \$251,934,086 in grant funding to the 27 State Vocational Rehabilitation (VR), other State agencies, Public, Private and Nonprofit Entities, including Indian Tribes and Institutions of Higher Education through the 84.421F DIF program.

This request covers the following single primary data collection for the EBS:

- Annual interviews with 84.421F DIF project directors.

In September 2024, RSA awarded five-year cooperative agreements to 27 State VR, other State agencies, Public, Private and Nonprofit Entities, including Indian Tribes and Institutions of Higher Education to implement model demonstration projects. The projects vary across the 27 grants but they share the same purpose, which is to develop, implement, refine, assess, and disseminate innovative or substantially improved strategies or programs geared toward increasing CIE for individuals with disabilities. RSA is conducting evaluation and technical assistance (TA) activities and will report on implementation and evaluation progress across all grantees in Annual Evidence Reports. This report will also document findings that RSA can use to coordinate ongoing activities and communicate with outside agencies and congressional staff. To supplement the existing data sources, RSA will conduct one annual semi-structured interviews with the individual grantee project directors in grant Years 2, 3, 4 and 5 (Calendar Year (CY) 2025–CY 2029). These interviews will provide valuable qualitative insights into overall project goals, implementation progress, and the barriers and facilitators encountered—information that is not captured through

administrative data reporting alone. This richer understanding will help fill critical gaps and will support the development of the Annual Evidence Report, inform evaluations, coordination, and evaluation technical assistance efforts.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–15721 Filed 8–18–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0448]

Agency Information Collection Activities; Comment Request; Prison Education Program Accreditation Requirements

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 20, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2025–SCC–0448. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Office of Postsecondary Education, Office of Policy, Planning and Innovation, U.S. Department of Education, 400 Maryland Ave SW, LBJ, Room 5C173, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection

activities, please contact Amy Wilson, 202–987–1318.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Prison Education Program Accreditation Requirements.

OMB Control Number: 1840–0863.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 21.

Total Estimated Number of Annual Burden Hours: 1,218.

Abstract: The Secretary establishes regulations for Federal Pell Grants (Pell Grants or Pell) for Prison Education Programs (PEPs), to implement the statutory requirements in the Consolidated Appropriations Act, 2021, that amend the Higher Education Act of 1965, as amended (HEA), to establish Pell Grant eligibility for a confined or incarcerated individual enrolled in a PEP. These regulations are a result of negotiated rulemaking and added new title IV regulations to especially in Subpart P of 34 CFR 668. The Consolidated Appropriations Act, 2021 added section 484(t) to the HEA to formally establish Pell Grant eligibility for confined or incarcerated individuals, as long as they are enrolled in a PEP as defined under the HEA. The regulations

implement the statutory requirements allowing access to Federal Pell Grants for individuals who are confined or incarcerated when enrolled in programs that meet necessary standards.

This collection established the burden under regulations at 34 CFR 668.237—Accreditation requirements. These regulations prescribe program evaluation at the first two additional Prison Education Program (PEP) locations of a participating institution of higher education to ensure institutional ability to offer and implement the PEP in accordance with the accrediting agency's standards. The regulations require the accrediting agency to conduct a site visit no later than one year after the institution has initiated a PEP at its first two additional locations at correctional facilities. Additionally, the regulations require accrediting agencies to review the methodology used by an institution in determining the PEP meets the same standards for substantially similar non-PEP programs offered at the institution.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–15780 Filed 8–18–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, September 16, 2025; 6–8 p.m. EDT.

ADDRESSES: The Ohio State University, Endeavor Center, 1862 Shyville Road, Room 165, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Federal Coordinator, Phone: (740) 897–3737 or Email: greg.simonton@pppo.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials

management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on other EM program components. The Board also provides an avenue to fulfill public participation requirements outlined in the National Environmental Policy Act (NEPA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

Tentative Agenda: (agenda topics are subject to change; please contact Greg Simonton for the most current agenda)

- Presentation to the Board
- Administrative Activities
- Public Comments

Public Participation: The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please contact Greg Simonton. The EM SSAB, Portsmouth, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting.

Meeting conduct: The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

Minutes: Minutes will be available at the following website: <https://www.energy.gov/pppo/ports-ssab/listings/meeting-materials>.

Signing Authority: This document of the Department of Energy was signed on August 14, 2025, by David Borak, Committee Management Officer, 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 August 14, 2025.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2025–15710 Filed 8–18–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 17, 2025, 1 to 3:30 p.m. MDT.

ADDRESSES: This meeting will be held virtually. To receive the virtual access information, please contact Bridget Maestas, Northern New Mexico Citizens Advisory Board (NNMCAB) Executive Director at the telephone number or email listed below at least two days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Bridget Maestas, NNMCAB Executive Director, by Phone: 505–709–7466 or email: bridget.maestas@em.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on other EM program components. The Board also provides an avenue to fulfill public participation requirements outlined in the National Environmental Policy Act (NEPA), the Comprehensive Environmental

Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

Tentative Agenda: (agenda topics are subject to change; please contact Bridget Maestas for the most current agenda)

- Chair and Vice-Chair Elections for Fiscal Year 2026
- Presentation to the Board
- Agency Updates

Public Participation: The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please contact Bridget Maestas. The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Bridget Maestas at least seven days in advance of the meeting.

Meeting conduct: The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

Minutes: Minutes will be available at the following website: <https://www.energy.gov/em/nnmcab/northern-new-mexico-citizens-advisory-board>.

Signing Authority: This document of the Department of Energy was signed on August 14, 2025, by David Borak, Committee Management Officer, 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 August 14, 2025.

Jennifer Hartzell,

*Alternate Federal Register Liaison Officer,
U.S. Department of Energy.*

[FR Doc. 2025–15709 Filed 8–18–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5698–024]

Triton Power Company; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application:* New License.
- b. *Project No.:* 5698–024.
- c. *Date Filed:* July 31, 2025.
- d. *Applicant:* Triton Power Company (Triton Power).
- e. *Name of Project:* Chateaugay High Falls Hydroelectric Project.
- f. *Location:* On the Chateaugay River in Franklin County, New York.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).
- h. *Applicant Contact:* Daniel Sailer, General Manager, Triton Power Company, 10777 Barkley Street, Suite 140, Overland Park, Kansas 66211; telephone at (913) 231–8400; email at Daniel.Sailer@renewhydro.energy.
- i. *FERC Contact:* Arash Barsari, Project Coordinator, Great Lakes Branch, Division of Hydropower Licensing; telephone at (202) 502–6207; email at Arash.JalaliBarsari@ferc.gov.
- j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).
- k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis

for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: on or before 5:00 p.m. Eastern Time on September 29, 2025.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. For assistance, please contact FERC Online Support at

FEROnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Chateaugay High Falls Hydroelectric Project (P-5698-024).

m. The application is not ready for environmental analysis at this time.

Project Description: The Chateaugay High Falls Project includes an 87.6-foot-long, 63.7-foot-high dam, known as the High Falls Dam, that consists of an 85.6-foot-long spillway with a crest elevation of 962.7 feet National Geodetic Vertical Datum of 1929 (NGVD 29) and a 2-foot-long east abutment. The dam creates an impoundment that has a surface area of 2.9 acres at 962.7 feet NGVD 29.

From the impoundment, water flows through an intake structure located on the eastern shoreline of the impoundment approximately 180 feet upstream of the dam that is equipped with a 16-foot-long intake opening with trashracks with 1-inch clear bar spacing and a 5-foot-long slide gate. From the intake structure, water flows through a 480-foot-long penstock to a 50-foot-wide, 40-foot-long powerhouse that contains a 1,260-kilowatt (kW) horizontal Francis turbine-generator unit and a 450-kW vertical Byron Jackson turbine-generator unit, for a total installed capacity of 1,710 kW. Water is discharged from the powerhouse to a 38-foot-long tailrace.

The project creates an approximately 250-foot-long bypassed reach.

The project includes a downstream fish passage facility adjacent to the intake structure that consists of a fish collection box and a series of pipes that lead to a plunge pool located approximately 100 feet downstream of the dam.

Electricity generated at the powerhouse is transmitted to the electric grid via a 1,110-foot-long, 4.16-kilovolt transmission line. The minimum and maximum hydraulic capacities of the powerhouse are 20 and 235 cubic feet per second (cfs), respectively. The average annual energy production of the project from 2015 through 2024, was 5,321 megawatt-hours.

The current license requires the project to operate in a run-of-river mode such that project outflow approximates inflow to the impoundment. Triton Power maintains the normal maximum surface elevation of the impoundment at 962.7 feet NGVD 29. The current license also requires Triton Power to release a minimum aesthetic flow of 55 cfs or inflow, whichever is less, over the spillway from sunrise to sunset, from Memorial Day through September 30, and on all Saturdays, Sundays, and United States and Canadian holidays during May and the first three weeks of October. Triton Power proposes to continue operating the project as currently licensed. Triton Power proposes to remove from the project boundary 0.04 acre that is adjacent to the project interconnection point with the electric grid.

Triton Power states that it is not proposing any new measures at this time, but intends to file a revised licensing proposal by July 31, 2026, following agency consultation and completion of several studies that it did not complete prior to filing the license application, including a water quality study, freshwater mussel survey, macroinvertebrate survey, fish community survey, downstream fish passage evaluation, bypass habitat and flow study, run-of-river operation study, and wetlands and aquatic vegetation study.

n. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (e.g., license application) via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number

field to access the document (P-5698). For assistance, contact FERC at FEROnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. 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.

p. **Procedural Schedule:** The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter and Request Additional Information—September 2025

q. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: August 14, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-15763 Filed 8-18-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2444-000]

Northern States Power Company; Notice of Authorization for Continued Project Operation

The license for the White River Hydroelectric Project No. 2444 was issued for a period ending July 31, 2025.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable

section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2444 is issued to Northern States Power Company for a period effective August 1, 2025, through July 31, 2026, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before July 31, 2026, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Northern States Power Company is authorized to continue operation of the White River Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: August 14, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–15760 Filed 8–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–52–000]

Natural Gas Pipeline Company of America LLC; Notice of Availability of the Environmental Assessment for the Proposed Gulf Coast Storage Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Gulf Coast Storage Expansion (Project), proposed by Natural Gas Pipeline Company of America LLC (Natural) in the above-referenced docket.¹ Natural requests authorization to construct and operate the following natural gas pipeline facilities at its North Lansing Storage Field in Harrison County, Texas:

- approximately 5.9 miles of 30-inch-diameter pipeline loop;
- one new pigging tool launcher at the start of the loop; and
- one new compressor unit rated at 12,000 horsepower at existing Compressor Station 388.

The Project would enable Natural to convert 10 billion cubic feet of cushion gas to working gas inventory at its North Lansing Storage Field and to increase the certificated peak day withdrawal level from 1,240 million cubic feet per day (MMcf/day) to 1,420 MMcf/day. The Project purpose is to meet the storage needs of Natural's shippers and the growing demand for firm storage service in the Gulf Coast area.

The EA assesses the potential environmental effects of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project would not constitute a major federal action significantly affecting the quality of the human environment.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (www.ferc.gov), on the natural gas

environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>), select "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.* CP25–52). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00pm Eastern Time on September 15, 2025.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (www.ferc.gov) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You must select the type of filing you are making. If you are filing a comment on a particular project, please select "Comment on a Filing"; or

¹ For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019020–000–1739953064.

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP25–52–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (www.ferc.gov) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

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.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/>

[ferc-online/overview](https://www.ferc.gov/ferc-online/overview) to register for eSubscription.

Dated: August 14, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–15757 Filed 8–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3442–029]

City of Nashua; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license to continue to operate and maintain the Mine Falls Hydroelectric Project (project). The project is located on the Nashua River in Hillsborough County, New Hampshire. Commission staff has prepared an Environmental Assessment (EA) for the project. The project does not affect federal lands.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<http://www.ferc.gov/>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit

brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–3442–029.

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.

For further information, contact Khatoon Melick at (202) 502–8433 or by email at khatoon.melick@ferc.gov.

Dated: August 14, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–15762 Filed 8–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–532–000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on August 4, 2025, Equitrans, L.P. (Equitrans), 2200 Energy Drive, Canonsburg, Pennsylvania 15317, filed in the above referenced docket, a prior notice request pursuant to section 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and Equitrans' blanket certificate issued in Docket No. CP96–352–000, for authorization to plug and abandon a withdrawal well in Equitrans' Pratt Storage Field. All of the above facilities are located in Greene and Washington

Counties, Pennsylvania (Well 3629 Plug and Abandonment Project). Equitrans states the project will allow it to comply with Pipeline and Hazardous Materials Safety Administration (PHMSA) requirements regarding storage well, reservoir and fluid management for functional integrity in design, construction, operation, monitoring, maintenance and documentation practices as recommended by the American Petroleum Institute (API) Practice 1171. The estimated cost for the project is \$700,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.reference.room@ferc.gov.

Any questions concerning this request should be directed to Jennifer Brough, Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, 17th Floor, San Francisco, California 94111, by phone at (415) 434-9100, or by email at jbrough@sheppardmullin.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on October 14, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful

public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on October 14, 2025. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on October 14, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual,

this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on October 14, 2025. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25-532-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25–532–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Jennifer Brough, Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, 17th Floor, San Francisco, California 94111, or by email (with a link to the document) at jbrough@sheppardmullin.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the “eLibrary” link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: August 14, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–15758 Filed 8–18–25; 8:45 am]

BILLING CODE 6717–01–P

interested persons to submit brief, text-only comments on a project.

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: EG25–449–000.

Applicants: RE Desert Bloom LLC.

Description: RE Desert Bloom LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/13/25.

Accession Number: 20250813–5154.

Comment Date: 5 p.m. ET 9/3/25.

Docket Numbers: EG25–450–000.

Applicants: Misae Solar IV LLC.

Description: Misae Solar IV LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/13/25.

Accession Number: 20250813–5155.

Comment Date: 5 p.m. ET 9/3/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–306–002.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: TO SA 467: TID Compliance Filing in Docket No. ER24–306 to be effective 9/3/2025.

Filed Date: 8/14/25.

Accession Number: 20250814–5062.

Comment Date: 5 p.m. ET 9/4/25.

Docket Numbers: ER24–1137–002.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: TO SA 479: MID Compliance Filing in Docket No. ER24–1137 to be effective 9/3/2025.

Filed Date: 8/14/25.

Accession Number: 20250814–5065.

Comment Date: 5 p.m. ET 9/4/25.

Docket Numbers: ER25–3176–000.

Applicants: Research Power Corporation.

Description: Compliance filing: Notice of Succession to be effective 7/2/2025.

Filed Date: 8/14/25.

Accession Number: 20250814–5034.

Comment Date: 5 p.m. ET 9/4/25.

Docket Numbers: ER25–3177–000.

Applicants: Portland General Electric Company.

Description: Portland General Electric Company submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, 10/01/2025, through 09/30/2028.

Filed Date: 8/13/25.

Accession Number: 20250813–5180.

Comment Date: 5 p.m. ET 9/3/25.

Docket Numbers: ER25–3178–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 21 to be effective 8/11/2025.

Filed Date: 8/14/25.

Accession Number: 20250814–5087.

Comment Date: 5 p.m. ET 9/4/25.

Docket Numbers: ER25–3179–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Notice of Cancellation of WMPA, SA No. 6388; AG1–397 re: withdrawal to be effective 10/14/2025.

Filed Date: 8/14/25.

Accession Number: 20250814–5110.

Comment Date: 5 p.m. ET 9/4/25.

Docket Numbers: ER25–3180–000.

Applicants: Puget Sound Energy, Inc.
Description: Puget Sound Energy, Inc. submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, 10/01/2025, through 09/30/2028.

Filed Date: 8/13/25.

Accession Number: 20250813–5181.

Comment Date: 5 p.m. ET 9/3/25.

Docket Numbers: ER25–3181–000.

Applicants: Eldorado Solar Project, LLC.

Description: 205(d) Rate Filing: Eldorado Solar Third Amendment to SFA to be effective 8/15/2025.

Filed Date: 8/14/25.

Accession Number: 20250814–5157.

Comment Date: 5 p.m. ET 9/4/25.

Docket Numbers: ER25–3182–000.

Applicants: Elwood Energy LLC.

Description: Tariff Amendment: Notice of Cancellation of Reactive Service Rate Schedule to be effective 12/31/9998.

Filed Date: 8/14/25.

Accession Number: 20250814–5167.

Comment Date: 5 p.m. ET 9/4/25.

Docket Numbers: ER25–3183–000.

Applicants: RE Desert Bloom LLC.

Description: Initial Rate Filing: Application for Market-Based Rate Authority to be effective 10/14/2025.

Filed Date: 8/14/25.

Accession Number: 20250814–5178.

Comment Date: 5 p.m. ET 9/4/25.

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 organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: August 14, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-15751 Filed 8-18-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15388-000]

HGE Energy Storage 6, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 27, 2024, HGE Energy Storage 6, LLC (HGE Energy), filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Lake Oroville Pumped Storage Project to be located in Butte County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following new facilities: (1) a 30-foot-high, 5,600-foot-long earthen with rubber sheet and asphalt lining upper embankment that would impound a 40-acre upper reservoir with a storage

capacity of 4000 acre-feet at a water surface elevation of 2,300 feet above mean sea level (msl); (2) a pressure shaft of undetermined length and diameter made of concrete and steel lined (3) four 3,300-foot-long, 10-foot-diameter steel lined penstocks from the upper reservoir to eight 330-foot-long, 15-foot-diameter turbine penstocks; (4) a 350-foot-long, 75-foot-wide, 100-foot-high and 100-foot below ground concrete powerhouse and substation containing six 210-MW reversible variable speed pump-turbine generators; (5) a 300-foot-long, 250-foot-diameter concrete lined tailrace; (6) a vertical access tunnel 100-feet high and 30-feet in diameter to lead from ground level to the powerhouse; (7) a vertical intake structure leading to the tailrace 100-feet below sea level (8) an 1.3-mile-long, 115-kilovolt transmission line; and (9) appurtenant facilities. The proposed project would have an estimated annual generation of 3,675,000 megawatt-hours.

Applicant Contact: Mr. Wayne Krouse, Manager, HGE Energy Storage 6, LLC, 2901 4th Avenue South, #B 253 Birmingham, AL 35233 email: wayne@hgenergy.com phone: (877)-556-6566.

FERC Contact: Jane Dalglish; email: jane.dalglish@ferc.gov; phone: (503) 552-2718.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

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.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659

(TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-15388-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's website at <https://elibrary.ferc.gov/eLibrary/search>. Enter the docket number (P-15388) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 14, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-15767 Filed 8-18-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2722-023 & 15373-000]

PacifiCorp; Notice of Reasonable Period of Time for Water Quality Certification Application

On August 13, 2025, the Utah Department of Environmental Quality—Division of Water Quality (Utah DWQ) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act Section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from PacifiCorp, in conjunction with the above captioned project, on July 17, 2025. Pursuant to the Commission's regulations,¹ we hereby notify the Utah DWQ of the following:

Date of Receipt of the Certification Request: July 17, 2025

Reasonable Period of Time to Act on the Certification Request: One year (July 17, 2026).

If the Utah DWQ fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

¹ 18 CFR 4.34(b)(5)(iii) and 6.1(b).

Dated: August 14, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–15761 Filed 8–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 597–025 & 15372–000]

PacifiCorp; Notice of Reasonable Period of Time for Water Quality Certification Application

On August 5, 2025, the Utah Department of Environmental Quality—Division of Water Quality (Utah DWQ) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act Section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from PacifiCorp, in conjunction with the above captioned project, on June 26, 2025. Pursuant to the Commission's regulations,¹ we hereby notify the Utah DWQ of the following:

Date of Receipt of the Certification Request: June 26, 2025.

Reasonable Period of Time to Act on the Certification Request: One year (June 26, 2026).

If the Utah DWQ fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: August 14, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–15759 Filed 8–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 11509–054 & 15342–000]

City of Albany, Oregon; Notice of Reasonable Period of Time for Water Quality Certification Application

On August 12, 2025, the City of Albany, Oregon, submitted to the Federal Energy Regulatory Commission (Commission) a copy of a notice that the Oregon Department of Environmental Quality (Oregon DEQ) received a request for a Clean Water Act Section 401(a)(1) water quality certification as defined in

40 CFR 121.5, from the City of Albany, in conjunction with the above captioned project, on April 15, 2025. Pursuant to the Commission's regulations,¹ we hereby notify the Oregon DEQ of the following:

Date of Receipt of the Certification Request: April 15, 2025.

Reasonable Period of Time to Act on the Certification Request: One year (April 15, 2026).

If the Oregon DEQ fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: August 14, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–15766 Filed 8–18–25; 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 in Existing Proceedings

Docket Numbers: PR25–61–001.

Applicants: Southern California Gas Company.

Description: 284.123 Rate Filing: Offshore Delivery Service Rate Revision July 2025 AL to be effective N/A.

Filed Date: 8/14/25.

Accession Number: 20250814–5151.

Comment Date: 5 p.m. ET 9/4/25.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful

public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organization, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: August 14, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025–15752 Filed 8–18–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11322–000]

Tuolumne Water District; Notice of Authorization for Continued Project Operation

The license for the Columbia Water Supply Hydroelectric Project No. 11322 was issued for a period ending July 31, 2025.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 11322 is issued to Tuolumne Water District for a period effective August 1, 2025,

¹ 18 CFR 4.34(b)(5)(iii) and 6.1(b).

¹ 18 CFR 4.34(b)(5)(iii) and 6.1(b).

through July 31, 2026, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before July 31, 2026, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Tuolumne Water District is authorized to continue operation of the Columbia Water Supply Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: August 14, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-15765 Filed 8-18-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7274-000]

Town of Wells, New York; Notice of Authorization for Continued Project Operation

The license for the Lake Algonquin Hydroelectric Project No. 7274 was issued for a period ending July 31, 2025.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be

required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 7274 is issued to the Town of Wells, New York for a period effective August 1, 2025, through July 31, 2026, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

If issuance of a new license (or other disposition) does not take place on or before July 31, 2026, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the Town of Wells, New York is authorized to continue operation of the Lake Algonquin Hydroelectric Project under the terms and conditions of the prior license until the issuance of a subsequent license for the project or other disposition under the FPA, whichever comes first.

Dated: August 14, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-15764 Filed 8-18-25; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2025-0026; FRL-12472-06-OCSP]

Pesticide Product Registration; Receipt of Applications for New Uses (June 2025)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency's receipt of and solicits comment on applications to register new uses for pesticide products containing currently registered active ingredients. The Agency is providing this notice in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA uses the month and year in the title to identify when the Agency compiled the applications identified in this notice of receipt. Unit II. of this document identifies certain applications received

in calendar years 2024 and 2025 that are currently being evaluated by EPA, along with information about each application, including when it was received, who submitted the application, and the purpose of the application.

DATES: Comments must be received on or before September 18, 2025.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the *EPA File Symbol* or the *EPA Registration Number* of interest as shown in Unit II. of this document, through the *Federal eRulemaking Portal* at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows: Shannon Borges; main telephone number: (202) 566-1400; email address: BPPDFRNotices@epa.gov.

• RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566-1030; email address: RDfRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

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

EPA is taking this action pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(4), and 40 CFR 152.102.

C. What action is the Agency taking?

EPA is hereby providing notice of receipt and opportunity to comment on the applications to register new uses for pesticide products containing currently registered active ingredients that were received during the covered period. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the

proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www.epa.gov/pesticide-registration/public-participation-process-registration-actions>).

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, 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. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. Applications To Register New Uses

This unit provides the following information about the applications received during this period: The EPA File Symbol or Registration number(s); EPA docket ID number for the application; Name and address of the applicant; Name of the active ingredient, product type and proposed uses; and the division to contact for that application. Additional information about the application may also be available in the related docket for the application as identified in this unit.

- *EPA Registration Numbers:* 10163–209 and 10163–337. *Docket ID number:* EPA–HQ–OPP–2024–0322. *Applicant:* Gowan Company, LLC, P.O. Box 556 Yuma, AZ 85366. *Active ingredient:* Hexythiazox. *Product type:* Insecticide. *Proposed use:* Crop Subgroup 10–10B lemon/lime. *Date of receipt:* April 9, 2024, revisions were made to the original submission. *Date of receipt:* April 9, 2024. *Contact:* RD.

- *EPA Registration Numbers:* 47870–2 and 47870–1. *Docket ID number:* EPA–HQ–OPP–2025–0158. *Applicant:* ABERCO, Inc. A Balchem Company, 5 Paragon Drive, Suite 201, Montvale, NJ 07645. *Active ingredient:* Propylene oxide (PPO). *Product type:* Fungicide. *Proposed use:* Sesame, seed; turmeric, roots, dried; ginger, dried; pepper, bell, dried; and pepper, nonbell, dried. *Date of receipt:* February 11, 2025. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 12, 2025.

Kimberly Smith,

Acting Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2025–15742 Filed 8–18–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2025–0024; FRL–12473–06–OCSPP]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients (June 2025)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Agency's receipt of and solicits comment on applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. The Agency is providing this notice in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA uses the month and year in the title to identify when the Agency complied the applications identified in this notice of receipt. Unit II. of this document identifies certain applications received in 2023 and 2024 that are currently being evaluated by EPA, along with information about each application, including when it was received, who submitted the application, and the purpose of the application.

DATES: Comments must be received on or before September 18, 2025.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the *EPA File Symbol* or the *EPA Registration Number* of interest as shown in Unit II. of this document, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- BPPD (Biopesticides and Pollution Prevention Division) (Mail Code 7511M); Shannon Borges; main telephone number: (202) 566–1400; email address: BPPDFRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

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

EPA is taking this action pursuant to section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(4), and 40 CFR 152.102.

C. What action is the Agency taking?

EPA is hereby providing notice of receipt and opportunity to comment on applications to register pesticide products containing active ingredients not included in any currently registered pesticide products that were received during the covered period. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www.epa.gov/pesticide-registration/public-participation-process-registration-actions>).

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, 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. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. Registration Applications Received

This unit provides the following information about the applications received during this period: The EPA File Symbol or Registration number(s); EPA docket ID number for the application; Name and address of the applicant; Name of the active ingredient, product type and proposed uses; and the division to contact for that application. Additional information about the application may also be available in the related docket for the application as identified in this unit.

- *File Symbol:* 52991-UL. *Docket ID number:* EPA-HQ-OPP-2025-0111. *Applicant:* Bedoukian Research, Inc., 6 Commerce Drive, Danbury, CT 06810. *Product name:* Bedoukian Gamma-Dodecalactone Technical. *Active ingredient:* Gamma-Dodecalactone, Non-Food Use Insecticide and Insect Repellent—Gamma Dodecalactone at 98.5%. *Proposed use:* Manufacturing and Formulation Only. *Date of receipt:* April 20, 2023. *Contact:* BPPD.

- *File Symbol:* 56336-IA. *Docket ID number:* EPA-HQ-OPP-2025-0112. *Applicant:* Suterra LLC, 20950 NE Talus Place, Bend, OR 97701. *Product name:* CheckMate GMB Technical Pheromone. *Active ingredient:* Propanoic acid, 2-methyl-, (3,4,5,5-tetramethyl-2-cyclopenten-1-yl) methyl ester, Manufacturing Use Product (MP) for formulation into End-Use Product (EP) to disrupt the normal mating cycle of the *Pseudococcus maritimus* (Grape Mealybug)—Propanoic acid, 2-methyl-, (3,4,5,5-tetramethyl-2-cyclopenten-1-yl) methyl ester at 95.93%. *Proposed use:* Manufacturing Use Only. *Date of receipt:* August 21, 2023. *Contact:* BPPD.

- *File Symbol:* 56336-II. *Docket ID number:* EPA-HQ-OPP-2025-0112. *Applicant:* Suterra LLC, 20950 NE Talus Place, Bend, OR 97701. *Product name:* CheckMate GMB. *Active ingredient:* Propanoic acid, 2-methyl-, (3,4,5,5-tetramethyl-2-cyclopenten-1-yl) methyl ester, Semiochemical/Pheromone—Propanoic acid, 2-methyl-, (3,4,5,5-tetramethyl-2-cyclopenten-1-yl) methyl ester at 14.01%. *Proposed use:* Mating Disruption of *Pseudococcus maritimus* (Grape Mealybug). *Date of receipt:* August 21, 2023. *Contact:* BPPD.

- *File Symbol:* 56336-IT. *Docket ID number:* EPA-HQ-OPP-2025-0112. *Applicant:* Suterra LLC, 20950 NE Talus Place, Bend, OR 97701. *Product name:* Celada™ GMB 180. *Active ingredient:* Propanoic acid, 2-methyl-, (3,4,5,5-tetramethyl-2-cyclopenten-1-yl) methyl ester, Semiochemical/Pheromone—Propanoic acid, 2-methyl-, (3,4,5,5-tetramethyl-2-cyclopenten-1-yl) methyl

ester at 7.45%. *Proposed use:* Mating Disruption of *Pseudococcus maritimus* (Grape Mealybug). *Date of receipt:* August 21, 2023. *Contact:* BPPD.

- *File Symbol:* 82398-E. *Docket ID number:* EPA-HQ-OPP-2025-0113. *Applicant:* Chemian Technology Limited (“Chemian”), Unit 2, 80 Eastmount Road, Darlington, County Durham DL1 1LA, United Kingdom (c/o TSG Consulting, 1150 18th Street NW, Suite 475, Washington, DC 20036). *Product name:* Citrepel 75. *Active ingredient:* Cymbopogon winterianus oil, fractionated, hydrated, cyclized, Manufacturing Use Product (MP) for formulation into Skin Applied Insect Repellent End Use Products (EP)—Cymbopogon winterianus oil, fractionated, hydrated, cyclized at 100.00%. *Proposed use:* Manufacturing Use Only. *Date of receipt:* February 2, 2024. *Contact:* BPPD.

- *File Symbol:* 82398-G. *Docket ID number:* EPA-HQ-OPP-2025-0113. *Applicant:* Chemian Technology Limited (“Chemian”), Unit 2, 80 Eastmount Road, Darlington, County Durham DL1 1LA, United Kingdom (c/o TSG Consulting, 1150 18th Street NW, Suite 475, Washington, DC 20036). *Product name:* Citrepel Emulsion 20 Insect Repellent. *Active ingredient:* Cymbopogon winterianus oil, fractionated, hydrated, cyclized, Insect Repellent—Cymbopogon winterianus oil, fractionated, hydrated, cyclized at 20.00%. *Proposed use:* Skin Applied Insect Repellent provides protection against mosquitoes, black flies, gnats, and no-see-ums. *Date of receipt:* February 22, 2024. *Contact:* BPPD.

- *File Symbol:* 82398-U. *Docket ID number:* EPA-HQ-OPP-2025-0113. *Applicant:* Chemian Technology Limited (“Chemian”), Unit 2, 80 Eastmount Road, Darlington, County Durham DL1 1LA, United Kingdom (c/o TSG Consulting, 1150 18th Street NW, Suite 475, Washington, DC 20036). *Product name:* Incognito® Insect Repellent Spray. *Active ingredient:* Cymbopogon winterianus oil, fractionated, hydrated, cyclized, Insect Repellent—Cymbopogon winterianus oil, fractionated, hydrated, cyclized at 20.00%. *Proposed use:* Skin Applied Insect Repellent provides protection against mosquitoes, black flies, gnats, and no-see-ums. *Date of receipt:* February 22, 2024. *Contact:* BPPD.

- *File Symbol:* 102059-E. *Docket ID number:* EPA-HQ-OPP-2025-0107. *Applicant:* Rodents Odor Free International, Inc., Suite 200–535 Yates St., Victoria, BC V8W 2Z6, Canada (c/o Exponent, 1150 Connecticut Ave. NW, Suite 1100, Washington, DC 20036). *Product name:* STA1. *Active ingredient:*

Stearic Acid and related fatty acids, Manufacturing Use Product (MP) for formulation into End-Use Product (EP)—Stearic Acid and related fatty acids at 100%. *Proposed use:* Manufacturing or Formulation use only. *Date of receipt:* April 1, 2024. *Contact:* BPPD.

- *File Symbol:* 102059-R. *Docket ID number:* EPA-HQ-OPP-2025-0107. *Applicant:* Rodents Odor Free International, Inc., Suite 200–535 Yates St., Victoria, BC V8W 2Z6, Canada (c/o Exponent, 1150 Connecticut Ave. NW, Suite 1100, Washington, DC 20036). *Product name:* Rodents Away Odor Free. *Active ingredient:* Stearic Acid and related fatty acids, Mouse Repellent—Stearic Acid and related fatty acids at 100%. *Proposed use:* For control of mice in enclosed such as homes and recreational vehicles. *Date of receipt:* April 1, 2024. *Contact:* BPPD. *Authority:* 7 U.S.C. 136 et seq.

Dated: August 14, 2025.

Kimberly Smith,

Acting Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2025–15746 Filed 8–18–25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2025-0067; FRL-12475-05-OCSP]

Certain New Chemicals; Receipt and Status Information for May 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency’s receipt of new chemical submissions under the Toxic Substances Control Act (TSCA), including information about the receipt of a Premanufacture Notice (PMN), Significant New Use Notice (SNUN), Microbial Commercial Activity Notice (MCAN), and an amendment to a previously submitted notice; test information; a biotechnology exemption application; an application for a test marketing exemption (TME); and a notice of commencement of manufacture (defined by statute to include import) (NOC) for a new chemical substance. This document also provides a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review. EPA is hereby providing notice of receipt of this information, as required by TSCA,

and an opportunity to comment. This document covers the period from 5/1/2025 to 5/31/2025.

DATES: Comments must be received on or before September 18, 2025.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2025-0067 and the specific case number provided in this document for the chemical substance related to your comment, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information: Jim Rahai, Project Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8593; email address: rahai.jim@epa.gov.

For general information: 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. Does this action apply to me?

This action provides information that is directed to the public in general.

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

EPA is publishing this document in the **Federal Register** as required by sections 5 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, and corresponding EPA regulations.

Under TSCA, a chemical substance may be either an "existing" chemical substance or a "new" chemical substance, see <https://www.epa.gov/chemicals-under-tsca>. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." See TSCA section 3(2) and (11). For more information about the TSCA Inventory, see <https://www.epa.gov/tsca-inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN, or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the new chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture a new chemical substance, or manufacture or process a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical substances will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME.

Premanufacture notification procedures for review of certain new microbial products of biotechnology are established in 40 CFR part 725. These pertain to MCANs and biotechnology exemptions, including TSCA experimental release applications (TERAs), TMEs for microorganisms, and Tier I and Tier II exemptions.

C. What action is the Agency taking?

This document provides notice of receipt and status reports for the covered period and certain submissions under TSCA section 5 and provides an opportunity to comment on this information. The Agency is providing information about the receipt of PMNs, SNUNs, MCANs, and amendments to a previously submitted notice; test information; biotechnology exemption applications under 40 CFR part 725; TME applications; NOCs for new chemical substances; and a periodic status report on chemical substances that are currently under EPA review or have recently concluded review.

D. What should I consider as I prepare my comments for EPA?

1. **Submitting CBI.** Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. In addition to one complete version of the

comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703.

2. **Tips for preparing your comments.** When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. Background

A. What information is being provided in this document?

The tables in this document provide the following information on the TSCA section 5 submissions received by EPA during this period and determined to be complete consistent with 40 CFR 720.70(a).

- **Case number.** The EPA number assigned to the TSCA section 5 submissions. Please note that a case number may be listed more than once in the table when the submission involves a subsequent amendment.
- **Chemical substance.** Name of the chemical substance, or generic name if the specific name is claimed as CBI.
- **Manufacturer.** Name of the submitting manufacturer, to the extent that such information is not subject to a CBI claim. The term "manufacturer" is defined by statute to include importer.
- **Use(s).** Potential uses identified by the manufacturer.
- **Received.** Date the submission was received by EPA.
- **Commencement.** Date of commencement provided by the submitter in the NOC.
- **Test information.** For test information received, the type of test information submitted to EPA based on the attachment type and subtype data selected by the submitter.

B. What do the acronyms mean that are used in the tables?

As used in each of the tables, the following explanations apply:

- (S) indicates that the information in the table is the specific information provided by the submitter.
- (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

C. How can I access other information about TSCA Section 5 submissions?

EPA provides information on its website about cases reviewed under TSCA section 5, including the PMNs, SNUNs, MCANs, and exemption applications received; the date of

receipt; the final EPA determination on the submission; and the effective date of EPA's determination. See <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. In addition, information EPA receives

about chemical substances under TSCA, including non-CBI new chemical submissions, can be accessed in ChemView at <https://chemview.epa.gov/chemview>.

III. Receipt Reports

Table 1 provides non-CBI information for the PMNs, SNUNs and MCANs received by EPA that have passed an initial screening and determined to be complete consistent with 40 CFR 720.70(a) during this period.

TABLE 1—PMN/SNUN/MCANs RECEIVED AND UNDER REVIEW

Case No.	Received date	Manufacturer	Use	Chemical substance
J-25-0006	04/29/2025	CBI	(G) Chemical Production	(G) Chromosomally modified <i>Saccharomyces cerevisiae</i> .
J-25-0007	04/29/2025	CBI	(G) Chemical Production	(G) Chromosomally modified <i>Saccharomyces cerevisiae</i> .
J-25-0008	04/29/2025	CBI	(G) Chemical Production	(G) Chromosomally modified <i>Saccharomyces cerevisiae</i> .
J-25-0009	04/29/2025	CBI	(G) Chemical Production	(G) Chromosomally modified <i>Saccharomyces cerevisiae</i> .
J-25-0010	04/29/2025	CBI	(G) Chemical Production	(G) Chromosomally modified <i>Saccharomyces cerevisiae</i> .
P-22-0014	04/01/2025	CBI	(G) precursor	(G) Sodium bis(chloropropanediol) phosphate.
P-23-0162	05/02/2025	CBI	(S) Transportation fuels, Chemical Feedstock, Fuel additive.	(G) Alkane (glyceridic), hydrotreated and isomerized.
P-24-0093	05/01/2025	Evonik Corporation	(S) Surfactant in laundry detergent, surfactant in manual/hand dish detergent, surfactant in hard surface cleaner.	(G) Rhamnolipids, modified <i>pseudomonas</i> -fermented, from dextrose, salts.
P-24-0094	05/01/2025	Evonik Corporation	(S) Surfactant in laundry detergent, surfactant in manual/hand dish detergent, surfactant in hard surface cleaner.	(G) Rhamnolipids, modified <i>pseudomonas</i> -fermented, from dextrose, salts.
P-24-0095	05/01/2025	Evonik Corporation	(S) Surfactant in laundry detergent, surfactant in manual/hand dish detergent, surfactant in hard surface cleaner.	(G) Rhamnolipids, modified <i>pseudomonas</i> -fermented, from dextrose, salts.
P-24-0096	05/01/2025	Evonik Corporation	(S) Surfactant in laundry detergent, surfactant in manual/hand dish detergent, surfactant in hard surface cleaner.	(G) Rhamnolipids, modified <i>pseudomonas</i> -fermented, from dextrose, salts.
P-24-0112	04/25/2025	CBI	(S) Rubber accelerator for the manufacture of rubber articles.	(S) CARBAMODITHIOIC ACID, N, N-BIS(PHENYLMETHYL)-, COMPD. WITH 2,2'-DITHIOBIS[ETHANAMINE] (2:1).
P-24-0136	05/22/2025	CBI	(G) Crosslinking polymer	(G) Siloxanes and Silicones, di-Me, polymers with silicic acid, [(ethenyldimethylsilyl)oxy]-terminated, reaction products with [(alkoxysilyl)ethyl] siloxane and [(alkoxysilyl)ethyl] siloxane.
P-24-0179	05/12/2025	CBI	(G) Component in batteries	(G) Aluminum- and metal-doped cobalt metal nickel oxide.
P-24-0180	05/12/2025	CBI	(G) Component in batteries	(G) Aluminum- and metal- and metal-doped cobalt metal nickel oxide.
P-24-0181	05/12/2025	CBI	(G) Component in batteries	(G) Metal- and metal-doped cobalt metal metal nickel oxide.
P-24-0195	05/12/2025	CBI	(G) Dielectric testing, Heat transfer fluid	(G) Trimers of hexafluoropropene.
P-25-0023	11/26/2024	CBI	(G) Mixed metal oxide for batteries	(G) Cobalt lithium manganese nickel oxide, metals-modified.
P-25-0065	04/29/2025	Itaconix Corp	(S) Chemical intermediate in polymer production ...	(S) Butanedioic acid, 2-methylene-, 1,4-dimethyl ester.
P-25-0068	05/16/2025	Cytec Industries Inc	(G) Additive used in phosphoric acid production ...	(G) ether modified polyethyleneimine polymer.
P-25-0072	05/12/2025	CBI	(G) Heat transfer fluid, Dielectric testing	(G) 1-Propene, polyfluoro-, trimer, epoxidized.
P-25-0081	05/01/2025	CBI	(S) Treatment agent for pigments	(G) Alkanamide, 2,2'-[dihalo[1,1'-biphenyl]-4,4'-diyl] bis(2,1-diazenediyl)] bis [3-oxo-, N,N'-bis(haloalkoxy aryl and substituted-aryl)].
P-25-0082	05/01/2025	CBI	(S) Treatment agent for pigments	(G) Alkanamide, [alkanediylbis(oxy-arylene-diazenediyl)] bis [3-oxo-, N,N'-bis(heterocyclic-substituted aryl and substituted aryl)].
P-25-0083	05/02/2025	CBI	(G) Pigment	(G) Metal, Transitional Metals, oxide.
P-25-0084	05/21/2025	CBI	(G) Component in cooling formulations	(G) Alkoxy 1H-Benzimidazole.
P-25-0085	05/06/2025	Clariant Corporation	(S) Stain and soil release agent for use in laundry detergents.	(G) Arylcarboxylic acid, polymer with alkanol, ester with substituted polyalkylene glycol.
P-25-0086	05/06/2025	Clariant Corporation	(S) Stain and soil release agent for use in laundry detergents.	(G) Polymer of arylcarboxylic acid, glycol, polyalkylene glycol ether.
P-25-0087	05/06/2025	Clariant Corporation	(S) Stain and soil release agent for use in laundry detergents.	(G) Polymer of arylcarboxylic acid, alkanediol and alcohols, alkoxylated.
P-25-0088	05/06/2025	Clariant Corporation	(S) Stain and soil release agent for use in laundry detergents.	(G) Polymer of arylcarboxylic acid, glycols and polyalkylene glycol ether.
P-25-0089	05/06/2025	Clariant Corporation	(S) Stain and soil release agent for use in laundry detergents.	(G) Polymer of arylcarboxylic acid, sulfoarylcarboxylic acid, alkyl ester salt, glycols and oligoethylene glycol ether.
P-25-0090	05/08/2025	CBI	(G) monomer for use in UV/EB technology	(G) Carbamic acid, N,N'-(trialkylalkanidyl)bis-, bis(propenyloxy)alkyl ester.
P-25-0091	05/08/2025	CBI .....	.....	(G) Carbamic acid, N,N'-(trialkylalkanidyl)bis-, bis(propenyloxy)alkyl ester.

TABLE 1—PMN/SNUN/MCANS RECEIVED AND UNDER REVIEW—Continued

Case No.	Received date	Manufacturer	Use	Chemical substance
P-25-0092	05/16/2025	CBMM	(S) The substance is an anode active material used in batteries and accumulators, which are intended for industrial use such as trucks and various commercial vehicles.	(G) Niobium zinc oxide, mixed transition metal doped.
P-25-0092	05/22/2025	CBMM	(S) The substance is an anode active material used in batteries and accumulators, which are intended for industrial use such as trucks and various commercial vehicles.	(G) Niobium zinc oxide, mixed transition metal doped.
P-25-0097	05/13/2025	CBI	(S) Export formulated for use outside of US, (G) Photoacid generator use at customer sites.	(G) Aromatic sulfonium tricyclo salt with dicycloalkyl carbomonocycle hetero acid.
P-25-0099	05/22/2025	CBI	(G) Photolithography	(G) Sulfonium, tricarboxylic-, alpha, alpha, beta, beta-polyfluoropolyhydro-2-alkyl-2-((halocarbomonocyclic)alkano)-4,7-methano-1,3-heteropolycyclic-5-alkanesulfonate (1:1).
P-25-0101	05/23/2025	Cargill, Incorporated	(S) Thickener or additive to improve lubrication performance for industrial gear oils and hydraulic fluid applications; Thickener or additive to improve lubrication performance for applications in stern tube lubricants and gear oils for ships.	(G) Alkanedioic acid, polymer with polyhydroxyalkane, branched alkanoate.
P-25-0102	05/27/2025	CBI	(S) Export for use outside of US, (G) Photoacid generator use at customer sites.	(G) Carboheterocycle aromatic sulfonium salt with dicycloalkyl carbomonocycle hetero acid.
P-25-0103	05/28/2025	CBI	(G) Component of photoresist	(G) Alkanedioic acid, polyhalo, carbomonocycle [[[alkyl-substituted alkenyl] substituted] alkyl] ester, homopolymer.
P-25-0104	05/28/2025	CBI	(G) Component of photoresist	(G) Alkyl alkenoic acid, substituted heteropolycyclic substituted alkyl ester, polymer with substituted carbopolycyclic, alkyl alkenoate, alkyl carbopolycyclic alkyl alkenoate and heteromonocyclic alkyl alkenoate.

Table 2 provides non-CBI information on the NOCs received by EPA that have passed an initial screening during this period.

TABLE 2—NOCs RECEIVED AND UNDER REVIEW

Case No.	Received date	Commencement date	Chemical substance
P-18-0413	05/20/2025	04/25/2025	(S) Ethanol, 2,2-difluoro-, 1-acetate.
P-21-0083	05/01/2025	04/25/2025	(G) Alkenoic acid, reaction products with pentaerythritol, polymers with diisocyanatoalkane and heteromonocycle homopolymer esters with alkenoic acid-pentaerythritol reaction products.
P-23-0088	05/28/2025	05/13/2025	(S) Glycine, reaction products with oxidized maltodextrin.
P-23-0089	05/28/2025	05/14/2025	(S) Maltodextrin, 6-[3-(dimethyl-2-propen-1-ylammonio) propyl] ether, chloride.
P-23-0090	05/28/2025	05/15/2025	(S) Dextran, 3-(dimethyl-2-propen-1-ylammonio) propyl ether, chloride.
P-23-0091	05/28/2025	05/14/2025	(S) Maltodextrin, oxidized, reaction products with ethylenediamine.
P-24-0085	05/22/2025	05/15/2025	(G) GlassLock Sealant Part B.
P-24-0124	05/16/2025	04/19/2025	(G) Alkyl alkenoic acid, alkyl ester, polymer with substituted carbomonocycle, substituted alkyl alkyl alkenoate phosphate, substituted alkyl alkyl alkenoate, alkyl alkenoate, heteromonocycle polymer, substitutes alkenyl substituted alkyl ester, alkyl substituted alkyl alkanoate initiated.

Table 3 provides non-CBI information on the test information that has been received by EPA that have passed an initial screening during this period.

TABLE 3—TEST INFORMATION RECEIVED

Case No.	Received date	Type of test information	Chemical substance
P-14-0712	05/21/2025	Polychlorinated Dibenzodioxins and Polychlorinated dibenzofurans Testing.	(S) Waste plastics, pyrolyzed, C5-55 fraction.
P-14-0712	5/26/2025	Polychlorinated Dibenzodioxins and Polychlorinated dibenzofurans Testing.	(S) Waste plastics, pyrolyzed, C5-55 fraction.
P-16-0543	05/12/2025	Exposure Monitoring Report	(G) Halogenophosphoric acid metal salt.
P-17-0178	04/25/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, triphenyl-, salt with substituted-alkyl 4-substituted-benzoate.
P-18-0013	04/25/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, pheno carbopolycycle, inner salt.
P-18-0014	04/25/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, triphenyl-, salt with disubstituted-heterocyclic compound (1:1).

TABLE 3—TEST INFORMATION RECEIVED—Continued

Case No.	Received date	Type of test information	Chemical substance
P-18-0037	04/25/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, triphenyl-, salt with 2,4,5-trisubstituted-benzenesulfonate (1:1).
P-18-0304	04/28/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle, salt with substituted heteropolycycle dihalo sulfo alkanoate (1:1).
P-18-0316	04/28/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Heteropolycycle, alkylaromatic-, salt with dihalo-substituted alkyl carbopolycycle carboxylate.
P-18-0338	04/28/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, triaryl-, salt with polyhalo-4-sulfoalkyl polycarbocyclic alkane-1-carboxylate (1:1).
P-19-0076	04/28/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle, salt with dihalo substituted alkyl carbopolycyclic carboxylate (1:1).
P-19-0115	04/28/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle, substituted carbomonocyclic ester.
P-19-0142	04/28/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Heteropolycycle, aromatic-, salt with dihalo-substituted alkyl carbopolycycle carboxylate (1:1).
P-19-0166	04/25/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Triaryl sulfonium, multicycloalkylalk oxycarbonyloxymonofluoroalkylsulfonate.
P-20-0120	04/28/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Carbomonocyclic sulfonium, salt with trihalo-sulfoalkyl hydroxycarbopolycyclic carboxylate.
P-20-0140	04/25/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) N-Substituted-beta-alanine, heterosubstituted-alkyl ester, ion (1-), triphenylsulfonium (1:1).
P-21-0027	04/28/2025	Photo transformation of Chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Heteropolycyclic, Tri haloalkyl carbomonocycle-, hydroxy carbomonocyclic salt.
P-22-0042	05/09/2025	Prenatal Developmental Toxicity Study (OECD Test Guideline 414).	(G) Alkanediones, [[[substituted]aryl] thio] aryl]-, 2-(O-acetyloxime).
P-23-0163	05/16/2025	Wastewater Treatment Study	(S) 1,2-Ethanediamine, N1-[3-(trimethoxysilyl) propyl]-, hydrolysis products with 3-(trimethoxysilyl)-N- [3-(trimethoxysilyl)propyl]-1-propanamine, nitrates (salts).

IV. Status Reports

Information about the TSCA section 5 PMNs, SNUNs, MCANs, and exemption applications received, including the date of receipt, the status of EPA's review, the final EPA determination, and the effective date of EPA's determination, is available online at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 14, 2025.

Mary Elissa Reaves,
Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2025-15724 Filed 8-18-25; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2024-0092; FRL-12319-02-OCSPP]

Product Cancellation Order for Certain Pesticide Registrations (July 2025)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a December 18, 2024, **Federal Register** Notice of Receipt of Requests from the registrant listed in Table 2 of Unit II, to voluntarily cancel these product registrations. In the December 18, 2024, notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrant withdrew their requests. The registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective August 19, 2025.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division

(7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001; telephone number: (202) 566-2707; email address: green.christopher@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2024-0092, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301

Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP

Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

II. What action is the Agency taking?

This notice announces the cancellation, as requested by registrant,

of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active Ingredients
10163–195 69117–2	10163 69117	Botran Technical Greyhound Insecticide	Dicloran (031301/99–30–9)—(95%). Abamectin (122804/71751–41–2)—(2%).

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of

this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration

numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS

EPA Company No.	Company name and address
10163 69117	Gowan Company, LLC, 370 S Main St., Yuma, AZ 85366. ArborSystems, Inc. D/B/A ArborSystems, Agent Name: RegWest Company, LLC, 9017 18th Street, Greeley, CO 80634–4756.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received three comments in response to the December 18, 2024, **Federal Register** notice announcing the Agency’s receipt of the requests for voluntary cancellations of the products listed in Table 1 of Unit II. However, the anonymous comments on the notice did not merit further review of the requests by the Agency.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II, are canceled. The effective date of the cancellations that are the subject of this notice is August 19, 2025. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II, in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI, will be a violation of FIFRA.

V. What is the Agency’s authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time

request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of December 18, 2024, (89 FR 102894) (FRL–12319–01). The comment period closed on June 16, 2025.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States, and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrant may continue to sell and distribute existing stocks of the products listed in Table 1 of Unit II, until August 19, 2026, which is 1 year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrant is prohibited from selling or distributing the products listed in Table 1 of Unit II, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the

registrant may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II, until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 13, 2025.

Charles Smith,
Director, Registration Division, Office of Pesticide Programs.
[FR Doc. 2025–15770 Filed 8–18–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2025–0067; FRL–12475–06–OCSPP]

Certain New Chemicals; Receipt and Status Information for June 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt and request for comment.

SUMMARY: This document announces the Agency’s receipt of new chemical submissions under the Toxic Substances Control Act (TSCA), including information about the receipt of a Premanufacture Notice (PMN), Significant New Use Notice (SNUN), Microbial Commercial Activity Notice (MCAN), and an amendment to a

previously submitted notice; test information; a biotechnology exemption application; an application for a test marketing exemption (TME); and a notice of commencement of manufacture (defined by statute to include import) (NOC) for a new chemical substance. This document also provides a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review. EPA is hereby providing notice of receipt of this information, as required by TSCA, and an opportunity to comment. This document covers the period from 6/1/2025 to 6/30/2025.

DATES: Comments must be received on or before September 18, 2025.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2025-0067 and the specific case number provided in this document for the chemical substance related to your comment, online at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information: Jim Rahai, Project Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8593; email address: rahai.jim@epa.gov.

For general information: 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. Does this action apply to me?

This action provides information that is directed to the public in general.

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

EPA is publishing this document in the **Federal Register** as required by sections 5 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, and corresponding EPA regulations.

Under TSCA, a chemical substance may be either an "existing" chemical

substance or a "new" chemical substance, see <https://www.epa.gov/chemicals-under-tsca>. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." See TSCA section 3(2) and (11). For more information about the TSCA Inventory, see <https://www.epa.gov/tsca-inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN, or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the new chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture a new chemical substance, or manufacture or process a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical substances will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME.

Premanufacture notification procedures for review of certain new microbial products of biotechnology are established in 40 CFR part 725. These pertain to MCANs and biotechnology exemptions, including TSCA experimental release applications (TERAs), TMEs for microorganisms, and Tier I and Tier II exemptions.

C. What action is the Agency taking?

This document provides notice of receipt and status reports for the covered period and certain submissions under TSCA section 5 and provides an opportunity to comment on this information. The Agency is providing information about the receipt of PMNs, SNUNs, MCANs, and amendments to a previously submitted notice; test information; biotechnology exemption applications under 40 CFR part 725; TME applications; NOCs for new chemical substances; and a periodic status report on chemical substances

that are currently under EPA review or have recently concluded review.

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the information that you claim to be CBI. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. Background

A. What information is being provided in this document?

The tables in this document provide the following information on the TSCA section 5 submissions received by EPA during this period and determined to be complete consistent with 40 CFR 720.70(a).

- *Case number.* The EPA number assigned to the TSCA section 5 submissions. Please note that a case number may be listed more than once in the table when the submission involves a subsequent amendment.
- *Chemical substance.* Name of the chemical substance, or generic name if the specific name is claimed as CBI.
- *Manufacturer.* Name of the submitting manufacturer, to the extent that such information is not subject to a CBI claim. The term "manufacturer" is defined by statute to include importer.
- *Use(s).* Potential uses identified by the manufacturer.
- *Received.* Date the submission was received by EPA.
- *Commencement.* Date of commencement provided by the submitter in the NOC.
- *Test information.* For test information received, the type of test information submitted to EPA based on the attachment type and subtype data selected by the submitter.

B. What do the acronyms mean that are used in the tables?

As used in each of the tables, the following explanations apply:

• (S) indicates that the information in the table is the specific information provided by the submitter.

• (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

C. How can I access other information about TSCA section 5 submissions?

EPA provides information on its website about cases reviewed under

TSCA section 5, including the PMNs, SNUNs, MCANs, and exemption applications received; the date of receipt; the final EPA determination on the submission; and the effective date of EPA's determination. See <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. In addition, information EPA receives about chemical substances under TSCA, including non-CBI new chemical

submissions, can be accessed in ChemView at <https://chemview.epa.gov/chemview>.

III. Receipt Reports

Table 1 provides non-CBI information for the PMNs, SNUNs and MCANs received by EPA that have passed an initial screening and determined to be complete consistent with 40 CFR 720.70(a) during this period.

TABLE 1—PMN/SNUN/MCANs RECEIVED AND UNDER REVIEW

Case No.	Received date	Manufacturer	Use	Chemical substance
P-21-0059	06/24/2025	CBI	(G) Stabilizer	(S) Methanesulfonic acid, 1,1,1-trifluoro-, ytterbium (3+) salt (3:1).
P-22-0158	06/18/2025	Aqdot	(G) Additive used in consumer, commercial, and industrial applications.	(S) 1H,4H,14H,17H-2,16:3,15-Dimethano-5H,6H,7H,8H,9H,10H,11H,12H,13H,18H,19H,20H,21H,22H,23H,24H,25H,26H-2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,15,16,17a,18a,19a,20a,21a,22a,23a,24a,25a,26a-tetracosazabispentaleno[1''',6'''':5'',6'',7'']cycloocta[1'',2'',3'':3',4']pentaleno[1',6':5,6,7]cycloocta[1,2,3-gh:1',2',3'-g'h']cycloocta[1,2,3-cd:5,6,7-c'd']dipentalene-1,4,6,8,10,12,14,17,19,21,23,25-dodecone, dodecahydro-, stereoisomer; 2,18:3,17-Dimethano-2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,14a,15a,17,18,19a,20a,21a,22a,23a,24a,25a,26a,27a,28a,29a,30a-octacosazabispentaleno[1''',6'''':5''',6''',7''']cycloocta[1''',2''',3''':3''',4''']pentaleno[1''',6''':5'',6'',7'']cycloocta[1'',2'',3'':3',4']pentaleno[1',6':5,6,7]cycloocta[1,2,3-cd:1',2',3'-gh]pentalene-1,4,6,8,10,12,14,16,19,21,23,25,27,29-tetradecone, tetradecahydro-, stereoisomer; 2,20:3,19-Dimethano-2,3,4a,5a,6a,7a,8a,9a,10a,11a,12a,13a,14a,15a,16a,17a,19,20,21a,22a,23a,24a,25a,26a,27a,28a,29a,30a,31a,32a,33a,34adotriacontazabispentaleno[1''',6''':5''',6''',7''']cycloocta[1''',2''',3''':3''',4''']pentaleno[1''',6''':5'',6'',7'']cycloocta[1'',2'',3'':3',4']pentaleno[1',6':5,6,7]cycloocta[1,2,3-gh:1',2',3'-g'h']cycloocta[1,2,3-cd:5,6,7-c'd']dipentalene-1,4,6,8,10,12,14,16,18,21,23,25,27,29,31,33-hexadecone, hexadecahydro-, stereoisomer.
P-23-0081	05/30/2025	Ashland, Inc ...	(S) Gas., Polymer used as a non-ionic surfactant in water-based separator coatings used in the manufacture of batteries registered pesticide products.	(G) Alkyl glycidyl ether, polymer with Poly(oxy-1,2-ethanediyl).
P-24-0083	06/02/2025	CBI	(G) Ingredient for cleaning products, Ingredient for cleaning products.	(G) Branched alcohol alkoxylate.
P-24-0186	06/26/2025	SGP Ventures, Inc.	(S) Epoxy used to fill holes in printed circuit boards.	(S) 2-Oxiranemethanamine, N-[2-methyl-4-(2-oxiranylethoxy) phenyl]-N-(2-oxiranylethyl)-.
P-24-0191	06/10/2025	CBI	(G) Conductive agent	(S) Carbon nanotube, multi-walled in tubular shape.
P-25-0065	06/02/2025	Itaconix Corp ..	(S) Chemical intermediate in polymer production.	(S) Butanedioic acid, 2-methylene-, 1,4-dimethyl ester; Butanedioic acid, 2-methylene-, 1-ethyl 4-methyl ester; Butanedioic acid, 2-methylene-, 4-ethyl 1-methyl ester.
P-25-0098	05/29/2025	CBI	(G) Photolithography	(G) Sulfonium, tricarboxylic-, alpha, alpha, beta, beta-polyfluoropolyhydro-2-(haloheterocyclic)-4,7-methano-1,3-heteropolycyclic-5-alkanesulfonate (1:1).
P-25-0100	05/22/2025	CBI	(G) Exported for use outside the US, Photoacid generator use at customer sites.	(G) Aromatic sulfonium tricyclo salt with alkyl carbomonocycle hetero acid.
P-25-0103	06/05/2025	CBI	(G) Component of photoresist.	(G) Alkanedioic acid, polyhalo, carbomonocycle [(alkyl-substituted alkenyl) substituted alkyl] ester, homopolymer.
P-25-0105	05/29/2025	CBI	(S) Treatment agent for pigments.	(G) Alkanamide, 2,2'-[(halo[1,1'-biphenyl]-4,4'-diyl) bis(2,1-diazenediyl)] bis [3-oxo-, N,N'-bis(heterocyclic aryl and di-substituted aryl).
P-25-0106	05/30/2025	CBI	(G) Component of photoresist.	(G) Sulfonium tris(substituted carbomonocycle) substituted oxatricycloalkyloxycarbonyl dihalo alkane sulfonate.
P-25-0107	05/30/2025	CBI	(G) Component of photoresist.	(G) Heteromonocyclic alkylsubstituted carbomonocyclic carbopolycyclic heteromonocyclic dihalo sulfoacetate.
P-25-0109	06/11/2025	CBI	(S) Treatment agent for pigments., Treatment agent for pigments in inks.	(G) Alkanamide, 2,2'-[(dihalo[1,1'-biphenyl]-4,4'-diyl) bis(2,1-diazenediyl)] bis [3-oxo-, N,N'-bis(halo-alkoxy aryl and substituted aryl).

TABLE 1—PMN/SNUN/MCANS RECEIVED AND UNDER REVIEW—Continued

Case No.	Received date	Manufacturer	Use	Chemical substance
P-25-0110	06/11/2025	CBI	(G) Ink component	(G) Quino[2,3-b] acridine-7,14-dione, 5,12-dihydro-, (substituted heteropolycyclic) alkyl and sulfo derivs.
P-25-0111	06/12/2025	CBI	(G) Photoacid generator use at customer sites.	(G) Haloaromatic iodonium dicyclo salt with polyfluoroalkyl carbomonocycle hetero acid.
P-25-0112	06/11/2025	CBI	(G) Additive for use in electronics industry.	(G) Haloaromatic iodonium dicyclo salt with halogenated hydroxyaryl carboxylic acid.
P-25-0113	06/11/2025	Momentive Performance Materials.	(S) A co-monomer in acrylic latex production.	(G) Siloxanes and Silicones, di-Me, 2-[hydroxy[(2-alkyl-1-oxo-2-propen-1-yl) oxy] cyclohexyl] alkyl group-terminated.
P-25-0113	06/18/2025	Momentive Performance Materials.	(S) A co-monomer in acrylic latex production.	(G) Siloxanes and Silicones, di-Me, 2-[hydroxy[(2-alkyl-1-oxo-2-propen-1-yl) oxy] cyclohexyl] alkyl group-terminated.
P-25-0114	06/11/2025	Greene Tweed & Company.	(G) Polymer additive	(G) Carbamic acid, N,N'-(diimino-polyfluoroalkyl)bis-C,C'-bisalkyl ester.
P-25-0115	06/18/2025	CBI	(G) Deposition material for use in electronics industry.	(G) Silylamine.
P-25-0116	06/19/2025	Heraeus Epurio, LLC.	(S) Use as a photoacid generator for photoresist applications.	(S) Sulfonium, triphenyl-, salt with tris[(trifluoromethyl)sulfonyl] methane (1:1).
P-25-0117	06/26/2025	CBI	(G) site-limited intermediate.	(G) Amino acid, N, N-bis(cyanoalkyl)-, sodium salt.
SN-23-0024 ...	06/23/2025	CBI	(G) Component in batteries.	(S) Phosphoric acid, iron (2+) lithium salt (1:1:1).

Table 2 provides non-CBI information on the NOCs received by EPA that have passed an initial screening during this period.

TABLE 2—NOCs RECEIVED AND UNDER REVIEW

Case No.	Received date	Commencement date	Chemical substance
P-12-0106	06/16/2025	06/04/2025	(G) Alkyl methacrylate polymer with aromatic vinyl monomer, benzenedicarboxylic acid anhydride and alkyl methacrylates, dialkylalkanate, peroxide-initiated.
P-15-0138	06/10/2025	06/05/2025	(S) Titanium, trichloromethoxy-, (T-4)-.
P-19-0048	06/30/2025	06/12/2025	(S) Poly(oxy-1,2-ethanediyl), -hydro-hydroxy-, mono-C12-14-alkyl ethers, phosphates, sodium salts.
P-21-0088	06/27/2025	06/03/2025	(G) Heterocyclic epoxide polymer with mixed substituted glycols and acid anhydride.
P-24-0004	06/30/2025	06/15/2025	(S) L-Aspartic acid, N-benzoyl-, sodium salt (1:2).

Table 3 provides non-CBI information on the test information that has been received by EPA that have passed an initial screening during this period.

TABLE 3—TEST INFORMATION RECEIVED

Case No.	Received date	Type of test information	Chemical substance
P-14-0712	06/11/2025	Polychlorinated Dibenzodioxins and Polychlorinated Dibenzofurans Testing.	(G) Plastics, wastes, pyrolyzed, bulk pyrolysate.
P-14-0712	06/12/2025	Dioxin Report	(G) Plastics, wastes, pyrolyzed, bulk pyrolysate.
P-21-0202	06/11/2025	Water Solubility (Shake Flask Method) (OECD Test Guideline 105); Partition Coefficient (n-Octanol/Water): Shake Flask Method (OECD Test Guideline 107); Dissociation Constants in Water (Conductometric Method) (OECD Test Guideline 112).	(G) Sulfonium, carbomonocycle bis [(Tri haloalkyl) carbomonocycle], substituted carbomonocyclic ester.
P-22-0014	06/13/2025	Study Report	(G) Sodium bis(chloropropanediol) phosphate.
P-22-0014	06/27/2025	Ready Biodegradability (Closed Bottle) (OECD Test Guideline 301D); Freshwater Alga and Cyanobacteria, Growth Inhibition Test (OECD Test Guideline 201).	(G) Sodium bis(chloropropanediol) phosphate.
P-23-0049	06/13/2025	Water Solubility (Column Elution Method) (OECD Test Guideline 105).	(G) Sulfonium, tricarboxylic-, 2-aryl-polyfluoro polyhydro-alkano-heteropolycycle-alkanesulfonate (1:1), polymer with heteroatom substituted aryl and carbomonocyclic 2-alkyl-2-alkanoate, di-Me 2,2-(1,2-diazenediyl) bis[2-methylpropanoate]-initiated.

TABLE 3—TEST INFORMATION RECEIVED—Continued

Case No.	Received date	Type of test information	Chemical substance
P-25-0067	06/11/2025	Water Solubility (Shake Flask Method) (OECD Test Guideline 105); Partition Coefficient (n-Octanol/Water): Shake Flask Method (OECD Test Guideline 107); Dissociation Constants in Water (Conductometric Method) (OECD Test Guideline 112).	(G) Sulfonium, bis (dihalo carbomonocycle) carbomonocycle-, salt with trihalobenzoate.
P-25-0110	06/12/2025	Estimation of the Adsorption Coefficient (Koc) on Soil and on Sewage Sludge using High Performance Liquid Chromatography (HPLC) (OECD Test Guideline 121); Daphnia magna Reproduction Test (OECD Test Guideline 211); in Vitro Mammalian Cell Gene Mutation Test Data; Prenatal Toxicity in Rats Test Data; Repeated Dose 28-day Oral Toxicity Study in Rodents (OECD Test Guideline 407); Melting Point/ Melting Range (OECD Test Guideline 102); Boiling Point (OECD Test Guideline 103); Density of Liquids and Solids (OECD Test Guideline 109); Vapour Pressure (OECD Test Guideline 104); Determination of pH, Acidity and Alkalinity (OECD Test Guideline 122); Dissociation Constants in Water (OECD Test Guideline 112); Ready Biodegradability, MITI (I) (Ministry of International Trade and Industry, Japan) (OECD Test Guideline 301C); Ready Biodegradability, CO2 Evolution (Modified Sturm Test) (OECD Test Guideline 301B); Fish Acute Toxicity Test (OECD Test Guideline 203); Daphnia sp. Acute Immobilization Test (OECD Test Guideline 202); Freshwater Alga and Cyanobacteria, Growth Inhibition Test (OECD Test Guideline 201); Activated Sludge, Respiration Inhibition Test (Carbon Ammonium Oxidation) (OECD Test Guideline 209); Acute Oral Toxicity—Acute Toxic Class Method (OECD Test Guideline 423); Acute Dermal Irritation/Corrosion (OECD Test Guideline 404); Acute Eye Irritation/Corrosion (OECD Test Guideline 405); Skin Sensitization, Local Lymph Node Assay: BrdU-ELISA or -FCM (OECD Test Guideline 442B); Bacterial Reverse Mutation Test (OECD Test Guideline 471); in Vitro Mammalian Chromosomal Aberration Test (OECD Test Guideline 473).	(G) Quino[2,3-b] acridine-7,14-dione, 5,12-dihydro-, (substituted heteropolycyclic) alkyl and sulfo derivs.

IV. Status Reports

Information about the TSCA section 5 PMNs, SNUNs, MCANs, and exemption applications received, including the date of receipt, the status of EPA's review, the final EPA determination, and the effective date of EPA's determination, is available online at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 14, 2025.

Mary Elissa Reaves,
Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2025-15726 Filed 8-18-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 307878]

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before October 20, 2025.

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

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, 202-418-2054, Rolanda-Faye.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: The Media Bureau shall provide notice in the **Federal Register** that an application to modify an AM or FM station's

community of license has been filed. *See* 71 FR 76208, 76211 (published December 20, 2006). The following applicants filed AM or FM proposals to change the community of license: RECHARGE MEDIA PBC, KTSN, FAC. ID NO. 34430, FROM: LOCKHART, TX, TO: SAN LEANNA, TX, FILE NO. 0000269250; QUINEBAUG VALLEY BROADCASTING, LLC, WQVR, FAC. ID NO. 50232, FROM: WEBSTER, MA, TO: PAXTON, MA, FILE NO. 0000271179; HISPANOS COMMUNICATIONS, LLC, WRHC, FAC. ID NO. 73945, FROM: CORAL GABLES, FL, TO: DORAL, FL, FILE NO. 0000273652; DIMES MEDIA CORPORATION, KPYG(FM), FAC. ID NO. 9851, FROM: CAYUCOS, CA, TO: SANTA MARGARITA, CA, FILE NO. 0000271198; DIMES MEDIA CORPORATION, KWWV(FM), FAC. ID NO. 25960, FROM: SANTA MARGARITA, CA, TO: CAYUCOS, CA, FILE NO. 0000271202; AND BUNYARD BROADCASTING, INC., KILX(FM), FAC

ID NO. 50772, FROM: DE QUEEN, AR,
TO: LOCKESBURG, AR, FILE NO.
0000274159.

The full text of these applications is available electronically via Licensing and Management System (LMS), <https://apps2int.fcc.gov/dataentry/public/tv/publicAppSearch.html>.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2025–15747 Filed 8–18–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at Secretary@fmc.gov, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of the agreement are available through the Commission's website (www.fmc.gov) or by contacting the Office of General Counsel at (202) 523–5740 or GeneralCounsel@fmc.gov.

Agreement No.: 201458.

Agreement Name: Terminal Operator Sustainability Cooperative Working Agreement.

Parties: International Transportation Service, LLC; and SSA Terminals, LLC.

Filing Party: Michael Amy, Holland & Knight, LLP.

Synopsis: The Agreement authorizes the parties to discuss the impact and implementation of the San Pedro Bay Ports Clean Air Action Plan 2030 and similar environmental sustainability requirements initiatives.

Proposed Effective Date: 9/26/2025.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/89630>.

Dated: August 15, 2025.

Jennifer Everling,

Assistant Secretary.

[FR Doc. 2025–15806 Filed 8–18–25; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 18, 2025.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. *American Bancorp, Inc., Macon, Georgia;* to merge with New Republic Partners, Inc., and thereby indirectly acquire New Republic Bank, both of Charlotte, North Carolina.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025–15778 Filed 8–18–25; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2025–18; Docket No. 2025–0002; Sequence No. 16]

Maximum Per Diem Reimbursement Rates for the Continental United States (CONUS)

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of GSA Per Diem Bulletin FTR 26–01, Fiscal Year (FY) 2026 CONUS per diem reimbursement rates.

SUMMARY: For FY 2026, GSA is maintaining the FY 2025 per diem rates to provide for reimbursement of Federal employees' subsistence expenses while on official travel.

DATES:

Applicability Date: This notice applies to travel performed on or after October 1, 2025, through September 30, 2026.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Alexander Kurien, Deputy Associate Administrator, Office of Government-wide Policy, at 202–495–9628 or by email at travelpolicy@gsa.gov. Please cite Notice of GSA Per Diem Bulletin FTR 26–01.

SUPPLEMENTARY INFORMATION: The CONUS per diem reimbursement rates prescribed in Federal Travel Regulation (FTR) Bulletin 26–01 may be found at <https://www.gsa.gov/perdiem>. If a maximum lodging allowance rate and/or a meals and incidental expenses (M&IE) per diem reimbursement rate is insufficient to meet necessary expenses in any given CONUS location, agencies can request that GSA review that location per 41 CFR 301–11.26. Additional information on the special review process is available at <https://www.gsa.gov/perdiem> under the “FAQs” tab. Further, the FTR allows for actual expense reimbursement as provided in §§ 301–11.300 through 301–11.306.

For FY 2026, no new non-standard area (NSA) locations are added. The maximum lodging allowance rates in existing per diem localities remain at FY 2025 levels, and the standard lodging rate also remains unchanged at \$110.

The M&IE reimbursement rate tiers for FY 2026 are unchanged at \$68–\$92, and the standard M&IE rate is unchanged at \$68.

Other than the changes posted on the GSA website, notices published periodically in the **Federal Register** now constitute the only notification of revisions in CONUS per diem reimbursement rates to agencies.

Larry Allen,
Associate Administrator, Office of Government-wide Policy.
[FR Doc. 2025–15771 Filed 8–18–25; 8:45 am]
BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–25–1304]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “National Outbreak Reporting System (NORS)” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on June 16, 2025 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

- (a) 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;
- (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (c) Enhance the quality, utility, and clarity of the information to be collected;
- (d) 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; and
- (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Outbreak Reporting System (OMB Control No. 0920–1304, Exp. 8/

31/2025)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Outbreak Reporting System (NORS) is a web-based platform that is used by local, state, and territorial health departments in the United States to report all waterborne and foodborne disease outbreaks, certain fungal disease outbreaks, and enteric disease outbreaks transmitted by contact with environmental sources, infected persons or animals, or unknown modes of transmission to the Centers for Disease Control and Prevention. CDC analyzes outbreak data to determine trends and develop and refine recommendations for prevention and control of foodborne, waterborne, and enteric disease outbreaks, as well as certain fungal disease outbreaks.

NORS data are currently transmitted to CDC through a secure, web-based reporting system hosted by CDC (ITSO/AHB). Starting approximately October 2025, NORS will become a module housed in the One CDC Data Platform (1CDP), which is a secure, cloud-based platform. Though a paper form for NORS (attached) is available as a reference tool, no paper forms are collected by CDC; all data must be submitted electronically to CDC via the cloud-based platform. No changes have been made to the data elements collected. Minor clarifications have been made to the description of select fields to ensure compliance with Executive Order 14168: Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal Government.

CDC requests OMB approval for an estimated 1,160 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Epidemiologist	Form 52.14	59	59	20/60

Jeffrey M. Zirger,
Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2025–15772 Filed 8–18–25; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Children and Families**

[OMB #0970–0106]

Submission for Office of Management and Budget Review; Low Income Home Energy Assistance Program Carryover and Reallotment Report

AGENCY: Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for Public Comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting additional comments on the request for the Office of Management and Budget (OMB) to reinstate approval of the Low Income Home Energy Assistance Program (LIHEAP) Carryover and Reallotment Report (OMB #0970–0106, discontinued June 2025), with changes. Minor changes are proposed to break out awards into three sources and incorporate numbering and wording updates.

DATES:

Comments due September 18, 2025. OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

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. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The LIHEAP statute and regulations require LIHEAP grant recipients to report certain information to the U.S. Department of Health and Human Services (HHS) concerning funds forwarded and funds subject to reallotment. The 1994 reauthorization of the LIHEAP statute, the Human Service Amendments of 1994 (Pub. L. 103–252), requires that the Carryover and Reallotment Report for one fiscal year be submitted to HHS by the grant recipient before the allotment for the next fiscal year may be awarded.

In compliance with the Paperwork Reduction Act of 1995 (PRA), ACF discontinued the OMB number in June 2025 prior to the expiration date, to allow for public comment on the extension and revision request prior to OMB review.

ACF is requesting minor changes in the Carryover and Reallotment Report, a

form for the collection of data, and the Instructions for Timely Obligation of LIHEAP Regular Block Grant, Reallotted, and Supplemental Funds and Reporting Funds for Carryover and Reallotment. The form clarifies the information being requested and ensures the submission of all the required information. The form facilitates our response to numerous queries each year concerning the amounts of obligated funds. Use of the form is mandatory for prior-year grant recipients that seek current-year LIHEAP funds except for (1) territorial grant recipients that consolidate their LIHEAP programs with the Social Services Block Grant under Public Law 95–134; and (2) tribal grant recipients that have integrated their LIHEAP programs under Public Law 102–477 for administration through the Bureau of Indian Affairs and that draw down funds solely during the integration period.

ACF published a **Federal Register** notice on June 13, 2025 (90 FR 25048) announcing a 60-day comment period to solicit public comment on the renewal of the LIHEAP Carryover and Reallotment Report with changes and the continuation of requiring grant recipients to engage in this data collection annually. ACF did not receive comments on this notice.

Respondents: State governments, tribal governments, territories, and the District of Columbia.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
LIHEAP Carryover and Reallotment Report	188	1	3	564

Authority: 42 U.S.C. 8626(b)(2)(B).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–15715 Filed 8–18–25; 8:45 am]

BILLING CODE 4184–80–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA–2024–D–5850]

Approaches to Assessment of Overall Survival in Oncology Clinical Trials; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled

“Approaches to Assessment of Overall Survival in Oncology Clinical Trials.” The purpose of this draft guidance is to provide recommendations to sponsors on the assessment of overall survival in randomized oncology clinical trials conducted to support marketing approval of drugs and biological products, with an emphasis on the analysis of overall survival as a prespecified safety endpoint. While the draft guidance discusses situations in which it is appropriate to consider overall survival for the primary endpoint, this draft guidance primarily focuses on statistical or design considerations when overall survival is not the primary endpoint.

DATES: Submit either electronic or written comments on the draft guidance by October 20, 2025 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-D-5850 for "Approaches to Assessment of Overall Survival in Oncology Clinical Trials." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Nicole Gormley, Oncology Center of Excellence and Center for Drug Evaluation and Research, Food and Drug Administration, OCE-Guidances@fda.hhs.gov; or Phillip Kurs, Center for

Biologics Evaluation and Research, Food and Drug Administration, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled "Approaches to Assessment of Overall Survival in Oncology Clinical Trials." The purpose of this draft guidance is to provide recommendations to sponsors on the assessment of overall survival in randomized oncology clinical trials conducted to support marketing approval of drugs and biological products, with an emphasis on the analysis of overall survival as a prespecified safety endpoint. Overall survival is an objective, clinically meaningful endpoint that can be measured easily and precisely. It is considered a gold standard endpoint in oncology, as prolongation of life in the setting of a life-threatening disease is of clear inherent value, and therefore, overall survival should be prioritized as a primary endpoint when feasible. However, it is often not feasible or practical to include overall survival as the primary endpoint in certain oncology settings. In some indolent diseases or those with extremely efficacious therapeutics that result in long survival times, the follow-up time needed to show superiority of overall survival as the primary endpoint may be impractical. Moreover, overall survival cannot be adequately interpreted in single-arm trials, and the interpretation of the overall survival results can be impacted by crossover, receipt of subsequent therapy, and other intercurrent events. The draft guidance describes considerations for trial design, statistical analysis, subgroup evaluation, and regulatory submission in the context of considering overall survival.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on "Approaches to Assessment of Overall Survival in Oncology Clinical Trials." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

II. Paperwork Reduction Act of 1995

While this draft guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014, the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001, and the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: August 14, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–15796 Filed 8–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0709]

Doyal Kalita: Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debaring Doyal Kalita for a period of 10 years from importing or offering for import any drug into the United States. FDA bases this order on a finding that Mr. Kalita was convicted of two felony counts under Federal law. The factual basis supporting Mr. Kalita's conviction, as described below, is conduct relating to the importation into the United States of a drug or controlled substance. Mr. Kalita was given notice of the proposed debarment and was given an opportunity to request a hearing to show

why he should not be debarred. As of June 26, 2025 (30 days after receipt of the notice), Mr. Kalita had not responded. Mr. Kalita's failure to respond and request a hearing constitutes a waiver of his right to a hearing concerning this matter.

DATES: This order is applicable August 19, 2025.

ADDRESSES: Any application by Mr. Kalita for termination of debarment under section 306(d)(1) of the FD&C Act (21 U.S.C. 335a(d)(1)) may be submitted at any time as follows:

Electronic Submissions

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. An application submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your application, that information will be posted on <https://www.regulations.gov>.

- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All applications must include the Docket No. FDA–2025–N–0709. Received applications will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit an application with confidential information that you do not wish to be made publicly available, submit your application only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of your application. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852 between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT:

Jaime Espinosa, Division of Field Enforcement, Office of Field Regulatory Operations, Office of Inspections and Investigations, Food and Drug Administration, 240–402–8743, or debarments@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(1)(D) of the FD&C Act (21 U.S.C. 335a(b)(1)(D)) permits debarment of an individual from importing or offering for import any drug into the United States if FDA finds, as required by section 306(b)(3)(C) of the FD&C Act, that the individual has been convicted of a felony for conduct relating to the importation into the United States of any drug or controlled substance.

On October 9, 2024, Mr. Kalita was convicted as defined in section 306(l)(1) of the FD&C Act (21 U.S.C. 335a(l)(1)), in the U.S. District Court for the District of Massachusetts, when the court accepted his plea of guilty and entered

judgment against him for the offenses of one felony count of Conspiracy to Import Schedule II and Schedule IV Controlled Substances in violation of 21 U.S.C. 963 and one felony count of Money Laundering Conspiracy in violation of 18 U.S.C. 1956(h). The underlying facts supporting the conviction are as follows: As contained in the Information and Plea Agreement from his case, Mr. Kalita along with others devised a drug scheme where he and his co-conspirators would process drug transactions for India based pharmacies who marketed their illegal drugs through the internet. By at least March of 2020, Mr. Kalita expanded his drug scheme to include actual shipment of drugs from India to customers in the United States. The drugs he processed through the scheme included erectile dysfunction drugs, Schedule II controlled substances such as Adderall and hydrocodone, and Schedule IV controlled substances such as zolpidem, phentermine, diazepam, alprazolam, Tramadol, and carisoprodol.

Mr. Kalita concealed the nature of the drug sales by using merchant payment accounts for travel entities and he created fake travel records to convince the merchant account providers. Specifically, Mr. Kalita and/or his conspirators, would create fake travel itineraries for his customers who purchased his unapproved illegally imported drugs. These actions were done to cover up Mr. Kalita's and his co-conspirators illegal sales of imported misbranded drugs and controlled substances.

FDA sent Mr. Kalita, by certified mail, on May 16, 2025, a notice proposing to debar him for a 10-year period from importing or offering for import any drug into the United States. The proposal was based on a finding under section 306(b)(3)(C) of the FD&C Act that Mr. Kalita's felony conviction under Federal law for conspiracy to import Schedule II and Schedule IV controlled substances in violation of 21 U.S.C. 963 and one felony count of money laundering conspiracy in violation of 18 U.S.C. 1956(h), was for conduct relating to the importation of any drug or controlled substance into the United States because Mr. Kalita illegally imported and introduced misbranded prescription drug products and controlled substances into interstate commerce and laundered the revenues for such importation and introduction for himself and others. In proposing a debarment period, FDA weighed the considerations set forth in section 306(c)(3) of the FD&C Act that it considered applicable to Mr. Kalita's offenses and concluded that the offenses

warranted the imposition of a 10-year period of debarment.

The proposal informed Mr. Kalita of the proposed debarment and offered him an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Kalita received the proposal and notice of opportunity for a hearing on May 27, 2025. Mr. Kalita failed to request a hearing within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Division of Field Enforcement, Office of Inspections and Investigations, under section 306(b)(3)(C) of the FD&C Act, under authority delegated to the Director, Division of Enforcement, finds that Mr. Doyal Kalita has been convicted of two felonies under Federal law for conduct relating to the importation into the United States of any drug or controlled substance. FDA finds that the offenses should be accorded a debarment period of 10 years as provided by section 306(c)(2)(A)(iii) of the FD&C Act.

As a result of the foregoing finding, Mr. Kalita is debarred for a period of 10 years from importing or offering for import any drug into the United States, effective (see **DATES**). Pursuant to section 301(cc) of the FD&C Act (21 U.S.C. 331(cc)), the importing or offering for import into the United States of any drug by, with the assistance of, or at the direction of Mr. Kalita is a prohibited act.

Dated: August 14, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025-15787 Filed 8-18-25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2025-D-1757]

Oncology Therapeutic Radiopharmaceuticals: Dosage Optimization During Clinical Development; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a draft guidance for industry entitled "Oncology Therapeutic Radiopharmaceuticals: Dosage Optimization During Clinical Development." This guidance is intended to assist sponsors in identifying an optimized dosage for radiopharmaceutical therapies (RPT) for oncology indications during clinical development and prior to submitting a marketing application for a new indication and usage. The guidance provides considerations for RPT dosage optimization in RPT development programs.

DATES: Submit either electronic or written comments on the draft guidance by October 20, 2025 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2025–D–1757 for “Oncology Therapeutic Radiopharmaceuticals: Dosage Optimization During Clinical Development.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Oncology Center of Excellence, Food and Drug Administration, OCE-Guidances@fda.hhs.gov; or William Maguire, Center for Drug Evaluation and Research, Food and Drug Administration, 240–402–7225.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled “Oncology Therapeutic Radiopharmaceuticals: Dosage Optimization During Clinical Development.” This guidance is intended to assist sponsors in identifying an optimized dosage for RPT for oncology indications during clinical development and prior to submitting a marketing application for a new indication and usage. Dosages of RPT have typically been limited to normal organ absorbed dose limits derived from external beam radiotherapy (EBRT) data. However, differences in physical properties and treatment delivery between RPT and EBRT lessen the applicability of these organ absorbed dose limits to RPT. In addition, RPT have the potential to cause delayed, cumulative, and/or irreversible toxicity that is not captured in traditional dose-finding trials. This guidance provides considerations for RPT dosage optimization in RPT development programs, including safeguards to mitigate the risk of unacceptable long-term toxicity from RPT dosages that exceed EBRT limits or previously characterized RPT dosages. The recommendations should be considered along with the FDA guidance entitled “Optimizing the Dosage of Human Prescription Drugs and Biological Products for the treatment of Oncologic Diseases” (August 2024).

This draft guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on “Oncology Therapeutic

Radiopharmaceuticals: Dosage Optimization During Clinical Development.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014 and the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: August 14, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–15797 Filed 8–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–2396]

Lessons Learned From the Chemistry, Manufacturing, and Controls Development and Readiness Pilot Program; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing a virtual-only public workshop entitled “Lessons Learned

From the Chemistry, Manufacturing, and Controls (CMC) Development and Readiness Pilot (CDRP) Program.” This workshop fulfills a commitment in the seventh authorization of the Prescription Drug User Fee Act (PDUFA VII) to hold a public meeting to discuss best practices and lessons learned from this pilot program. Convened by the Duke-Robert J. Margolis, MD Center for Health Policy (Duke-Margolis) and supported by a cooperative agreement between FDA and Duke-Margolis, the workshop will feature sponsors and FDA experience under this pilot program and will solicit input on future directions for FDA policy and programs to facilitate expedited CMC development of products under an investigational new drug application (IND), where indicated based upon the anticipated clinical benefits.

DATES: The public workshop will be held virtually on September 10, 2025, from 1:00 p.m. to 5:00 p.m. Eastern Time. Either electronic or written comments on this public workshop must be submitted by October 15, 2025. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held virtually using the Zoom platform. The link for the public workshop will be sent to registrants upon registration.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Standard Time (EST) on October 15, 2025.

Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such

as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2022-N-2396 for “Lessons Learned from the Chemistry, Manufacturing, and Controls (CMC) Development and Readiness Pilot (CDRP) program; Public Workshop; Request for Comments.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m. EST, Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not

in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper 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:

Tanya Clayton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4506, Silver Spring, MD 20993-0002, 301-796-0871.

SUPPLEMENTARY INFORMATION:

I. Background

Development programs for the Center for Biologics Evaluation and Research (CBER)- and the Center for Drug Evaluation and Research (CDER)-regulated drugs and biologics intended to diagnose, treat, or prevent a serious disease or condition where there is an unmet medical need may have accelerated clinical development timelines. Yet, marketing applications for products in expedited development programs still need to meet FDA's approval standards, including manufacturing facility compliance with current good manufacturing practice (CGMP). Products with accelerated clinical development activities may face challenges in expediting CMC development activities to align with the accelerated clinical timelines.

As described in the PDUFA VII Commitment Letter for fiscal years (FYs) 2023 Through 2027, FDA implemented the CDRP program to facilitate CMC readiness for selected CBER- and CDER-regulated products with accelerated clinical development timelines. To accelerate CMC development and facilitate CMC readiness, the pilot features increased communication between FDA and sponsors and explores the use of science- and risk-based regulatory approaches, such as those described in the FDA guidance for industry entitled “Expedited Programs

for Serious Conditions—Drugs and Biologics” (May 2014), as applicable. Under this CDRP program, participating sponsors are able to discuss their product development strategies and goals with FDA review staff during two dedicated Type B meetings, as well as additional CMC-focused discussions.

This public workshop fulfills FDA’s commitment under the PDUFA VII letter (available at <https://www.fda.gov/industry/prescription-drug-user-fee-amendments/pdufa-vii-fiscal-years-2023-2027>; see section N.4.c.) to hold a public meeting focused on CMC aspects of expedited development including case studies, lessons learned, and stakeholder input regarding the CDRP, and to solicit industry and public feedback.

II. Topics for Discussion at the Public Workshop

This public workshop is intended as an information gathering step in support of the strategy paper FDA will subsequently develop. That strategy paper will outline FDA’s planned policy and programmatic response to support expediting CMC readiness when the clinical benefit of an investigational-stage product warrants it. The public workshop will feature discussions on CMC aspects of expedited development, including case studies, illustrating best practices and lessons learned from the CDRP. The workshop will also provide a forum for industry and the public to make recommendations on expediting CMC development.

Workshop updates, agenda, and background materials, if any, will be made available prior to the workshop at the CDRP web page <https://www.fda.gov/drugs/pharmaceutical-quality-resources/chemistry-manufacturing-and-controls-development-and-readiness-pilot-cdrp-program>.

III. Participating in the Public Workshop

Registration: To register for the public workshop, please visit the following website: <https://healthpolicy.duke.edu/events/lessons-learned-chemistry-manufacturing-and-controls-cmc-development-and-readiness-pilot-0>. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone. Registration will end at 11:59 p.m. Eastern Time on September 9, 2025. Registration is free, and persons interested in attending this public workshop must register to receive a link to the meeting. Registrants will receive a confirmation email after they register. If you need special accommodations

due to a disability, please contact Margolisevents@duke.edu no later than 5:00 p.m. Eastern Time on August 27, 2025. Please note, closed captioning will be available automatically.

Transcript: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at <https://www.regulations.gov>. It may also be viewed at the Dockets Management Staff (see **ADDRESSES**).

Dated: August 14, 2025.

Grace R. Graham,
Deputy Commissioner for Policy, Legislation,
and International Affairs.

[FR Doc. 2025–15799 Filed 8–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–P–5470]

Determination That RIFADIN (Rifampin) Capsules, 150 Milligrams and 300 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that RIFADIN (rifampin) capsules, 150 milligrams (mg) and 300 mg, were not withdrawn from sale for reasons of safety or effectiveness to the extent that the drugs can be manufactured or formulated in a manner that satisfies any applicable acceptable intake limit for nitrosamine impurities. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to continue to approve ANDAs that refer to the products as long as they meet relevant legal and regulatory requirements, including satisfying any applicable acceptable intake limit for nitrosamine impurities.

FOR FURTHER INFORMATION CONTACT: Robin Fastenau, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 240–893–4962, robin.fastenau@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an

ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the “Approved Drug Products With Therapeutic Equivalence Evaluations,” which is known generally as the “Orange Book.” Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug’s NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but it must be made prior to approval of an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

RIFADIN (rifampin) capsules, 150 mg and 300 mg, are the subject of NDA 050420, held by Sanofi Aventis US LLC, and initially approved on May 21, 1971. RIFADIN (rifampin) capsules, 150 mg and 300 mg, are indicated for the treatment of all forms of tuberculosis and for the treatment of asymptomatic carriers of *Neisseria meningitidis* to eliminate meningococci from the nasopharynx.

RIFADIN (rifampin) capsules, 150 mg and 300 mg, have not been marketed in the United States since their voluntary discontinuation from sale in November 2020.

Novitium Pharma LLC submitted a citizen petition dated November 21, 2024 (Docket No. FDA–2024–P–5470), under 21 CFR 10.30, requesting that the Agency determine whether RIFADIN (rifampin) capsules, 150 mg and 300 mg, were withdrawn from sale for reasons of safety or effectiveness.

FDA has identified a number of active pharmaceutical ingredients (APIs) that

have secondary or tertiary amines and are therefore at risk for forming nitrosamine drug substance related impurities (NDSRIs). Hypothetically, under certain conditions related to the formulation and manufacturing process for the drug product, such as residual nitrites in excipients used to formulate the drug product, these APIs could form NDSRIs. Rifampin is one such API at risk of forming 1-methyl-4-nitrosopiperazine (MNP). FDA has tested certain rifampin products for MNP and detected MNP in all such tested rifampin products.¹ FDA has announced recommended acceptable intake limits for MNP in all rifampin products, including a recommended interim acceptable intake limit. Rifadin (rifampin) 150 mg and 300 mg capsules are currently listed in the “Discontinued Drug Product List” section of the Orange Book.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that RIFADIN (rifampin) capsules, 150 mg and 300 mg, were not withdrawn for reasons of safety or effectiveness to the extent that the drugs can be manufactured or formulated in a manner that satisfies any applicable acceptable intake limit for nitrosamine impurities. The petitioner has identified no data or other information suggesting that RIFADIN (rifampin) capsules, 150 mg and 300 mg, were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of RIFADIN (rifampin) capsules, 150 mg and 300 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and

determined that these drug products were not withdrawn from sale for reasons of safety or effectiveness to the extent that the drugs can be manufactured or formulated in a manner that satisfies any applicable acceptable intake limit for nitrosamine impurities.

Accordingly, the Agency will continue to list RIFADIN (rifampin) capsules, 150 mg and 300 mg, in the “Discontinued Drug Product List” section of the Orange Book. The “Discontinued Drug Product List” delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to these drug products. Additional ANDAs for these drug products may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs, including satisfying any applicable acceptable intake limit for nitrosamine impurities. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: August 14, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–15786 Filed 8–18–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Rural Communities Opioid Response Program Performance Measures, OMB No. 0906–0044—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to

OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than October 20, 2025.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail the HRSA Information Collection Clearance Officer, Room 14NWH04, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Rural Communities Opioid Response Program Performance Measures, OMB No. 0906–0044—Revision.

Abstract: HRSA administers the Rural Communities Opioid Response Program (RCORP), which is authorized by Section 711(b)(5) of the Social Security Act (42 U.S.C. 912(b)(5)) and is a multi-initiative program that aims to: (1) support treatment for and prevention of substance use disorder (SUD), including opioid use disorder (OUD); and (2) reduce morbidity and mortality associated with SUD, including OUD, by improving access to and delivering prevention, treatment, and recovery support services to high-risk rural communities. To support this purpose, RCORP grant initiatives include:

- RCORP—Implementation grants, which fund established networks and consortia to deliver SUD/OUD prevention, treatment, and recovery activities in high-risk rural communities;
- RCORP—Psychostimulant Support grants, which aim to strengthen and expand access to prevention, treatment, and recovery services for individuals in rural areas who misuse psychostimulants, to enhance their ability to access treatment and move toward recovery;
- RCORP—Medication Assisted Treatment Access grants, which aim to establish new access points in rural facilities where none currently exist;
- RCORP—Behavioral Health Care support grants, which aim to expand access to and quality of behavioral health care services at the individual, provider, and community levels;
- RCORP Overdose Response recipients address immediate needs in rural areas through improving access to,

¹ Nitrosamine impurities in the drug supply are an important public health concern. As explained in the guidance for industry entitled “Control of Nitrosamine Impurities in Human Drugs” published September 2024 (available at <https://www.fda.gov/media/141720/download>) (at 4–5), “Nitrosamine compounds are potent genotoxic agents in several animal species and some are classified as probable or possible human carcinogens by the International Agency for Research on Cancer. They are referred to as *cohort of concern* compounds in the International Council for Harmonisation of Technical Requirements for . . . Human Use (ICH) guidance for industry *M7(R2) Assessment and Control of DNA Reactive (Mutagenic) Impurities in Pharmaceuticals to Limit Potential Carcinogenic Risk* (July 2023).” Many drug products have been found to contain levels of nitrosamines that are unacceptable or require further evaluation. FDA’s current understanding is that nitrosamine levels in affected drug products have different causes and may be controlled using different strategies, including formulation design (*i.e.*, adding antioxidants or adding pH adjusters that modify the microenvironment to base or neutral pH) and supplier qualification programs.

capacity for, and sustainability of prevention, treatment, and recovery services for SUD;

- RCORP Child and Adolescent Behavioral Health grants, which aim to establish and expand sustainable behavioral health care services for children and adolescents aged 5 to 17 years who live in rural communities;

- RCORP—Neonatal Abstinence Syndrome grants, which aim to reduce the incidence and impact of Neonatal Abstinence Syndrome in rural communities; and

- RCORP Impact recipients aim to improve access to integrated, coordinated treatment and recovery services for SUD, including OUD, in rural areas.

Note that additional grant initiatives may be added pending fiscal year 2026 and future fiscal year appropriations.

HRSA currently collects information about RCORP grants using approved performance measures. HRSA developed separate performance measures for the new RCORP-Impact program and seeks OMB approval for the new collection.

Need and Proposed Use of the Information: Due to the growth in the

number of grant initiatives included within RCORP, as well as emerging SUD and other behavioral health trends in rural communities, HRSA is submitting a revised ICR that includes measures for the new RCORP-Impact grant program. HRSA developed performance measures to provide data on each RCORP initiative and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act of 1993. These measures cover the principal topic areas of interest to HRSA, including: (a) provision of, and referral to, rural behavioral health care services, including SUD prevention, treatment and recovery support services; (b) behavioral health care, including SUD prevention, treatment, and recovery, process and outcomes; (c) provider prevention, treatment, and recovery services; and (d) sustainability. Performance measures for the RCORP initiative include common elements about consortium/network activities, direct services provided and service access, workforce, and sustainability while also capturing tailored measures for each specific program.

Likely Respondents: The respondents will be the recipients of the RCORP grants.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

All changes to the burden for this ICR, compared to the currently approved version (expiration date of August 31, 2027), are due to the addition of the new form for Rural Communities Opioid Response—Impact.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Communities Opioid Response Program—Implementation	290	2	580	1.24	719.20
Rural Communities Opioid Response Program—Psychostimulant Support	15	1	15	1.30	19.50
Rural Communities Opioid Response Program—Medication Assisted Treatment Access	11	1	11	1.95	21.45
Rural Communities Opioid Response Program—Behavioral Health Care Support	58	1	58	2.02	117.16
Rural Communities Opioid Response Program—Overdose Response	47	3	141	0.56	78.96
Rural Communities Opioid Response—Child and Adolescent Behavioral Health	9	2	18	0.48	8.64
Rural Communities Opioid Response—Neonatal Abstinence Syndrome	41	4	164	2.31	378.84
Rural Communities Opioid Response—Impact (NEW)	19	1	19	1.15	21.85
Total	490	.....	1,006	.....	1,365.60

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information

technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–15807 Filed 8–18–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Clinical and Translational Cancer Research.

Date: October 15–16, 2025.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shuli Xia, Ph.D., Scientific Review Officer, Cancer Therapeutics Branch, Center for Scientific Review, National Institutes of Health, 9609 Medical Center Drive, Room 7W236, Rockville, Maryland 20850, 240–276–5256, shuli.xia@nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics A Study Section.

Date: October 20–21, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–3504, tothct@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Clinical and Translational Cancer Research.

Date: October 22–23, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Viktoriya Sidorenko, Ph.D., Scientific Review Officer, Cancer Therapeutics Branch, Center for Scientific Review, National Institutes of Health, 9609 Medical Center Drive, Room 7W526, Rockville, MD 20850, 240–276–5073, viktoriya.sidorenko@nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Radiation Therapeutics and Biology Study Section.

Date: October 27–28, 2025.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–996–6208, hongb@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics and Basic Cancer Biology.

Date: October 27–28, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: E. Tian, Ph.D., Scientific Review Officer, Basic and Translational Cancer Branch, Center for Scientific Review, National Institutes of Health, 9609 Medical Center Drive, Room 7W316, Rockville, MD 20850, 240–276–7246, tiane@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: August 14, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–15743 Filed 8–18–25; 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: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Informatics and Digital Health Study Section.

Date: September 25–26, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Paul Hewett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1005–D, Bethesda, MD 20892, 240–672–8946, hewettmarxpn@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Shared Instrumentation: Interdisciplinary Molecular Sciences and Technologies (S10).

Date: September 29–30, 2025.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Tianhong Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892, 301–435–11889, wangt3@mail.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Data Management and Analysis Study Section.

Date: October 2–3, 2025.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Shivakumar V. Chittari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–408–9098, chittari.shivakumar@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Societal and Ethical Issues in Research.

Date: October 17, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rochelle Francine Hentges, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000C, Bethesda, MD 20892, 301–402–8720, hentgesrf@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: August 15, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–15800 Filed 8–18–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Environmental Health Sciences; Notice of Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting website <http://videocast.nih.gov/>.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the National Institute of Environmental Health Sciences, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Environmental Health Sciences, ESBSC, November 16–18, 2025 Meeting.

Date: November 16–18, 2025.

Closed: November 16, 2025, 7:00 p.m. to 9:00 p.m.

Agenda: To review and evaluate discussion of BSC Reviews.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Open: November 17, 2025, 8:30 a.m. to 9:15 a.m.

Agenda: Meeting Overview.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Open: November 17, 2025, 9:30 a.m. to 11:10 a.m.

Agenda: Q & A Sessions.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Closed: November 17, 2025, 11:10 a.m. to 1:00 p.m.

Agenda: To review and evaluate session with Investigators and Working Lunch.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Open: November 17, 2025, 1:00 p.m. to 2:40 p.m.

Agenda: Q&A Sessions.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Open: November 17, 2025, 2:55 p.m. to 3:45 p.m.

Agenda: Q & A Session.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Closed: November 17, 2025, 3:45 p.m. to 4:30 p.m.

Agenda: To review and evaluate session with Investigators.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Open: November 18, 2025, 8:30 a.m. to 9:20 a.m.

Agenda: Q & A Session.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Closed: November 18, 2025, 9:20 a.m. to 9:50 a.m.

Agenda: To review and evaluate 1:1 Session with Investigator.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Open: November 18, 2025, 10:05 a.m. to 11:10 a.m.

Agenda: Poster Session.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Closed: November 18, 2025, 11:10 a.m. to 12:10 p.m.

Agenda: To review and evaluate working Lunch.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Closed: November 18, 2025, 12:10 p.m. to 2:25 p.m.

Agenda: To review and evaluate 1:1 Session with Programmatic Staff Scientists and Core Director and Closed Session with Fellows Staff Scientists.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Closed: November 18, 2025, 2:45 p.m. to 5:00 p.m.

Agenda: To review and evaluate closed BSC Discussion and Debriefing to NIEHS/DIR Leadership.

Address: NIEHS Rodbell Auditorium, 111 TW Alexander Drive, Research Triangle Park, NC 27709 (Hybrid Meeting).

Contact Person: Darryl C. Zeldin, MD.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://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. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: August 15, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–15798 Filed 8–18–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard**

[Docket Number USCG–2025–0192]

Imposition of Conditions of Entry for Vessels Arriving to the United States From the Democratic People's Republic of Korea (North Korea)

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that it will impose conditions of entry on vessels arriving from the Democratic People's Republic of Korea (North Korea). Conditions of entry are intended to protect the United States from vessels arriving from foreign ports or places that have been found to have deficient antiterrorism measures.

DATES: The policy announced in this notice is effective on September 2, 2025.

FOR FURTHER INFORMATION CONTACT: For information about this document please contact Mr. Edward Munoz, Division Chief of International Port Security Program, USCG, at email HQS-DG-IPSPprogramHQS@uscg.mil or call 202–372–2122.

SUPPLEMENTARY INFORMATION:**Background and Purpose**

The authority for this notice is 5 U.S.C. 552(a), 46 U.S.C. 70110 (“Maritime Transportation Security Act”), and Department of Homeland Security Delegation No. 00170.1(II)

(97.f), Revision No. 01.4. As delegated, 46 U.S.C. 70110(a) authorizes the Coast Guard to impose conditions of entry on vessels arriving in U.S. waters from foreign ports that the Coast Guard has not found to maintain effective antiterrorism measures. Section 70108, as amended by section 5603 of the National Defense Authorization Act for Fiscal Year 2024 (Pub. L. 118–31, Dec. 22, 2023), states that DHS shall deem any port under the jurisdiction of a foreign government that is a state sponsor of terrorism as not having effective antiterrorism measures, and immediately apply the sanctions described in 46 U.S.C. 70110(a) to such a port.

In accordance with 46 U.S.C. 70108, as amended, and the Department of State’s designation of the Democratic People’s Republic of Korea as a State Sponsor of Terrorism, the Coast Guard finds that Democratic People’s Republic of Korea does not have effective antiterrorism measures.

With this notice, the current list of countries assessed and not maintaining effective antiterrorism measures is as follows: Cambodia, Cameroon, Comoros, Cuba, Democratic People’s Republic of Korea (North Korea), Equatorial Guinea, Gambia (The), Guinea-Bissau, Iran, Iraq, Libya, Madagascar, Micronesia (Federated States of), Nauru, Nigeria, Sao Tome and Principe, Seychelles, Sudan, Syria, Timor-Leste, Venezuela, and Yemen. The current Port Security Advisory is available at: <http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/International-Domestic-Port-Assessment/>.

Dated: August 12, 2025.
Douglas M. Schofield,
Rear Admiral, Deputy Commandant for Operations, Acting, U.S. Coast Guard.
[FR Doc. 2025–15754 Filed 8–18–25; 8:45 am]
BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0644]

Certificates of Alternative Compliance for the Coast Guard Heartland District

AGENCY: Coast Guard, DHS.
ACTION: Notification of issuance of certificates of alternative compliance.

SUMMARY: The Coast Guard announces that the Coast Guard Heartland (Previously District 8) District’s Prevention Division has issued certificates of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to vessels of special construction or purpose that cannot fully comply with the light, shape, and sound signal provisions of 72 COLREGS without interfering with the vessel’s design and construction. We are issuing this notice because its publication is required by statute. This notification of issuance of certificates of alternative compliance promotes the Coast Guard’s marine safety mission.

DATES: These Certificates of Alternative Compliance were issued between January 2025 and June 2025.

FOR FURTHER INFORMATION CONTACT: For information or questions about this

notice call or email Lieutenant Jenifer Abiona, Heartland District, Prevention Division, U.S. Coast Guard, telephone 206–827–2691, email Jenifer.V.Abiona@uscg.mil.

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization’s International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.¹

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a determination that compliance with alternative requirements is justified,² and the Chief of the Prevention Division would then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel’s special function.³ If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.⁴

The Coast Guard Heartland (D8) District has issued COACs to the following vessels from January 2025 to June 2025:

Year	Vessel Name	Details
2025	HOS ROCINANTE	This certificate authorized the placement of the vessel’s forward masthead light positioned centerline as far forward as possible on Deck 05 at a distance of 47’–10 3⁄8” above the main deck, 96’–11 1⁄4” forward of the aft masthead light, and a vertical distance of 34’–1 7⁄8” from the aft masthead light; and the restricted in ability to maneuver and not under command (RAM/NUC) lights placed 7’–8 1⁄8” off centerline starting 66’–4 3⁄8” above the main deck and vertically spaced at 6’–6 3⁄4”.
2025	DAVID NORTH	This certificate authorized the placement of the vessel’s sidelights on the pilothouse roof, 34’–9” above the main deck, 7’–1⁄2” inboard from the sides of the vessel, and 4’–5⁄8” aft of the forward masthead light.
2025	ECO LIBERTY	This certificate authorized the placement of the vessel’s forward masthead light on the elevated pilothouse, centerline, positioned 76’–3 9⁄16” aft of the vessels bow, 58’–9 9⁄16” above the main deck and the aft masthead light positioned centerline, placed 71’–7 13⁄16” aft of the FWD masthead light, and 46’–3 5⁄16” above the FWD masthead light.

1 33 U.S.C. 1605.

2 33 CFR 81.5.

3 33 CFR 81.9.

4 33 U.S.C. 1605(c) and 33 CFR 81.18.

Year	Vessel Name	Details
2025	WILLIAM E MORAN	This certificate authorized the placement of the vessel's sidelights on the elevated pilothouse, positioned 13'-2" from side of the vessel, and 21'-1" above the main deck; stern light aft side of the elevated pilothouse, 1'-4" starboard of centerline, and 6'-9 1/2" aft of amidships; masthead light centerline on the elevated pilothouse, 40'-3 1/2" above the main deck when upright, and 27'-2" above the main deck when mast is in the lowered position during ship assist work to prevent damage when working in close proximity to a ship's bow/stern flare; and restricted in ability to maneuver (RAM) and not under command (NUC) lights placed 6" forward of the masthead lights starting at a height of 28'-9 1/16" above the main deck with vertical spacing between the RAM/NUC lights being 3'-3 3/8".
2025	AET PARTNERSHIP	This certificate authorized the placement of the vessel's stern light at centerline on the aft edge of the foc'sle deck, 107'-1 5/16" from the stern, and 17'-8 7/8" from the main deck, and towing light positioned centerline on the aft edge of the foc'sle deck, 107'-1 5/16" from the stern, and 24'-3 5/8" from the main deck.
2025	AET INNOVATOR	This certificate authorized the placement of the vessel's stern light at centerline on the aft edge of the foc'sle deck, 107'-1 5/16" from the stern, and 17'-8 7/8" from the main deck, and towing light positioned centerline on the aft edge of the foc'sle deck, 107'-1 5/16" from the stern, and 24'-3 5/8" from the main deck.
2025	AET RESPONSIBILITY	This certificate authorized the placement of the vessel's stern light at centerline on the aft edge of the foc'sle deck, 107'-1 5/16" from the stern, and 17'-8 7/8" from the main deck and towing light positioned centerline on the aft edge of the foc'sle deck, 107'-1 5/16" from the stern, and 24'-3 5/8" from the main deck.
2025	AET EXCELLENCE	This certificate authorized the placement of the vessel's stern light at centerline on the aft edge of the foc'sle deck, 107'-1 5/16" from the stern, and 17'-8 7/8" from the main deck, and towing light positioned centerline on the aft edge of the foc'sle deck, 107'-1 5/16" from the stern, and 24'-3 5/8" from the main deck.
2025	ACBL MARINER	This certificate authorized the placement of the vessel's forward masthead light on the pilot-house roof, 52'-3" above the main deck, 14'-10 3/4" forward of the main mast; and stern light on the upper deck aft mast, 4'-3 1/4" above the main deck, centerline of the vessel.
2025	RIO GULF	This certificate authorized the placement of the vessel's masthead light on the mast above the pilot house at a height of 39'-4 5/8" above the hull and when the mast is in the lowered position, a height of 22'-7 1/8" above the hull; sidelights positioned near the pilot house at a height of 12'-5 5/8" above the hull and 10'-1" outboard from the centerline of the vessel; stern light—based on the towing vessel being dual direction operation: ahead direction: Stern light centered on the pilot house at a height of 22'-7 1/8" for pushing ahead operations (e.g., pushing, hauling alongside, and pulling); and astern direction: stern light placed on the mast at a height of 27'-9 5/8" for astern operations (e.g., towing), and restricted in ability to maneuver (RAM) and not under command (NUC) lights placed 1'-6" off centerline starting at 25'-5 1/8" above the hull and vertically spaced at 6'-7".
2025	HOS ROSEBUD	This certificate authorized the placement of the vessel's stern light centered on the aft end of the 03 deck at a height of 29'-4" and 192'-6" forward of the stern.
2025	JOHN PAUL ECKSTEIN	This certificate authorized the placement of the vessel's masthead light centered on the forward end of the top deck, 33'-2" aft of the bow and 14'-10 15/16" forward of the aft masthead and stern light centered on the upper deck at a height of 4'-10 1/2" and 11'-1/2" forward of the stern.
2025	KENTUCKY	This certificate authorized the placement of the vessel's masthead light centerline on the pilot house, 24'-6 3/8" above the main deck and 38'-3 5/8" aft of the bow; stern light centered on the upper deck at a height of 20'-4 3/4" and 46'-1 15/16" forward of the stern; sidelights positioned on the pilot house, 4'-6" outboard from the centerline of the vessel and 20'-4 3/4" above the main deck and restricted in ability to maneuver (RAM) and not under command (NUC) lights placed 17' 13/16" off centerline starting at 23'-7 7/8" from main deck, and vertically spaced at 6'-7".
2025	CAMERON BLAIR	This certificate authorized the placement of the vessel's Masthead Lights—Based on the pilot house being retractable: Raised Pilot House: Upper Masthead Light at a height of 42'-6 3/8" from the main deck and Lower Masthead Light at a height of 35'-10 3/8" from the main deck; and Lowered Pilot House: Upper Masthead Light at a height of 31'-3/8" from the main deck and Lower Masthead Light at a height of 24'-4 3/8" from the main deck. Sidelights can be positioned on the pilot house at a height of 29'-10" from the main deck in the raised position, 6'-11" outboard from the centerline of the vessel, and at a height of 14'-4" from the main deck when the pilot house is in the lowered position, and Restricted in Ability to Maneuver (RAM) and Not Under Command (NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 3'-4" off centerline starting 4'-10" above the pilot house and vertically spaced at 3'-4".
2025	CAPTAIN JERRY O	This certificate authorized the placement of the vessel's Masthead Lights—Based on the pilot house being retractable: Raised Pilot House: Upper Masthead Light at a height of 42'-6 3/8" from the main deck and Lower Masthead Light at a height of 35'-10 3/8" from the main deck; and Lowered Pilot House: Upper Masthead Light at a height of 31'-3/8" from the main deck and Lower Masthead Light at a height of 24'-4 3/8" from the main deck. Sidelights can be positioned on the pilot house at a height of 29'-10" from the main deck in the raised position, 6'-11" outboard from the centerline of the vessel, and at a height of 14'-4" from the main deck when the pilot house is in the lowered position, and Restricted in Ability to Maneuver (RAM) and Not Under Command (NUC) lights rather than placing these lights on the centerline in a vertical line with the masthead lights, they may be placed 3'-4" off centerline starting 4'-10" above the pilot house and vertically spaced at 3'-4".

The Chief of Prevention Division of the Heartland District, U.S. Coast Guard, certifies that the vessels listed above are of special construction or purpose and are unable to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessels. The Chief of Prevention Division further finds and certifies that the listed vessels are in the closest possible compliance with the applicable provisions of the 72 COLREGS.⁵

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: August 7, 2025.

J.B. Wheeler,

Captain, U.S. Coast Guard, Chief of Prevention, Coast Guard Heartland District.

[FR Doc. 2025–15769 Filed 8–18–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0001]

Notices of Emergency and Major Disaster Declarations and Related Amendments

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declarations of emergencies and major disasters, and related determinations, declared under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act from January to May, 2025.

DATES: These declarations and amendments were issued between January and May, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (“Stafford Act”) authorizes the President to declare a major disaster or emergency for a State or Federally Recognized Tribe. A declaration of an emergency or major disaster generally contains the following elements: incident type; incident period; designation of affected geographical areas; designation of

Stafford Act assistance programs authorized for the declaration; and Federal cost-share for the assistance programs. FEMA’s regulations require FEMA to publish certain declaration information in the **Federal Register**. This includes 44 CFR 206.40(b) (requiring the publication of the designated areas and eligible assistance) and 44 CFR 206.32 (requiring the publication of the incident period). In addition, FEMA publishes in the **Federal Register** notices for declarations that communicate all the required information both upon the initial declaration by the President, and when that information changes because a declaration is amended. Below are listed 68 Presidential declarations of emergencies and major disasters, and related amendments, declared under the Stafford Act from January to May, 2025.

[Internal Agency Docket No. FEMA–3612–EM]

Connecticut; Amendment No. 2 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of Connecticut (FEMA–3612–EM), dated August 21, 2024, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency. This action terminates the appointment of Robert V. Fogel as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3624–EM]

Kentucky; Emergency and Related Determinations

This is a notice of the Presidential declaration of an emergency for the Commonwealth of Kentucky (FEMA–

3624–EM), dated February 15, 2025, and related determinations. The declaration was issued February 15, 2025. Notice is hereby given that the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

As you are aware, on the evening of February 15, 2025, I determined that the emergency conditions in certain areas of the Commonwealth of Kentucky resulting from severe storms, straight-line winds, flooding, and landslides beginning on February 14, 2025, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (“the Stafford Act”). Therefore, I declare that such an emergency exists in the Commonwealth of Kentucky.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Jeremy Slinker, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this declared emergency:

All 120 counties in the Commonwealth of Kentucky for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034,

⁵ 33 U.S.C. 1605(a); 33 CFR 81.9.

Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3624–EM]

Kentucky; Amendment No. 1 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the Commonwealth of Kentucky (FEMA–3624–EM), dated February 16, 2025, and related determinations. This amendment was issued March 19, 2025. Notice is hereby given that the incident period for this emergency is closed effective March 7, 2025.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3625–EM]

Tennessee; Emergency and Related Determinations

This is a notice of the Presidential declaration of an emergency for the State of Tennessee (FEMA–3625–EM), dated April 2, 2025, and related determinations. The declaration was issued April 2, 2025. Notice is hereby given that, in a letter dated April 2, 2025, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Tennessee resulting from severe storms, straight-line winds, tornadoes, and flooding beginning on April 2, 2025, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and

Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (“the Stafford Act”). Therefore, I declare that such an emergency exists in the State of Tennessee.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Darryl L. Dragoo, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Tennessee have been designated as adversely affected by this declared emergency:

All 95 counties in the State of Tennessee for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3626–EM]

Kentucky; Emergency and Related Determinations

This is a notice of the Presidential declaration of an emergency for the Commonwealth of Kentucky (FEMA–

3626–EM), dated April 3, 2025, and related determinations. The declaration was issued April 3, 2025. Notice is hereby given that, in a letter dated April 3, 2025, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the Commonwealth of Kentucky resulting from severe storms, straight-line winds, tornadoes, and flooding beginning on April 2, 2025, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (“the Stafford Act”). Therefore, I declare that such an emergency exists in the Commonwealth of Kentucky.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Jeremy Slinker, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this declared emergency:

All 120 counties in the Commonwealth of Kentucky for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034,

Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4740–DR]

New Hampshire; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of New Hampshire (FEMA–4740–DR), dated September 14, 2023, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Robert V. Fogel as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4754–DR]

Maine; Amendment No. 4 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Maine (FEMA–4754–DR), dated January 30, 2024, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Georgeta Dragoiu as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4761–DR]

New Hampshire; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of New Hampshire (FEMA–4761–DR), dated February 27, 2024, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Robert V. Fogel as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4764–DR]

Maine; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Maine (FEMA–4764–DR), dated March 20, 2024, and related

determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Georgeta Dragoiu as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4766–DR]

Rhode Island; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Rhode Island (FEMA–4766–DR), dated March 20, 2024, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Robert V. Fogel as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4768–DR]**Oregon; Amendment No. 4 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4768–DR), dated April 13, 2024, and related determinations. This change occurred on January 16, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Timothy S. Pheil, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Yolanda J. Jackson as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4768–DR]**Oregon; Amendment No. 5 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4768–DR), dated April 13, 2024, and related determinations. This change occurred on April 4, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, John F. Harrison, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Timothy S. Pheil as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially

Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4771–DR]**New Hampshire; Amendment No. 2 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of New Hampshire (FEMA–4771–DR), dated April 19, 2024, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Robert V. Fogel as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4774–DR]**Kansas; Amendment No. 4 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4774–DR), dated April 28, 2024, and related determinations. This change occurred on April 11, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4775–DR]**Washington; Amendment No. 3 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4775–DR), dated April 28, 2024, and related determinations. This change occurred on April 4, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Shawna M. Jepson, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Yolanda J. Jackson as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4778–DR]**Nebraska; Amendment No. 3 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4778–DR), dated May 3, 2024, and related determinations. This change occurred on April 11, 2025. The Federal

Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4779–DR]

Iowa; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4779–DR), dated May 14, 2024, and related determinations. This change occurred on April 18, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of DuWayne Tewes as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4781–DR]

Texas; Amendment No. 19 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4781–DR), dated May 17, 2024, and related determinations. This change occurred on January 17, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Maona N. Ngwira, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Benjamin Abbott as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4783–DR]

West Virginia; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4783–DR), dated May 22, 2024, and related determinations. This change occurred on February 21, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mark K. O'Hanlon, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Georgeta Dragoiu as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant;

97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4784–DR]

Iowa; Amendment No. 4 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4784–DR), dated May 24, 2024, and related determinations. This change occurred on April 18, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of DuWayne Tewes as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4786–DR]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4786–DR), dated May 24, 2024, and related determinations. This change occurred on April 11, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment

of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4787–DR]

West Virginia; Amendment No. 4 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4787–DR), dated May 24, 2024, and related determinations. This change occurred on February 21, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mark K. O'Hanlon, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Georgeta Dragoiu as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4795–DR]

New Mexico; Amendment No. 8 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4795–DR), dated June 20, 2024, and related

determinations. This change occurred on March 17, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Sandra L. Eslinger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Jose M. Gil Montañez, as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4796–DR]

Iowa; Amendment No. 10 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4796–DR), dated June 24, 2024, and related determinations. This change occurred on April 18, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of DuWayne Tewes as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4798–DR]

Texas; Amendment No. 7 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4798–DR), dated July 9, 2024, and related determinations. This change occurred on January 17, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Maona N. Ngwira, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Benjamin Abbott as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4799–DR]

New Hampshire; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of New Hampshire (FEMA–4799–DR), dated July 10, 2024, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Robert V. Fogel as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially

Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4800–DR]

Kansas; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4800–DR), dated July 15, 2024, and related determinations. This change occurred on April 11, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4803–DR]

Missouri; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4803–DR), dated July 23, 2024, and related determinations. This change occurred on February 28, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kenneth C. Williams III, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Glennie Burks as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4803–DR]

Missouri; Amendment No. 4 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4803–DR), dated July 23, 2024, and related determinations. This change occurred on March 31, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David R. Gervino, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Kenneth C. Williams III as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4808–DR]

Nebraska; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4808–DR), dated August 20, 2024, and related determinations. This change occurred on April 11, 2025. The Federal Emergency Management Agency

(FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4809–DR]

Santa Clara Pueblo; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Santa Clara Pueblo (FEMA–4809–DR), dated August 20, 2024, and related determinations. This change occurred on March 17, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Sandra L. Eslinger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of José M. Gil Montañez as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4811–DR]**Kansas; Amendment No. 2 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4811–DR), dated August 20, 2024, and related determinations. This change occurred on April 11, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4812–DR]**New Hampshire; Amendment No. 1 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of New Hampshire (FEMA–4812–DR), dated August 20, 2024, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Robert V. Fogel as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially

Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4820–DR]**Connecticut; Amendment No. 2 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Connecticut (FEMA–4820–DR), dated September 20, 2024, and related determinations. This change occurred on March 19, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Judy M. Kruger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Robert V. Fogel as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4822–DR]**Nebraska; Amendment No. 4 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4822–DR), dated September 24, 2024, and related determinations. This change occurred on April 11, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4823–DR]**Confederated Tribes and Bands of the Yakama Nation; Amendment No. 2 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the Confederated Tribes and Bands of the Yakama Nation (FEMA–4823–DR), dated September 24, 2024, and related determinations. This change occurred on April 4, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Shawna M. Jepson, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Yolanda J. Jackson as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4824–DR]**Kansas; Amendment No. 3 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4824–DR), dated September 24, 2024, and related

determinations. This change occurred on April 11, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Penn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4829–DR]

South Carolina; Amendment No. 15 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations. This amendment was issued March 19, 2025. Notice is hereby given that, in a letter dated March 19, 2025, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Cameron Hamilton, Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the State of South Carolina resulting from Hurricane Helene during the period of September 25 to October 7, 2024, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend the declarations of September 29, 2024, October 4, 2024, and December 6, 2024, to authorize Federal funds for emergency protective measures, including direct Federal assistance, under the Public Assistance program at 100 percent of the total

eligible costs for a period of 120 days of the State’s choosing within the first 180 days from the start of the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4838–DR]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4838–DR), dated October 21, 2024, and related determinations. This change occurred on April 11, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hannah Page, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Constance C. Johnson-Cage as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4843–DR]

New Mexico; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4843–DR), dated November 1, 2024, and related determinations. This change occurred

on March 17, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Sandra L. Eslinger, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Jose M. Gil Montañez, as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4849–DR]

Confederated Tribes of the Colville Reservation; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Confederated Tribes of the Colville Reservation (FEMA–4849–DR), dated November 26, 2024, and related determinations. This change occurred on April 4, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Shawna M. Jepson, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Yolanda J. Jackson as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036,

Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4850–DR]

Puerto Rico; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4850–DR), dated November 27, 2024, and related determinations. This amendment was issued February 4, 2025. The notice of a major disaster declaration for the Commonwealth of Puerto Rico is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of November 27, 2024.

The municipalities of Adjuntas, Arroyo, Cabo Rojo, Camuy, Fajardo, Lares, Las Piedras, Luquillo, Ponce, Rio Grande, San Germán, and Utuado for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4854–DR]

Oregon; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4854–DR), dated January 1, 2025, and related determinations. This change occurred on January 16, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Timothy S. Pheil, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Yolanda J. Jackson as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030,

Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4854–DR]

Oregon; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4854–DR), dated January 1, 2025, and related determinations. This change occurred on April 4, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, John F. Harrison, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Timothy S. Pheil as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4855–DR]

Missouri; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4855–DR), dated January 1, 2025, and related determinations. This change occurred on February 28, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the

Administrator, under Executive Order 12148, as amended, Kenneth C. Williams III, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Glennie Burks as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4803–DR]

Missouri; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4803–DR), dated July 23, 2024, and related determinations. This change occurred on February 28, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kenneth C. Williams III, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Glennie Burks as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4856–DR]**California; Amendment No. 3 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of California (FEMA–4856–DR), dated January 8, 2025, and related determinations. This amendment was issued February 18, 2025. Notice is hereby given that the incident period for this disaster is closed effective January 31, 2025.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4856–DR]**California; Amendment No. 4 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of California (FEMA–4856–DR), dated January 8, 2025, and related determinations. This change occurred on February 28, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Toney L. Raines, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Curtis Brown as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4856–DR]**California; Amendment No. 5 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of California (FEMA–4856–DR), dated January 8, 2025, and related determinations. This change occurred on April 4, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Hirokazu Toiya, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Toney L. Raines as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]**Kentucky; Major Disaster and Related Determinations**

This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. The declaration was issued February 24, 2025. Notice is hereby given that, in a letter dated February 24, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky resulting from severe storms, straight-line winds, flooding, landslides, and mudslides beginning on February 14, 2025, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance

Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program in the designated areas, Hazard Mitigation throughout the Commonwealth, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jeremy Slinker, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this major disaster:

Breathitt, Clay, Harlan, Knott, Lee, Letcher, Martin, Owsley, Perry, and Pike Counties for Individual Assistance.

Breathitt, Clay, Harlan, Knott, Lee, Letcher, Martin, Owsley, Perry, and Pike Counties for emergency protective measures (Category B), including direct federal assistance under the Public Assistance program.

All areas within the Commonwealth of Kentucky are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals

and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued February 25, 2025. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 24, 2025.

Floyd County for Individual Assistance.

Floyd County for emergency protective measures (Category B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued March 2, 2025. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 24, 2025.

Estill, Johnson, and Simpson Counties for Individual Assistance.

Estill, Johnson, and Simpson Counties for emergency protective measures (Category B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued March 4, 2025. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 24, 2025.

Knott, Martin, Perry, and Pike Counties for debris removal [Category A], including direct federal assistance (already designated for Individual Assistance and emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

Ballard, Barren, Butler, Green, Hart, Marshall, Metcalfe, Rockcastle, Spencer, and Wayne Counties for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 4 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued March 10, 2025. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 24, 2025.

Allen, Boyd, Caldwell, Carlisle, Crittenden, Hickman, Monroe, Muhlenberg, and Ohio Counties for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 5 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued March 10, 2025. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 24, 2025.

Knott, Martin, Perry, and Pike Counties for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

Breathitt, Clay, Floyd, Harlan, Johnson, and Letcher Counties for debris removal [Category A], including direct federal

assistance and permanent work [Categories C–G] (already designated for Individual Assistance and assistance for emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

Adair, Bell, Cumberland, Elliott, Hancock, Knox, Livingston, McLean, Morgan, and Union Counties for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 6 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued March 14, 2025. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 24, 2025.

Woodford County for Individual Assistance.

Leslie County for Individual Assistance and Public Assistance, including direct federal assistance.

Estill, Lee, and Owsley Counties for debris removal [Category A], including direct federal assistance and permanent work [Categories C–G] (already designated for Individual Assistance and assistance for emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

Breckinridge, Edmonson, Franklin, Greenup, Henderson, Henry, Jackson, Lawrence, Menifee, Nicholas, Powell, Pulaski, Robertson, Whitley, and Wolfe Counties for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034,

Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 7 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued March 19, 2025.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective March 7, 2025.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 8 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued April 1, 2025. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 24, 2025.

Bullitt, Hopkins, Jefferson, Lewis, Magoffin, Russell, and Trigg Counties for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4860–DR]

Kentucky; Amendment No. 9 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4860–DR), dated February 24, 2025, and related determinations. This amendment was issued April 9, 2025. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 24, 2025.

Laurel and McCreary Counties for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4861–DR]

West Virginia; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4861–DR), dated February 26, 2025, and related determinations. The declaration was issued February 26, 2025. Notice is

hereby given that, in a letter dated February 26, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from a severe storm, straight-line winds, flooding, landslides, and mudslides beginning on February 15, 2025, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mark O’Hanlon, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of West Virginia have been designated as adversely affected by this major disaster:

McDowell, Mercer, Mingo, and Wyoming Counties for Individual Assistance.

All areas within the State of West Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—

Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4861–DR]

West Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4861–DR), dated February 26, 2025, and related determinations. This amendment was issued March 10, 2025. The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 26, 2025.

Logan and Wayne Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4861–DR]

West Virginia; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4861–DR), dated February 26, 2025, and related determinations. This amendment was issued March 11, 2025. Notice is hereby given that the incident period for this disaster is closed effective February 18, 2025.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially

Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4861–DR]

West Virginia; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4861–DR), dated February 26, 2025, and related determinations. This amendment was issued March 19, 2025. The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 26, 2025.

Greenbrier, Lincoln, Logan, Monroe, Summers, Wayne Counties for Public Assistance.

McDowell, Mercer, Mingo and Wyoming Counties for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4861–DR]

West Virginia; Amendment No. 4 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4861–DR), dated February 26, 2025, and related determinations. This amendment was issued April 1, 2025. The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major

disaster by the President in his declaration of February 26, 2025.

Raleigh County for Individual Assistance.
Boone and Raleigh Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4862-DR]

Oklahoma; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA-4862-DR), dated March 18, 2025, and related determinations. The declaration was issued March 18, 2025. Notice is hereby given that, in a letter dated March 18, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms, straight-line winds, tornadoes, and flooding during the period of November 2 to November 5, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Tonia A. Pence, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oklahoma have been designated as adversely affected by this major disaster:

Adair, Garvin, Jefferson, Lincoln, Okfuskee, Oklahoma, Stephens, and Washita Counties for Public Assistance.

All areas within the State of Oklahoma are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4863-DR]

Virginia; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA-4863-DR), dated April 4, 2025, and related determinations. The declaration was issued April 4, 2025. Notice is hereby given that, in a letter dated April 4, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia resulting from severe winter storms and flooding during the period of February 10 to February 18, 2025, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jeffrey L. Jones, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Virginia have been designated as adversely affected by this major disaster:

Bland, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Grayson, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, and Wise Counties and the independent city of Bristol for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4863-DR]

Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA-4863-DR), dated April 4, 2025, and related determinations. This amendment was issued April 28, 2025. The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 4, 2025.

Amelia, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Cumberland, Giles, Halifax, Lunenburg, Montgomery, Nottoway, Page, Pittsylvania,

Powhatan, Prince Edward, Rockingham, and Wythe Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4864–DR]

Kentucky; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4864–DR), dated April 24, 2025, and related determinations. The declaration was issued April 24, 2025. Notice is hereby given that, in a letter dated April 24, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky resulting from severe storms, straight-line winds, tornadoes, flooding, landslides, and mudslides beginning on April 2, 2025, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for

Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jeremy Slinker, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this major disaster:

Anderson, Butler, Carroll, Christian, Clark, Franklin, Hardin, Hopkins, Jessamine, McCracken, Mercer, Owen, and Woodford Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

(Authority: 42 U.S.C. 5121 *et seq.*)

Joseph N. Mazzara,

Acting General Counsel, U.S. Department of Homeland Security.

[FR Doc. 2025–15717 Filed 8–18–25; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Statewide Communication Interoperability Plan Template and Progress Report

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments; Information Collection Request; Revised Collection, 1670–0017.

SUMMARY: The Emergency Communications Division (ECD) within Cybersecurity and Infrastructure Security Agency (CISA) submits the

following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance. CISA previously published this information collection request (ICR) in the **Federal Register** on July 8, 2024, for a 60-day public comment period. One unrelated comment was received by CISA. The purpose of this notice is to allow additional 30-days for public comments. This is a revised reinstatement information collection.

DATES: Comments are encouraged and will be accepted until *September 19, 2025*. Submissions received after the deadline for receiving comments may not be considered.

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: If additional information is required contact: Heather Dalton, 202–809–2747, HEATHER.DALTON@CISA.DHS.GOV.

SUPPLEMENTARY INFORMATION: Cybersecurity and Infrastructure Security Agency (CISA), Emergency Communications Division (ECD), formed under Title XVIII of the Homeland Security Act of 2002, 6 U.S.C. 571 *et seq.*, is required, pursuant to 6 U.S.C. 572, to develop the National Emergency Communications Plan (NECP), which includes identification of goals, timeframes, and appropriate

measures to achieve interoperable communications capabilities. The Statewide Communication Interoperability Plan (SCIP) Template and Annual SCIP Snapshot Report are designed to meet and support these statutory requirements.

ECD will use the information from the SCIP Template and Annual SCIP Snapshot to track the progress States are making in implementing milestones and demonstrating goals of the NECP, as required through the Homeland Security Act of 2002, 6 U.S.C. 572. The SCIP Template and Annual SCIP Snapshot will provide OEC with broader capability data across the lanes of the Interoperability Continuum, which are key indicators of consistent success in response-level communications. In addition, the SCIP Template and the SCIP Snapshot will assist States in their strategic planning for interoperable and emergency communications while demonstrating each State's achievements and challenges in accomplishing optimal interoperability for emergency responders. Moreover, certain government grants may require States to update their SCIP Templates and SCIP Snapshot to include broadband efforts in order to receive funding for interoperable and emergency communications. Statewide Interoperability Coordinators (SWICs) will be responsible for collecting this information from their respective stakeholders and governance bodies and will complete and submit the SCIP Snapshots directly to ECD through unclassified electronic submission. The SCIP Template and Annual SCIP Snapshot may be submitted through unclassified electronic submission to ECD by each State's SWIC in addition to being able to submit their respective SCIP Template and Annual SCIP Snapshot via email to heather.dalton@cisa.dhs.gov. ECD streamlined its annual SCIP reporting process to obtain standard data to understand progress and challenges in emergency communications planning. ECD replaced the lengthier Annual Progress Report with the SCIP Snapshot as a reporting mechanism for States and territories for submitting SCIP progress, achievements and challenges. The data collected is based on calendar year reporting. The SCIP Snapshot also includes sections for States and territories to report on the status of governance structures, progress towards SCIP goals and initiatives, and overall successes and challenges in advancing interoperable emergency communications.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title: Statewide Communication Interoperability Plan (SCIP) Template and Progress Report.

OMB Number: 1670-0017.

Frequency: Annually.

Affected Public: State, local, Tribal, and Territorial governments.

Number of Respondents: 56.

Estimated Time per Respondent: 6.

Total Burden Hours: 336.

Total Annual Burden Cost: \$29,950.

Total Government Burden Cost: \$18,208.

Robert J. Costello,

Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2025-15712 Filed 8-18-25; 8:45 am]

BILLING CODE 9111-LF-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1421]

Certain Rechargeable Batteries and Components and Packaging Thereof; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation as to the Last Active Respondents Based on Settlement; Request for Briefing on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 38) issued by the presiding administrative law judge ("ALJ") granting a joint motion filed by complainants LithiumHub, LLC of Norris, SC, Lithiumhub Technologies, LLC of Marshall, TX, and Martin Koebler of Norris, SC (collectively, "Lithiumhub") and respondents Bass Pro Outdoor World LLC and Cabela's LLC (collectively, "Bass Pro"), both of Springfield, MO, to terminate the investigation as to Bass Pro, the last active respondents, based on a settlement agreement. The Commission requests submissions on remedy, the public interest, and bonding concerning relief against defaulting respondent Shenzhen Yichen S-Power Tech Co. LTD ("Shenzhen Yichen") of Shenzhen, China.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2043. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On October 21, 2024, the Commission instituted the investigation based on a complaint filed by LithiumHub. 89 FR 84194-95 (Oct. 21, 2024). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain rechargeable batteries and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 9,412,994 and 9,954,207. The Commission's notice of investigation ("NOI") named the following respondents: Bass Pro; Clean Republic SODO LLC ("Clean Republic") of Seattle, WA; MillerTech Energy Solutions LLC ("MillerTech Energy") of Middlefield, OH; Shenzhen Fbtech Electronics Ltd. ("Fbtech Electronics") of Shenzhen, China; and Shenzhen LiTime Technology Co., Ltd. ("LiTime Technology") of Shenzhen, China; Relion Battery (Shenzhen) Technology Co. ("Relion") of Shenzhen, China; Renogy New Energy Co., Ltd. ("Renogy") of Suzhou City, China; RNG International Inc. ("RNG") of Ontario, CA; Navico Group Americas, LLC ("Navico") of Menomonee Falls, WI; Dragonfly Energy Corp. and Dragonfly Energy Holdings Corp. (collectively, "Dragonfly"), both of Reno, NV; and Shenzhen Yichen. *Id.* The Office of Unfair Import Investigations ("OUII") was also named as a party in this investigation. *Id.*

On February 3, 2025, the Commission found Shenzhen Yichen to be in default. *See* Order No. 11 (Jan. 8, 2025), *unreviewed by Comm'n Notice* (Feb. 3, 2025).

The Commission previously terminated other respondents based on settlement agreements. *See* Order No. 19 (Mar. 21, 2025), *unreviewed by Comm'n*

Notice (Apr. 21, 2025) (Dragonfly); Order No. 25 (Apr. 29, 2025), *unreviewed by* Comm'n Notice (May 20, 2025) (Navico); Order Nos. 30 and 31 (June 2, 2025), *unreviewed by* Comm'n Notice (June 20, 2025) (Relion, Renogy, and RNG); Order Nos. 34 to 37 (July 9, 2025), *unreviewed by* Comm'n Notice (Aug. 4, 2025) (Clean Republic, MillerTech Energy, Fbtech Electronics, and LiTime Technology).

On May 29, 2025, Lithiumhub filed a "Declaration Seeking Immediate Relief" against defaulting respondent Shenzhen Yichen, pursuant to Commission Rule 210.16(c)(1) (19 CFR 210.16(c)(1)). EDIS Doc. ID 852300 (May 29, 2025). The declaration requests entry of a limited exclusion order and a cease and desist order against Shenzhen Yichen.

On July 10, 2025, Lithiumhub and Bass Pro filed a joint motion to terminate Bass Pro from this investigation based on a settlement agreement. On July 21, 2025, OUII filed a response in support of the joint motion.

On July 22, 2025, the presiding ALJ issued the subject ID (Order No. 38) pursuant to Commission Rule 210.21(b) (19 CFR 210.21(b)), granting the joint motion to terminate Bass Pro. *See* ID at 4. The ID finds that the motion included an unredacted version of the confidential agreement. The ID also finds that the joint motion includes the statement that "there are no other agreements, written or oral, express or implied between [complainants] and Bass Pro concerning the subject matter of this Investigation." *Id.* at 2. Since Bass Pro is the only remaining non-defaulting respondent in the investigation, the ID terminates the investigation before the ALJ. *Id.* at 4. Order No. 38 also grants a request in the joint motion for limited service of the unredacted settlement agreement. *Id.* at 3.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. Respondents Bass Pro Outdoor World LLC and Cabela's LLC are hereby terminated from the investigation.

In connection with the final disposition of this investigation as to defaulting respondent Shenzhen Yichen, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is

interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. In their initial submission, Complainants are also requested to identify the remedy sought and Complainants and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to state the dates that the Asserted Patents expire, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at

issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on August 28, 2025. Reply submissions must be filed no later than the close of business on September 4, 2025. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1421) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written

submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on August 14, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 14, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–15705 Filed 8–18–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1443]

Certain Foreign-Fabricated Semiconductor Devices, Products Containing the Same, and Components Thereof; Notice of Commission Determination Not To Review an Initial Determination To Amend the Complaint and Notice of Institution

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined not to review an initial determination (“ID”) (Order No. 34) issued by the presiding administrative law judge (“ALJ”) granting an unopposed motion to amend the complaint and notice of investigation to substitute certain respondents for respondent Lenovo Group Ltd. (“LGL”) and to terminate LGL from the investigation.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. 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: On March 26, 2025, the Commission instituted the present investigation based on a complaint, as supplemented, filed by Longitude Licensing Ltd. and Marlin Semiconductor Ltd., both of Dublin, Ireland (“Complainants”), alleging violations of section 337 of Tariff Act of 1930, as amended, 19 U.S.C. 1337, due to the unauthorized importation into the United States, sale for importation, or sale in the United States after importation of certain foreign-fabricated semiconductor devices, products containing the same, and components thereof, that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 7,745,847; 9,093,473; 9,147,747; 9,184,292; and 9,953,880. 90 FR 13779–80 (Mar. 26, 2025). The complaint alleges that a domestic industry exists. *Id.* The notice of investigation names the following respondents: LGL of Hong Kong S.A.R., China; Taiwan Semiconductor Manufacturing Co. of Hsinchu, Taiwan; Apple Inc. of Cupertino, California; Broadcom Inc. of Palo Alto, California; Motorola (Wuhan) Mobility Technologies Communication Co. of Wuhan, China; Motorola Mobile Communication Technology Ltd. of Xiamen, China; OnePlus Technology (Shenzhen) Co. of Shenzhen, China; and Qualcomm Inc. of San Diego, California. The Office of Unfair Import Investigations (“OUII”) has also been named as a party to this investigation.

On July 1, 2025, Complainants and LGL jointly filed a motion to amend the complaint and notice of investigation to substitute proposed respondents Lenovo (Shanghai) Electronics Technology Co., Ltd. of Shanghai, China; Lenovo PC International Ltd. of Quarry Bay, Hong Kong; Lenovo PC HK Ltd. of Quarry Bay, Hong Kong; Lenovo Information Products (Shenzhen) Co., Ltd. of Shenzhen, Guangdong, China; Lenovo Beijing Co., Ltd. of Beijing, China; and Lenovo (United States) Inc. of Morrisville, North Carolina (collectively “the Lenovo Respondents”) for LGL and to terminate LGL from this investigation. The joint motion certified that OUII did not oppose the motion, and the other respondents took no position.

On July 21, 2025, the presiding ALJ issued the subject ID (Order No. 34) granting the unopposed motion to amend the complaint and notice of institution to substitute the Lenovo Respondents for LGL pursuant to Commission Rule 210.14(b), 19 CFR 210.14(b), and to terminate LGL from

the investigation, pursuant to Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1). The ID finds that good cause exists for substituting the Lenovo Respondents for LGL and for terminating LGL, that there are no other agreements, written or oral, express or implied, between Complainants and LGL regarding the subject matter of the investigation, that granting the motion will not prejudice the public interest or the rights of the parties participating in the investigation, that there are no extraordinary circumstances that would prevent terminating the investigation as to LGL, and that terminating LGL is in the public interest, as it would conserve public and private resources.

No party filed a petition for review of the subject ID.

The Commission has determined not to review, and thereby adopts, the subject ID. Accordingly, the complaint and notice of investigation are amended to include Lenovo (Shanghai) Electronics Technology Co., Ltd.; Lenovo PC International Ltd.; Lenovo PC HK Ltd.; Lenovo Information Products (Shenzhen) Co., Ltd.; Lenovo Beijing Co., Ltd.; and Lenovo (United States) Inc. Lenovo Group Ltd. is hereby terminated from this investigation.

The Commission vote for this determination took place on August 14, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 14, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–15745 Filed 8–18–25; 8:45 am]

BILLING CODE 7020–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–614–CP; ASLBP No. 25–991–01–CP–BD01]

Long Mott Energy, LLC; Establishment of Atomic Safety and Licensing Board

Pursuant to the Commission's regulations, *see, e.g.*, 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Long Mott Energy, LLC (Long Mott Generating Station)

Long Mott Energy, LLC seeks a permit to construct a four-unit reactor facility in Calhoun County, Texas. In response to a notice published in the **Federal Register** on June 10, 2025 (90 FR 24,428), San Antonio Bay Estuarine Waterkeeper filed a hearing request on August 11, 2025.

The Board is comprised of the following administrative judges:

Stefan R. Wolfe, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

Nicholas G. Trikouros, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

Dr. David A. Smith, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

Additionally, Administrative Judge G. Paul Bollwerk, III, shall serve as the Board's Special Assistant.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. See 10 CFR 2.302.

Dated: August 14, 2025.

Rockville, Maryland

Edward R. Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2025-15706 Filed 8-18-25; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2024-59; MC2025-1616 and K2025-1608; MC2025-1617 and K2025-1609]

New Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 22, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by

telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)-(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s):* K2024-59; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 405, with Materials Filed Under Seal; *Filing Acceptance Date:* August 14, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Kenneth Moeller; *Comments Due:* August 22, 2025.

2. *Docket No(s):* MC2025-1616 and K2025-1608; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 811 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 14, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* August 22, 2025.

3. *Docket No(s):* MC2025-1617 and K2025-1609; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 812 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 14, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* August 22, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–15793 Filed 8–18–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103704; File No. SR–NYSE–2025–29]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a Fee for Limited Underwriting Members

August 14, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on August 5, 2025, New York Stock Exchange LLC (“Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a fee for Limited Underwriting Members as defined in recently adopted Rule 310. The proposed rule change is available on the Exchange’s website at www.nyse.com and at 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a fee for Limited Underwriting Members as defined in recently adopted Rule 310 (Limited Underwriting Members and Associated Persons). As proposed, registered brokers or dealers that become Limited Underwriting Members pursuant to Rule 310 would be eligible for a \$350 per month fee from the month an application is approved.

The Exchange proposes to implement the fee changes effective August 5, 2025.⁴

Background

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”⁵

While Regulation NMS has enhanced competition, it has also fostered a “fragmented” market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that “such competition can lead to the fragmentation of order flow in that stock.”⁶ Indeed, cash equity trading is currently dispersed across 16 exchanges,⁷ numerous alternative trading systems,⁸ and broker-dealer

internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 20% market share.⁹ Therefore, no exchange possesses significant pricing power in the execution of cash equity order flow. More specifically, the Exchange’s share of executed volume of equity trades in Tapes A, B and C securities is less than 12%.¹⁰

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow or discontinue or reduce use of certain categories of products, in response to fee changes.

Moreover, in the current competitive market environment, market participants also have a choice of where to become members.

Proposed Rule Change

The Exchange proposes to introduce a \$350 per month fee for registered brokers or dealers that qualify to become Limited Underwriting Members pursuant to Rule 310.¹¹ The proposed fee would begin the month in which a Limited Underwriting Member’s application is approved. The proposed fee would be available to all applicants approved as Limited Underwriting Members on an equal and non-discriminatory basis. The proposed fee is also less than that of the other national securities exchange that offers a limited underwriter membership.¹² Limited Underwriting Members would not be subject to any other Exchange fees.

The proposed change is not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market

AtsIssueData. A list of alternative trading systems registered with the Commission is available at <https://www.sec.gov/foia/docs/atslist.htm>.

⁹ See Choe Global Markets U.S. Equities Market Volume Summary, available at https://markets.choe.com/us/equities/market_share/.

¹⁰ See *id.*

¹¹ A Limited Underwriting Member is a type of non-trading Exchange membership solely for the limited purpose of acting as a principal underwriter of an underwritten public offering in connection with which a company seeks to list on the Exchange. Any registered broker or dealer with a disciplinary history satisfactory to the Exchange can become a Limited Underwriting Member, except such registered brokers or dealers as are excluded under Rule 346 (Statutory Disqualification—Association of Member Organizations, and Persons Associated With Member Organizations). A Limited Underwriting Member is subject to Exchange jurisdiction solely for purposes of Rule 310 and the rules enumerated in Rule 310(c)(1).

¹² The proposed fee equals \$4,200 annually. Nasdaq Limited Underwriting Members are subject to an annual membership fee of \$5,000 plus a \$2,000 application fee. See Nasdaq Equity Rule 7, Section 10(a).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ The Exchange originally filed to amend the Price List on July 28, 2025 (SR–NYSE–2025–27). SR–NYSE–2025–27 was withdrawn on August 5, 2025, and replaced by this filing.

⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7–10–04) (Final Rule) (“Regulation NMS”).

⁶ See Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

⁷ See Choe U.S. Equities Market Volume Summary, available at https://markets.choe.com/us/equities/market_share. See generally <https://www.sec.gov/fast-answers/divisionsmarketregmr/exchangesshtml.html>.

⁸ See FINRA ATS Transparency Data, available at <https://otctransparency.finra.org/otctransparency/>

participants would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁴ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market where market participants have, among other things, a choice of where to become members. Considering the competitive environment in which the Exchange currently operates, the Exchange believes that there is value in attracting additional brokers or dealers to act as principal underwriters of an underwritten public offering on the Exchange and that the proposed fee is reasonable. As noted above, the proposed fee is less than that of the other national securities exchange that offers a limited underwriter membership.¹⁵ The Exchange also believes that the proposed fee is reasonable because Limited Underwriting Members would not be subject to any other Exchange fees.

The Proposed Fee Is Equitably Allocated and Not Unfairly Discriminatory

The Exchange believes that the proposed fee equitably allocates fees and credits among market participants because all market participants that participate on the Exchange as Limited Underwriting Members would qualify for the same proposed fee on an equal basis. Similarly, the proposed fee is equitable and not unfairly discriminatory because it will apply uniformly to all member organizations that are Limited Underwriting Members, and all similarly situated member organizations will be subject to the same fee. Further, the Exchange believes that the proposed fee is reasonable and equitable because Limited Underwriting Members would not be subject to any other Exchange fees.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the

Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,¹⁶ the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition. The proposed change is designed to attract additional members to the Exchange. The proposed fee change will not impact intramarket competition because it will apply to all similarly situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As noted, the proposal would apply to all similarly situated member organizations that are Limited Underwriting Members on the same and equal terms, who would be subject to the same fee on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange's proposed membership fee will be lower than the cost of a comparable membership on another exchange as described above and may stimulate intermarket competition by attracting interested participants to become Limited Underwriting Members on the Exchange. The Exchange operates in a highly competitive market in which market participants can readily choose to become members of another exchange if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees and credits in response, and because market participants may readily select membership on a competitor over the Exchange, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)¹⁷ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁸ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSE-2025-29 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-NYSE-2025-29. 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

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(4) & (5).

¹⁵ See note 11, *supra*.

¹⁶ 15 U.S.C. 78f(b)(8).

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(2).

¹⁹ 15 U.S.C. 78s(b)(2)(B).

publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2025–29 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–15731 Filed 8–18–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103708; File No. SR–CboeBZX–2025–011]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of 21Shares Core Solana ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

August 14, 2025.

On January 28, 2025, Cboe BZX Exchange, Inc. (“BZX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to list and trade shares of the 21Shares Core Solana ETF under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.³

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On May 19, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of

the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷

Section 19(b)(2) of the Act⁸ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.⁹ The 180th day after publication of the proposed rule change is August 17, 2025. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹⁰ designates October 16, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeBZX–2025–011).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–15729 Filed 8–18–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103706; File No. SR–C2–2025–021]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Market Data Report

August 14, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on August 5, 2025, Cboe C2 Exchange, Inc. (the “Exchange” or “C2”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b–4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the “Exchange” or “C2”) proposes to adopt a new market data report. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/) and at the Exchange’s Office of the Secretary.

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.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b–4(f)(6).

²⁰ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102397 (Feb. 11, 2025), 90 FR 9783. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-011/sr-cboebzx2025011.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102589, 90 FR 12374 (Mar. 17, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 103062, 90 FR 22127 (May 23, 2025).

⁸ 15 U.S.C. 78s(b)(2).

⁹ See *supra* note 3 and accompanying text.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30–3(a)(57).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt an additional report as part of the existing Cboe Timestamping Service reports. The Cboe Timestamping Service reports provide timestamp information for orders, quotes and cancels for Trading Permit Holders ("TPHs"). More specifically, the Cboe Timestamping Service reports provide various timestamps relating to the message lifecycle throughout the exchange system. The first report that is currently offered—the Missed Liquidity Report—covers order and quote messages and the second report—Cancels Report⁵—covers cancel messages.

The Exchange now proposes to introduce the All Cancel Report which is intended to supplement the existing Missed Cancels Report⁶ by offering a comprehensive view of cancel behavior and messaging activity. In comparison to the existing Missed Cancels Report, the All Cancels Report will include all cancel-related messages sent by the Recipient Firm (as defined below), irrespective of whether the cancel attempt was successful or associated with a trade event.

These reports are optional products that will be available to all TPHs and TPHs may opt to choose multiple reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.⁷

The Exchange notes that the data included in the proposed report will be based only on the data of the TPH that opts to subscribe to the report ("Recipient Firm") and will not include information related to any firm other than the Recipient Firm. The Exchange will restrict all other TPHs from receiving another TPH's data. Additionally, the proposed report does not include real-time market data. Rather, the proposed report will contain historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis. Currently, the Exchange provides the Missed Liquidity and Missed Cancel

Reports and now proposes to introduce the All Cancels Report in response to demand for additional data concerning the timeliness of all cancel-related messages sent by the Recipient Firm, irrespective of whether the cancel attempt was successful or associated with a trade event. The Exchange believes the additional data points outlined below may help subscribing firms gain a better understanding about their interactions with the Exchange. The Exchange believes this report will provide subscribing firms with an opportunity to learn more about better opportunities to improve order cancel success. The proposed reports will also increase transparency and democratize information so that all subscribing firms that subscribe to the report have access to the same information on an equal basis.

The current Missed Cancels Report provides liquidity response time details for orders or quotes that rest on the book where the TPH receiving the report attempted to cancel that resting order or quote or any other resting order or quote within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the order or quote that executed against the resting order or quote and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the order or quote that executed against the resting order or quote. For example, if a Recipient Firm sends in a cancel message, but an order resting on the Exchange order book was executed prior to the system processing the cancel message, the Missed Cancels Report can assist the Recipient Firm in determining by how much time that order missed being canceled instead of executing.⁸

In contrast, the proposed All Cancels Report provides a comprehensive view of cancel behavior and messaging activity when the Recipient Firm is the originator of the cancel-related message.⁹ It is particularly useful for analyzing cancel patterns across all market scenarios, including those where no trade occurred. Cancel, cancel

rejected, or purge/mass cancel records for the subscriber are included, regardless of their timing or relation to a trade.

The All Cancels Report will include the following data elements for cancels: (1) Message Type;¹⁰ (2) Date; (3) Recipient Firm ID; (4) Session Sub ID; (5) Client Identifier;¹¹ (6) Cboe Order ID;¹² (7) Symbol; (8) Exchange System Timestamps;¹³ (9) Matching Unit number;¹⁴ (10) Queued;¹⁵ and (11) Port Type.¹⁶

The All Cancels Report will enable subscribing market participants to have a deeper analysis of order management behavior across all market scenarios, even when no trade occurs. By highlighting all cancel attempts (successful or not), the All Cancels Report helps firms identify patterns, refine strategies to improve cancel efficiency, and better manage risk and exposure.

The Exchange notes the data information contained within the proposed All Cancels Report is similar to data fields that are included in the existing Missed Cancels Report.¹⁷

Implementation

The Exchange will announce via Exchange Notice the implementation date of the proposed rule change. While the Exchange notes that it proposes to introduce this report on August 25,

¹⁰Represents if it was a cancel, mass cancel or purge, a cancel rejected, or a quote update cancel.

¹¹The unique CIOID or MassCancelID assigned by the client.

¹²The Cboe Order ID is a unique reference number assigned by the Exchange.

¹³Includes Network Discovery Time (which is a network hardware switch timestamp taken at the network capture point); Order Handler NIC Timestamp (which is a hardware timestamp that represents when a BOE order handler server NIC observed the message and may not be available for certain reject cases); Order Handler Received Timestamp (which is software timestamp that represents when the FIX or BOE order handler has begun processing the order after the socket read and may not be available for certain reject cases); Order Handler Send Timestamp (which represents when the FIX or BOE order handler has finished processing the order and begun sending to the matching engine and may not be available for certain reject cases); Matching Engine NIC Timestamp (which is a hardware timestamp that represents when the target matching engine server NIC observed the message); and Matching Engine Transaction Timestamp (which is a software timestamp that represents when the matching engine has started processing an event).

¹⁴Represents the matching unit number.

¹⁵Flag to indicate whether a message was delayed due to message in flight limits (i.e., a limit on the total number of messages in flight between an order handler and a matching engine).

¹⁶Refers to the port type used by the session to send the applicable message.

¹⁷See e.g. Securities Exchange Act Release No. 102238 (January 17, 2025), 90 FR 8070 (January 23, 2025) (SR-C2-2025-001) adopting the Missed Cancels Report and Missed Liquidity Report.

⁵In connection with the offering of this new report, the Exchange proposes to modify the title of the current Cancels Report to Missed Cancels Report in order to provide clarity between the existing Cancels Report, and the new proposed All Cancels Report.

⁶*Id.*

⁷The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the All Cancels Report.

⁸For example, Participant A submits an order that is posted to the Exchange's Book and Participant B at some point thereafter submits a marketable order to execute against Participant A's resting order. Within 500 microseconds of submission of Participant B's order, Participant A sends a cancel message to cancel its resting order. Because Participant B's order is processed at the Matching Engine by the Exchange before Participant A's cancel message, Participant B's order executes against Participant A's resting order. The Missed Cancels Report provides Participant A the data points necessary for that firm to calculate by how much time they missed canceling its resting order.

⁹The report shall not include any trade records or aggressor information.

2025, this date may be subject to change.

2. Statutory Basis

The Exchange believes that the proposed All Cancels Report is consistent with Section 6(b) of the Act,¹⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by market participants and Section 6(b)(8) of the Act, which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.²⁰ This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional All Cancels Report to those interested in paying to receive this report.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed report. The report will allow subscribing firms to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions. It also promotes just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any subscribing firm that chooses to subscribe to the proposed report. As discussed, the proposed report is also not real-time market data products, but rather provide only historical trading data for the

previous trading day, generally on a T+1 basis. In addition, the data in the reports would be specific to the Recipient Firm's messages.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed reports are the sort of market data product that the Commission envisioned when it adopted Regulation NMS.

The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

"[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data."²¹

By removing "unnecessary regulatory restrictions" on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. This proposed addition to the Cboe Timestamping Service (*i.e.*, the All Cancels Reports) provides investors with a new option for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.²²

The proposed report is designed for subscribing firms that are interested in gaining insight into latency in connection with their respective cancel messages. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides

additional information and insight to subscribing market participants regarding their trading activity on the Exchange. More specifically, the proposed report provides greater visibility of cancel behavior and messaging activity—particularly for analyzing cancel patterns across all market scenarios, including those where no trade occurred.

As mentioned above, the previously adopted Missed Cancels Report contains similar trading related data that has been reviewed and approved by the Commission.²³ Specifically, the data points within the reports are identical, with the exception that the Missed Cancels Report also contains the following data points as these are all only applicable when there is a trade record: Execution ID, Trade Condition and Aggressor Order Type.

The Exchange proposes to provide the reports on a voluntary basis and no firm will be required to subscribe to this proposed report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a firm elects to receive, this report. It is entirely a business decision of each firm to subscribe to this report. The Exchange proposes to offer the report as a convenience to firm to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A firm that chooses to subscribe to the reports may discontinue receiving either report at any time if that firm determines that the information contained in the All Cancels Report is no longer useful.

In summary, the proposed report will help to protect a free and open market by providing additional historical data (offered on an optional basis) to the marketplace and by providing investors with greater choices. Additionally, the proposal would not permit unfair discrimination because the proposed reports will be available to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed All Cancels Report will enhance competition by providing a new option for receiving market data to market participants. The proposed Report will also further enhance competition between exchanges by allowing the

¹⁸ 15 U.S.C. 78f.

¹⁹ 15 U.S.C. 78f(b)(5).

²⁰ 15 U.S.C. 78f(b)(8).

²¹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) ("Regulation NMS Adopting Release").

²² See Regulation NMS Adopting Release, *supra*, at 37503.

²³ See *supra* note 17.

Exchange to expand its existing product offerings, which may lead other exchanges who currently offer similar products to do the same.²⁴

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed report, and the Exchange is not required to make this report available to investors. Rather, the Exchange is voluntarily making these reports available, as requested by subscribing firms, and subscribing firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act²⁵ and Rule 19b-4(f)(6) thereunder.²⁶ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative

prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²⁷ and Rule 19b-4(f)(6)(iii) thereunder.²⁸

A proposed rule change filed under Rule 19b-4(f)(6)²⁹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),³⁰ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may introduce this new report by August 25, 2025. The Exchange states that the proposed report does not present any substantive issues not already considered by the Commission. The proposed report includes data fields that are already included in the previously established Missed Cancels Report. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.³¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B)³² of the Act to determine whether the proposed rule

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-C2-2025-021 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-C2-2025-021. 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-C2-2025-021 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-15735 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

²⁴ MIAx Emerald offers a Liquidity Taker Event Report, analogous to the Exchange's Missed Liquidity Report under its Choe Timestamping Services. See MIAx Emerald Rule 531. Although not clearly defined, the Exchange believes that MIAx Emerald's Liquidity Taker Event Report also provides information relating to cancel messages. Particularly, MIAx Emerald Liquidity Taker Event Report provides, among other things, data relating to the "type of each response submitted by the Recipient Member." See MIAx Emerald Rule 5.31(a)(iii)(C). MIAx Emerald's technical specifications outline the various types of available liquidity messages including, Simple Mass Quote Cancel Request and Mass Liquidity Cancel Request. See MIAx Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 4.1 (Liquidity Messages), available at: mioxglobal.com. The Exchange also believes that providing the same data points for cancel messages as the data provided for orders messages is of no materials consequence as the Missed Cancels Report serves a similar purpose as the Missed Liquidity Report—providing TPHs additional information to better understand the efficacy of their incoming orders and cancel messages.

²⁵ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁶ 17 CFR 240.19b-4(f)(6).

²⁷ 15 U.S.C. 78s(b)(3)(A).

²⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁹ 17 CFR 240.19b-4(f)(6).

³⁰ 17 CFR 240.19b-4(f)(6)(iii).

³¹ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

³² 15 U.S.C. 78s(b)(2)(B).

³³ 17 CFR 200.30-3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103714; File No. SR–CboeBZX–2025–112]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Market Data Report

August 14, 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 August 5, 2025, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 Rule 11.22 (Data Products) to adopt an additional report as part of the existing Cboe Timestamping Service reports.

The text of the proposed rule change is available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/) and at the Exchange’s Office of the Secretary.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.22 (Data Products) to adopt an additional report as part of the existing Cboe Timestamping Service reports. The

Cboe Timestamping Service reports provide timestamp information for orders and cancels for market participants. More specifically, the Cboe Timestamping Service reports provide various timestamps relating to the message lifecycle throughout the exchange system. The first report that is currently offered—the Missed Liquidity Report—covers order messages and the second report—Cancels Report³—covers cancel messages.

The Exchange now proposes to introduce the All Cancel Report which is intended to supplement the existing Missed Cancels Report⁴ by offering a comprehensive view of cancel behavior and messaging activity. In comparison to the existing Missed Cancels Report, the All Cancels Report will include all cancel-related messages sent by the subscriber, irrespective of whether the cancel attempt was successful or associated with a trade event.

These reports are optional products that will be available to all subscribers⁵ and subscribers may opt to choose multiple reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.⁶

The Exchange notes that the data included in the proposed report will be based only on the data of the market participant that opts to subscribe to the report (“Recipient Firm”) and will not include information related to any firm other than the Recipient Firm. The Exchange will restrict all other market participants from receiving another market participant’s data. Additionally, the proposed report does not include real-time market data. Rather, the proposed report will contain historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis.

Currently, the Exchange provides the Missed Liquidity and Missed Cancel Reports and now proposes to introduce the All Cancels Report in response to demand for additional data concerning

the timeliness of all cancel-related messages sent by the subscriber, irrespective of whether the cancel attempt was successful or associated with a trade event. The Exchange believes the additional data points outlined below may help subscribing firms gain a better understanding about their interactions with the Exchange. The Exchange believes these reports will provide subscribing firms with an opportunity to learn more about better opportunities to improve order cancel success. The proposed report will also increase transparency and democratize information so that all subscribing firms that subscribe to the report have access to the same information on an equal basis.

The current Missed Cancels Report provides liquidity response time details for orders that rest on the book where the subscribing firm receiving the report attempted to cancel that resting order or any other resting order within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the order that executed against the resting order and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the order that executed against the resting order. For example, if a market participant sends in a cancel message, but an order resting on the Exchange order book was executed prior to the system processing the cancel message, the Missed Cancels Report can assist the market participant in determining by how much time that order missed being canceled instead of executing.⁷

In contrast, the proposed All Cancels Report provides a comprehensive view of cancel behavior and messaging activity when the subscriber is the originator of the cancel-related message.⁸ It is particularly useful for analyzing cancel patterns across all market scenarios, including those where no trade occurred. Cancel, cancel rejected, or purge/mass cancel records for the subscriber are included,

³ In connection with the offering of this new report, the Exchange proposes to modify the title of the current Cancels Report to Missed Cancels Report in order to provide clarity between the existing Cancels Report, and the new proposed All Cancels Report.

⁴ *Id.*

⁵ The Exchange notes that it is introducing a clarifying edit to the existing rule to include Sponsored Participants in connection with its recent filing (SR–CboeBZX–2025–095), noting that a Sponsored Participant may now directly subscribe and be charged the corresponding fees accordingly (in contrast to the Member previously subscribing and passing along such data to the Sponsored Participant).

⁶ The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the All Cancels Report.

⁷ For example, Participant A submits an order that is posted to the Exchange’s Book and Participant B at some point thereafter submits a marketable order to execute against Participant A’s resting order. Within 500 microseconds of submission of Participant B’s order, Participant A sends a cancel message to cancel its resting order. Because Participant B’s order is processed at the Matching Engine by the Exchange before Participant A’s cancel message, Participant B’s order executes against Participant A’s resting order. The proposed Report would provide Participant A the data points necessary for that firm to calculate by how much time they missed canceling its resting order.

⁸ The report shall not include any trade records or aggressor information.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

regardless of their timing or relation to a trade.

The All Cancels Report will include the following data elements for cancels: (1) Message Type;⁹ (2) Date; (3) Firm ID; (4) Session Sub ID; (5) Client Identifier;¹⁰ (6) Cboe Order ID;¹¹ (7) Symbol; (8) Exchange System Timestamps;¹² (9) Matching Unit number;¹³ (10) Queued;¹⁴ and (11) Port Type.¹⁵

The All Cancels Report will enable subscribing market participants to have a deeper analysis of order management behavior across all market scenarios, even when no trade occurs. By highlighting all cancel attempts (successful or not), the All Cancels Report helps firms identify patterns, refine strategies to improve cancel efficiency, and better manage risk and exposure.

The Exchange notes the data information contained within the proposed All Cancels Report is similar to data fields that are included in the existing Missed Cancels Report.¹⁶

Implementation

The Exchange will announce via Exchange Notice the implementation date of the proposed rule change. While the Exchange notes that it proposes to introduce this report on August 25, 2025, this date may be subject to change.

⁹ Represents if it was a cancel, mass cancel or purge, a cancel rejected, or a quote update cancel.

¹⁰ The unique ClOrdID or MassCancelID assigned by the client.

¹¹ The Cboe Order ID is a unique reference number assigned by the Exchange.

¹² Includes Network Discovery Time (which is a network hardware switch timestamp taken at the network capture point); Order Handler NIC Timestamp (which is a hardware timestamp that represents when a BOE order handler server NIC observed the message); Order Handler Received Timestamp (which is software timestamp that represents when the FIX or BOE order handler has begun processing the order after the socket read); Order Handler Send Timestamp (which represents when the FIX or BOE order handler has finished processing the order and begun sending to the matching engine); Matching Engine NIC Timestamp (which is a hardware timestamp that represents when the target matching engine server NIC observed the message); and Matching Engine Transaction Timestamp (which is a software timestamp that represents when the matching engine has started processing an event).

¹³ Represents the matching unit number.

¹⁴ Flag to indicate whether a message was delayed due to message in flight limits (*i.e.*, a limit on the total number of messages in flight between an order handler and a matching engine).

¹⁵ Refers to the port type used by the session to send the applicable message.

¹⁶ See *e.g.* Securities Exchange Act Release No. 100799 (August 21, 2024), 89 FR 68672 (August 27, 2024) (SR-CboeBZX-2024-077) adopting the Missed Cancels Report and Missed Liquidity Report.

2. Statutory Basis

The Exchange believes that the proposed All Cancels Report is consistent with Section 6(b) of the Act,¹⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁸ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by market participants and Section 6(b)(8) of the Act, which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.¹⁹ This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional All Cancels Report to those interested in paying to receive this report.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed report. The report will allow subscribing firms to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions. It also promotes just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any subscribing firm that chooses to subscribe to the proposed report. As discussed, the proposed report is also not real-time market data products, but rather provide only historical trading data for the previous trading day, generally on a T+1 basis. In addition, the data in the reports

would be specific to the Recipient Firm's messages.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed reports are the sort of market data product that the Commission envisioned when it adopted Regulation NMS.

The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

"[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data."²⁰

By removing "unnecessary regulatory restrictions" on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. This proposed addition to the Cboe Timestamping Service (*i.e.*, the All Cancels Reports) provides investors with a new option for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.²¹

The proposed report is designed for subscribing firms that are interested in gaining insight into latency in connection with their respective cancel messages. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants

²⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) ("Regulation NMS Adopting Release").

²¹ See Regulation NMS Adopting Release, *supra*, at 37503.

¹⁷ 15 U.S.C. 78f.

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78f(b)(8).

regarding their trading activity on the Exchange. More specifically, the proposed report provides greater visibility of cancel behavior and messaging activity—particularly for analyzing cancel patterns across all market scenarios, including those where no trade occurred.

As mentioned above, the previously adopted Missed Cancels Report contains similar trading related data that has been reviewed and approved by the Commission.²² Specifically, the data points within the reports are identical, with the exception that the Missed Cancels Report also contains the following data points as these are all only applicable when there is a trade record: Execution ID, Trade Condition and Aggressor Order Type.

The Exchange proposes to provide the reports on a voluntary basis and no firm will be required to subscribe to this proposed report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a firm elects to receive, this report. It is entirely a business decision of each firm to subscribe to this report. The Exchange proposes to offer the report as a convenience to firm to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A firm that chooses to subscribe to the reports may discontinue receiving either report at any time if that firm determines that the information contained in the All Cancels Report is no longer useful.

In summary, the proposed report will help to protect a free and open market by providing additional historical data (offered on an optional basis) to the marketplace and by providing investors with greater choices. Additionally, the proposal would not permit unfair discrimination because the proposed reports will be available to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed All Cancels Report will enhance competition by providing a new option for receiving market data to market participants. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its existing product offerings, which may lead other

exchanges who currently offer similar products to do the same.²³

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed report, and the Exchange is not required to make this report available to investors. Rather, the Exchange is voluntarily making these reports available, as requested by subscribing firms, and subscribing firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act²⁴ and Rule 19b-4(f)(6)²⁵ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the

Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²⁶ and Rule 19b-4(f)(6)²⁷ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)²⁸ normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b-4(f)(6)(iii)²⁹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may introduce this new report by August 25, 2025. The Exchange states that the proposed report does not present any substantive issues not already considered by the Commission. The proposed report includes data fields that are already included in the previously established Missed Cancels Report. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.³⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

²⁶ 15 U.S.C. 78s(b)(3)(A).

²⁷ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁸ *Id.*

²⁹ 17 CFR 240.19b-4(f)(6)(iii).

³⁰ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See U.S.C. 78c(f).

²² See supra note 18. [sic]

²⁴ 15 U.S.C. 78s(b)(3)(A).

²⁵ 17 CFR 240.19b-4(f)(6).

²³ MIAx Emerald offers a Liquidity Taker Event Report, analogous to the Exchange's Missed Liquidity Report under its Cboe Timestamping Services. See MIAx Emerald Rule 531. Although not clearly defined, the Exchange believes that MIAx Emerald's Liquidity Taker Event Report also provides information relating to cancel messages. Particularly, MIAx Emerald Liquidity Taker Event Report provides, among other things, data relating to the "type of each response submitted by the Recipient Member." See MIAx Emerald Rule 5.31(a)(iii)(C). MIAx Emerald's technical specifications outline the various types of available liquidity messages including, Simple Mass Quote Cancel Request and Mass Liquidity Cancel Request. See MIAx Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 4.1 (Liquidity Messages), available at: https://www.miaxglobal.com/sites/default/files/job-files/MIAx_Express_Interface_MEI_v2.2a.pdf. The Exchange also believes that providing the same data points for cancel messages as the data provided for orders messages is of no materials consequence as the Missed Cancels Report serves a similar purpose as the Missed Liquidity Report—providing Members additional information to better understand the efficacy of their incoming orders and cancel messages.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-112 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2025-112. 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-CboeBZX-2025-112 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-15740 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103716; File No. SR-NYSEARCA-2025-06]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 2 to a Proposed Rule Change To List and Trade Shares of the Grayscale Solana Trust Under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares)

August 14, 2025.

On January 24, 2025, NYSE Arca, Inc. ("NYSE Arca") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section

19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the Grayscale Solana Trust under NYSE Arca Rule 8.201-E, Commodity-Based Trust Shares. On February 4, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on February 12, 2025.³

On March 11, 2025, pursuant to Section 19(b)(2) of the Exchange 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 On May 13, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.⁷ On July 28, 2025, pursuant to Section 19(b)(2) of the Exchange Act,⁸ the Commission designated a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change.⁹

On August 25, 2025, the Exchange filed with the Commission Amendment No. 2 to proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. Amendment No. 2 replaces and supersedes the proposed rule change, as modified by Amendment No. 1. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 2, from interested persons.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102372 (Feb. 6, 2025), 90 FR 9470. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nysearca-2025-06/srnysearca202506.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102593, 90 FR 12410 (Mar. 17, 2025). The Commission designated May 13, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Amendment No. 1.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 103030, 90 FR 21363 (May 19, 2025).

⁸ 15 U.S.C. 78s(b)(2).

⁹ See Securities Exchange Act Release No. 103553, 90 FR 36086 (July 31, 2025) (designating October 10, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment No. 1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under NYSE Arca Rule 8.201-E: Grayscale Solana Trust (SOL) (the "Trust").¹⁰ This Amendment No. 2 to SR-NYSEARCA-2025-06 replaces SR-NYSEARCA-2025-06 and Amendment No. 1 thereto as originally filed and supersedes such filings in their entirety. The proposed rule change is available on the Exchange's website at www.nyse.com and at 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Under NYSE Arca Rule 8.201-E, the Exchange may propose to list and/or trade pursuant to unlisted trading privileges "Commodity-Based Trust Shares."¹¹ The Exchange proposes to list and trade shares ("Shares")¹² of the Trust pursuant to NYSE Arca Rule 8.201-E.¹³

¹⁰ The Trust was previously named Grayscale Solana Trust, whose name was changed pursuant to a Certificate of Amendment to the Certificate of Trust of Grayscale Solana Trust filed with the Delaware Secretary of State on November 23, 2021.

¹¹ Commodity-Based Trust Shares are securities issued by a trust that represent investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust.

¹² The Shares are expected to be listed under the ticker symbol "GSOL."

¹³ The descriptions of the Trust, the Shares, and SOL contained herein are based, in part, on the Annual Reports and Quarterly Reports published under Alternative Reporting Standards of the OTC Markets Group Inc. On January 4, 2023, the Trust submitted to the Commission an amended Form D as a business trust. Shares of the Trust have been quoted on OTC Market's OTCQB Marketplace under the symbol "GSOL" since April 17, 2023. On March 7, 2024, the Trust qualified to trade on the OTCQX Best Market. On April 14, 2023 and March 8, 2024,

Continued

³¹ 17 CFR 200.30-3(a)(12), (59).

The Trust is the world's largest Solana ("SOL") investment fund by assets under management as of the date of this filing. The Trust has approximately \$134.2 million in assets under management¹⁴ (representing 0.1% of all SOL in circulation), its Shares trade millions of dollars in daily volume and are held by more than a quarter of a million American investor accounts seeking exposure to SOL without the cost and complexity of purchasing the asset directly. However, because the Trust is not currently listed as an exchange-traded product ("ETP"), the value of the Shares has not been able to closely track the value of the Trust's underlying SOL. The Sponsor thus believes that allowing Shares of the Trust to list and trade on the Exchange as an ETP (*i.e.*, converting the Trust to a spot SOL ETP) would provide other investors with a safe and secure way to invest in SOL on a regulated national securities exchange.

The sponsor of the Trust is Grayscale Investments, LLC ("Sponsor"), a Delaware limited liability company. The Sponsor is a wholly owned subsidiary of Digital Currency Group, Inc. ("Digital Currency Group"). The trustee for the Trust is Delaware Trust Company ("Trustee"). The custodian for the Trust is Coinbase Custody Trust Company, LLC ("Custodian").¹⁵ The administrator and transfer agent of the Trust is expected to be BNY Mellon Asset Servicing, a division of The Bank of New York Mellon (the "Transfer Agent"). The distribution and marketing agent for the Trust is expected to be Foreside Fund Services, LLC (the "Marketing Agent"). The index provider for the Trust is CoinDesk Indices, Inc. (the "Index Provider").

the Trust published annual reports for GSOL for the periods ended December 31, 2022 and December 31, 2023, respectively. On November 11, 2024, August 9, 2024, May 13, 2024, November 10, 2023, August 11, 2023 and May 12, 2023, the Trust published quarterly reports for GSOL for the periods ended September 30, 2024, June 30, 2024, March 31, 2024, September 30, 2023, June 30, 2023, and March 31, 2023, respectively. Reports can be found on OTC Market's website (<https://www.otcmkt.com/stock/GSOL/disclosure>). The Shares will be of the same class and will have the same rights as shares of GSOL. According to the Sponsor, freely tradeable shares of GSOL will remain freely tradeable Shares on the date of the listing of the Shares that are unregistered under the Securities Act. Restricted shares of GSOL will remain subject to private placement restrictions on such date, and the holders of such restricted shares will continue to hold those Shares subject to those restrictions until they become freely tradable Shares.

¹⁴ As of November 22, 2024.

¹⁵ According to the Annual Report, Digital Currency Group owns a minority interest in Coinbase, Inc., which is the parent company of the Custodian, representing less than 1.0% of its equity.

The Trust is a Delaware statutory trust, formed on November 9, 2021, that operates pursuant to a trust agreement between the Sponsor and the Trustee ("Trust Agreement"). The Trust has no fixed termination date.

Operation of the Trust

According to the Annual Report, the Trust's assets consist solely of SOL.¹⁶

Each Share represents a proportional interest, based on the total number of Shares outstanding, in each of the Trust's assets as determined by reference to the Index Price,¹⁷ less the Trust's expenses and other liabilities (which include accrued but unpaid fees and expenses). The Sponsor expects that the market price of the Shares will fluctuate over time in response to the market prices of SOL. In addition, because the Shares reflect the estimated accrued but unpaid expenses of the Trust, the number of SOL represented by a Share will gradually decrease over time as the Trust's SOL are used to pay the Trust's expenses.

The activities of the Trust are limited to (i) issuing "Baskets" (as defined below) in exchange for SOL transferred to the Trust as consideration in connection with creations, (ii) transferring or selling SOL as necessary to cover the "Sponsor's Fee"¹⁸ and/or

¹⁶ The Trust will not hold cash or engage a cash custodian other than in connection with creations and redemptions. The Trust may from time to time come into possession of Incidental Rights and/or IR Virtual Currency by virtue of its ownership of SOL, generally through a fork in the Solana Blockchain, an airdrop offered to holders of SOL or other similar event. "Incidental Rights" are rights to acquire, or otherwise establish dominion and control over, any virtual currency or other asset or right, which rights are incident to the Trust's ownership of SOL and arise without any action of the Trust, or of the Sponsor or Trustee on behalf of the Trust. "IR Virtual Currency" is any virtual currency tokens, or other asset or right, acquired by the Trust through the exercise (subject to the applicable provisions of the Trust Agreement) of any Incidental Right. Although the Trust is permitted to take certain actions with respect to Incidental Rights and IR Virtual Currency in accordance with its Trust Agreement, at this time the Trust will prospectively irrevocably abandon any Incidental Rights and IR Virtual Currency. In the event the Trust seeks to change this position, the Exchange would file a subsequent proposed rule change with the Commission.

¹⁷ The "Index Price" means the U.S. dollar value of a SOL derived from the Digital Asset Trading Platforms (as defined below) that are reflected in the CoinDesk Solana Price Index (SLX), calculated at 4:00 p.m., New York time, on each business day. For purposes of the Trust Agreement, the term Solana Index Price has the same meaning as the Index Price as defined herein.

¹⁸ The Sponsor's Fee means a fee, payable in SOL, which accrues daily in U.S. dollars at an annual rate of currently 2.5%, but which will be lowered in connection with the Trust becoming an ETP, of the NAV Fee Basis Amount of the Trust as of 4:00 p.m., New York time, on each day, provided that for a day that is not a business day, the calculation of the Sponsor's Fee will be based on the NAV Fee

certain Trust expenses, (iii) transferring SOL in exchange for Baskets surrendered for redemption (subject to obtaining regulatory approval from the Commission and approval of the Sponsor), (iv) causing the Sponsor to sell SOL on the termination of the Trust, and (v) engaging in all administrative and security procedures necessary to accomplish such activities in accordance with the provisions of the Trust Agreement, the Custodian Agreement, the Index License Agreement, and the Participant Agreements (each as defined below).

The Trust will not be actively managed. It will not engage in any activities designed to obtain a profit from, or to ameliorate losses caused by, changes in the market prices of SOL.

The Trust is not a registered investment company under the Investment Company Act and the Sponsor believes that the Trust is not required to register under the Investment Company Act.

Investment Objective

According to the Annual Report, and as further described below, the Trust's investment objective is for the value of the Shares (based on SOL per Share) to reflect the value of the SOL held by the Trust, determined by reference to the Index Price, less the Trust's expenses and other liabilities. While an investment in the Shares is not a direct investment in SOL, the Shares are designed to provide investors with a cost-effective and convenient way to gain investment exposure to SOL. Generally speaking, a substantial direct investment in SOL may require expensive and sometimes complicated arrangements in connection with the acquisition, security and safekeeping of the SOL and may involve the payment of substantial fees to acquire such SOL from third-party facilitators through cash payments of U.S. dollars. Because the value of the Shares is correlated with the value of SOL held by the Trust, it is important to understand the investment attributes of, and the market for, SOL.

The Trust uses the Index Price to calculate its "NAV," which is the aggregate value, expressed in U.S. dollars, of the Trust's assets (other than U.S. dollars or other fiat currency), less the U.S. dollar value of the Trust's

Basis Amount from the most recent business day, reduced by the accrued and unpaid Sponsor's Fee for such most recent business day and for each day after such most recent business day and prior to the relevant calculation date. The "NAV Fee Basis Amount" is calculated in the manner set forth under "Valuation of SOL and Determination of NAV" below.

expenses and other liabilities calculated in the manner set forth under “Valuation of SOL and Determination of NAV.” “NAV per Share” is calculated by dividing NAV by the number of Shares then outstanding.

Valuation of SOL and Determination of NAV

The following is a description of the material terms of the Trust Agreement as they relate to valuation of the Trust’s SOL and the NAV calculations.¹⁹

On each business day at 4:00 p.m., New York time, or as soon thereafter as practicable (the “Evaluation Time”), the Sponsor will evaluate the SOL held by the Trust and calculate and publish the NAV of the Trust. To calculate the NAV, the Sponsor will:

1. Determine the Index Price as of such business day.
2. Multiply the Index Price by the Trust’s aggregate number of SOL owned by the Trust as of 4:00 p.m., New York time, on the immediately preceding day, less the aggregate number of SOL payable as the accrued and unpaid Sponsor’s Fee as of 4:00 p.m., New York time, on the immediately preceding day.
3. Add the U.S. dollar value of SOL, calculated using the Index Price, receivable under pending creation orders, if any, determined by multiplying the number of the Baskets represented by such creation orders by the Basket Amount and then multiplying such product by the Index Price.²⁰
4. Subtract the U.S. dollar amount of accrued and unpaid Additional Trust Expenses, if any.²¹
5. Subtract the U.S. dollar value of the SOL, calculated using the Index Price, to be distributed under pending redemption orders, if any, determined by multiplying the number of Baskets to be redeemed represented by such redemption orders by the Basket Amount and then multiplying such product by the Index Price (the amount

derived from steps 1 through 5 above, the “NAV Fee Basis Amount”).

6. Subtract the U.S. dollar amount of the Sponsor’s Fee that accrues for such business day, as calculated based on the NAV Fee Basis Amount for such business day.

In the event that the Sponsor determines that the primary methodology used to determine the Index Price is not an appropriate basis for valuation of the Trust’s SOL, the Sponsor will utilize the cascading set of rules as described in “Determination of the Index Price When Index Price is Unavailable” below.

SOL and the Solana Network²²

According to the Annual Report, SOL is a digital asset that is created and transmitted through the operations of the peer-to-peer Solana Network, a decentralized network of computers that operates on cryptographic protocols. No single entity owns or operates the Solana Network, the infrastructure of which is collectively maintained by a decentralized user base. The Solana Network allows people to exchange tokens of value, called SOL, which are recorded on a public transaction ledger known as a blockchain. SOL can be used to pay for goods and services, including computational power on the Solana Network, or it can be converted to fiat currencies, such as the U.S. dollar, at rates determined on Digital Asset Trading Platforms or in individual end-user-to-end-user transactions under a barter system. Furthermore, the Solana Network was designed to allow users to write and implement smart contracts—that is, general-purpose code that executes on every computer in the network and can instruct the transmission of information and value based on a sophisticated set of logical conditions. Using smart contracts, users can create markets, store registries of debts or promises, represent the ownership of property, move funds in accordance with conditional instructions and create digital assets other than SOL on the Solana Network. Smart contract operations are executed on the Solana Blockchain in exchange for payment of SOL. Like the Ethereum network, the Solana Network is one of a number of projects intended to expand blockchain use beyond just a peer-to-peer money system.

The Solana protocol introduced the Proof-of-History (“PoH”) timestamping mechanism. PoH automatically orders on-chain transactions by creating a

historical record that proves an event has occurred at a specific moment in time. PoH is intended to provide a transaction processing speed and capacity advantage over other blockchain networks like Bitcoin and Ethereum, which rely on sequential production of blocks and can lead to delays caused by validator confirmations. PoH is a new blockchain technology that is not widely used. PoH may not function as intended. For example, it may require more specialized equipment to participate in the network and fail to attract a significant number of users. In addition, there may be flaws in the cryptography underlying PoH, including flaws that affect functionality of the Solana Network or make the network vulnerable to attack.

In addition to the PoH mechanism described above, the Solana Network uses a proof-of-stake consensus mechanism to incentivize SOL holders to validate transactions. Unlike proof-of-work, in which miners expend computational resources to compete to validate transactions and are rewarded coins in proportion to the amount of computational resources expended, in proof-of-stake, validators risk or “stake” coins to compete to be randomly selected to validate transactions and are rewarded coins in proportion to the amount of coins staked. Any malicious activity, such as disagreeing with the eventual consensus or otherwise violating protocol rules, results in the forfeiture or “slashing” of a portion of the staked coins. Proof-of-stake is viewed as more energy efficient and scalable than proof-of-work and is sometimes referred to as “virtual mining.”

The Solana protocol was first conceived by Anatoly Yakovenko in a 2017 whitepaper. Development of the Solana Network is overseen by the Solana Foundation, a Swiss non-profit organization, and Solana Labs, Inc. (the “Company”), a Delaware corporation, which administered the original network launch and token distribution.

Although the Company and the Solana Foundation continue to exert significant influence over the direction of the development of Solana, the Solana Network, like the Ethereum network, is decentralized and does not require governmental authorities or financial institution intermediaries to create, transmit or determine the value of SOL.

As described in the Annual Report, depending on its characteristics, a digital asset may be considered a “security” under the federal securities laws. The test for determining whether

¹⁹ While the Sponsor uses the terminology “NAV” in this filing, the term used in the Trust Agreement is “Digital Asset Holdings.”

²⁰ “Baskets” and “Basket Amount” have the meanings set forth in “Creation and Redemption of Shares” below.

²¹ A “Digital Asset Market” is a “Brokered Market,” “Dealer Market,” “Principal-to-Principal Market” or “Exchange Market,” as each such term is defined in the Financial Accounting Standards Board Accounting Standards Codification Master Glossary. The “Digital Asset Trading Platform Market” is the global trading platform market for the trading of SOL, which consists of transactions on electronic Digital Asset Trading Platforms. A “Digital Asset Trading Platform” is an electronic marketplace where trading participants may trade, buy and sell SOL based on bid-ask trading. The largest Digital Asset Trading Platforms are online and typically trade on a 24-hour basis, publishing transaction price and volume data.

²² The description of SOL and the Solana Network in this section was provided by the Sponsor and is based on the Annual Report.

a particular digital asset is a “security” is complex and difficult to apply, and the outcome is difficult to predict. Public, though non-binding, statements by senior officials at the SEC have indicated that the SEC does not consider Bitcoin or Ether to be securities. In addition, the SEC, by action through delegated authority approving the exchange rule filings to list shares of trusts holding Ether as commodity-based ETPs, appears to have implicitly taken the view that Ether is not a security. The SEC staff has also provided informal assurances via no-action letter to a handful of promoters that their digital assets are not securities. On the other hand, the SEC has brought enforcement actions against the issuers and promoters of several other digital assets on the basis that the digital assets in question are securities. More recently, the SEC has also brought enforcement actions against Digital Asset Trading Platforms for operating unregistered securities exchanges on the basis that certain of the digital assets traded on their platforms are securities, including SOL.

As part of determining whether SOL is a security, or transactions in SOL by the Sponsor are securities transactions, for purposes of the federal securities laws, the Sponsor takes into account a number of factors, including the various definitions of “security” under the federal securities laws and federal court decisions interpreting elements of these definitions, such as the U.S. Supreme Court’s decisions in the *Howey* and *Reves* cases and their progeny, as well as reports, orders, press releases, public statements and speeches by the SEC, its commissioners and its staff providing guidance on when a digital asset, or offer and sale of a digital asset, may be a security for purposes of the federal securities laws. Finally, the Sponsor discusses the security status of SOL and the Sponsor’s transactions in SOL with external counsel, and has received a memorandum regarding the status of SOL and the Sponsor’s transactions in SOL under the federal securities laws from external counsel. Through this process the Sponsor believes that it is applying the proper legal standards in determining that SOL is not a security in light of the uncertainties inherent in the *Howey* and *Reves* tests.

Smart Contracts and Development on the Solana Network

Smart contracts are programs that run on a blockchain that can execute automatically when certain conditions are met. Smart contracts facilitate the exchange of anything representative of value, such as money, information,

property, or voting rights. Using smart contracts, users can send or receive digital assets, create markets, store registries of debts or promises, represent ownership of property or a company, move funds in accordance with conditional instructions and create new digital assets.

Development on the Solana Network involves building more complex tools on top of smart contracts, such as decentralized apps (“DApps”) and organizations that are autonomous, known as decentralized autonomous organizations (“DAOs”). For example, a company that distributes charitable donations on behalf of users could hold donated funds in smart contracts that are paid to charities only if the charity satisfies certain pre-defined conditions.

In total, as of December 31, 2023, more than 200 DApps are currently built on the Solana Network, including DApps in the collectible non-fungible token, gaming, music streaming, and decentralized finance categories.

Additionally, the Solana Network has been used for decentralized finance (“DeFi”), or open finance platforms, which seek to democratize access to financial services, such as borrowing, lending, custody, trading, derivatives and insurance, by removing third-party intermediaries. DeFi can allow users to lend and earn interest on their digital assets, exchange one digital asset for another and create derivative digital assets such as stablecoins, which are digital assets pegged to a reserve asset such as fiat currency. As of December 31, 2023, approximately \$1.42 billion was being used as collateral on DeFi platforms.

In addition, the Solana Network and other smart contract platforms have been used for creating non-fungible tokens, or NFTs. Unlike digital assets native to smart contract platforms which are fungible and enable the payment of fees for smart contract execution. Instead, NFTs allow for digital ownership of assets that convey certain rights to other digital or real world assets. This new paradigm allows users to own rights to other assets through NFTs, which enable users to trade them with others on the Solana Network. For example, an NFT may convey rights to a digital asset that exists in an online game or a DApp, and users can trade their NFT in the DApp or game, and carry them to other digital experiences, creating an entirely new free-market internet-native economy that can be monetized in the physical world.

Overview of the Solana Network’s Operations

In order to own, transfer or use SOL directly on the Solana Network (as opposed to through an intermediary, such as a custodian), a person generally must have internet access to connect to the Solana Network. SOL transactions may be made directly between end-users without the need for a third-party intermediary. To prevent the possibility of double-spending SOL, a user must notify the Solana Network of the transaction by broadcasting the transaction data to its network peers. The Solana Network provides confirmation against double-spending by memorializing every transaction in the Solana Blockchain, which is publicly accessible and transparent. This memorialization and verification against double-spending is accomplished through the Solana Network validation process, which adds “blocks” of data, including recent transaction information, to the Solana Blockchain. Unlike other blockchains that rely solely on sequential production of blocks through PoW or PoS mechanisms, however, the Solana Network introduces PoH, which creates a historical record that proves an event has occurred at a specific moment in time.

Summary of a SOL Transaction

Prior to engaging in SOL transactions directly on the Solana Network, a user generally must first install on its computer or mobile device a Solana Network software program that will allow the user to generate a private and public key pair associated with a SOL address. The Solana Network software program and the SOL address also enable the user to connect to the Solana Network and transfer SOL to, and receive SOL from, other users.

Each Solana Network address, or wallet, is associated with a unique “public key” and “private key” pair. To receive SOL, the SOL recipient must provide its public key to the party initiating the transfer. This activity is analogous to a recipient for a transaction in U.S. dollars providing a routing address in wire instructions to the payor so that cash may be wired to the recipient’s account. The payor approves the transfer to the address provided by the recipient by “signing” a transaction that consists of the recipient’s public key with the private key of the address from where the payor is transferring the SOL. The recipient, however, does not make public or provide to the sender its related private key.

Neither the recipient nor the sender reveal their private keys in a transaction, because the private key authorizes transfer of the funds in that address to other users. Therefore, if a user loses his or her private key, the user may permanently lose access to the SOL contained in the associated address. Likewise, SOL is irretrievably lost if the private key associated with them is deleted and no backup has been made. When sending SOL, a user's Solana Network software program must validate the transaction with the associated private key. In addition, since every computation on the Solana Network requires processing power, there is a transaction fee involved with the transfer that is paid by the payor. The resulting digitally validated transaction is sent by the user's Solana Network software program to the Solana Network validators to allow transaction confirmation.

Solana Network validators record and confirm transactions when they validate and add blocks of information to the Solana Blockchain. When a validator is selected to validate a block, it creates that block, which includes data relating to (i) the verification of newly submitted and accepted transactions and (ii) a reference to the prior block in the Solana Blockchain to which the new block is being added. The validator becomes aware of outstanding, unrecorded transactions through the data packet transmission and distribution discussed above.

Upon the addition of a block of SOL transactions, the Solana Network software program of both the spending party and the receiving party will show confirmation of the transaction on the Solana Blockchain and reflect an adjustment to the SOL balance in each party's Solana Network public key, completing the SOL transaction. Once a transaction is confirmed on the Solana Blockchain, it is irreversible.

Some SOL transactions are conducted "off-blockchain" and are therefore not recorded in the Solana Blockchain. These "off-blockchain transactions" involve the transfer of control over, or ownership of, a specific digital wallet holding SOL or the reallocation of ownership of certain SOL in a pooled-ownership digital wallet, such as a digital wallet owned by a Digital Asset Trading Platform. In contrast to on-blockchain transactions, which are publicly recorded on the Solana Blockchain, information and data regarding off-blockchain transactions are generally not publicly available. Therefore, off-blockchain transactions are not truly SOL transactions in that they do not involve the transfer of

transaction data on the Solana Network and do not reflect a movement of SOL between addresses recorded in the Solana Blockchain. For these reasons, off-blockchain transactions are subject to risks as any such transfer of SOL ownership is not protected by the protocol behind the Solana Network or recorded in, and validated through, the blockchain mechanism.

Initial Creation of SOL

Unlike other digital assets such as Bitcoin, which are solely created through a progressive mining process, 500 million SOL were created in connection with the launch of the Solana Network. The initial 500 million SOL were distributed as follows:

- *Investors*: 189 million SOL, or 37.8% of the supply, was sold in private sales to venture capital and other investors conducted between 2018 to 2021.
- *Solana Foundation*: 52 million SOL, or 10.4% of the supply, was distributed to the Solana Foundation for operational costs incurred in the development of the Solana Network.
- *Solana Labs, Inc.*: 64 million SOL, or 12.8% of the supply, was retained by Solana Labs to be used, at least in part, to compensate the employees of Solana Labs.
- *Community*: 195 million SOL, or 39.0% of the supply, was distributed to the Solana Foundation to be deployed as bounties, incentive programs, marketing and grants.

Following the launch of the Solana Network, SOL supply increases through a progressive minting process.

SOL Supply

The rate at which new SOL supply has been minted and put into circulation has varied since network launch. Additionally, the Solana protocol reduces the SOL supply by eliminating 50% of transaction fees paid to the network. As a result, net changes in SOL supply are expected to vary in the future.

At network launch, the SOL circulating supply was 8 million SOL. Between network launch and December 31, 2023, the circulating supply of SOL increased by roughly 5,266% to approximately 429 million SOL.

In February 2021, the SOL supply inflation rate was changed from 0.1% to a new initial inflation rate of 8%. The 8% initial inflation rate is scheduled to decline in 15% increments until a long-term inflation rate of 1.5% is reached. As of December 31, 2023, the SOL supply issuance rate was approximately 5.6% on an annual basis before any offsets for eliminated transaction fees.

Modifications to the SOL Protocol

Historically the Solana Network's development has been overseen by Solana Labs, the Solana Foundation and other core developers. The Solana Foundation and core developers are able to access and alter the Solana Network source code and, as a result, they are responsible for quasi-official releases of updates and other changes to the Solana Network's source code.

For example, in March 2020, the Solana Network launched the Mainnet Beta version of the Solana Network, one month after launching the testnet, Tour de SOL. Solana Labs led the development of these reference implementations.

The release of updates to the Solana Network's source code does not guarantee that the updates will be automatically adopted. Users and nodes must accept any changes made to the Solana source code by downloading the proposed modification of the Solana Network's source code. A modification of the Solana Network's source code is only effective with respect to the Solana users that download it. If a modification is accepted only by a percentage of users and validators, a division in the Solana Network will occur such that one network will run the pre-modification source code and the other network will run the modified source code. Such a division is known as a "fork." Consequently, as a practical matter, a modification to the source code becomes part of the Solana Network only if accepted by participants collectively having a majority of the processing power on the Solana Network.

Core development of the Solana source code has increasingly focused on modifications of the Solana protocol to increase speed and scalability and also allow for financial and non-financial next generation uses. The Trust's activities will not directly relate to such projects, though such projects may utilize SOL as tokens for the facilitation of their non-financial uses, thereby potentially increasing demand for SOL and the utility of the Solana Network as a whole. Conversely, projects that operate and are built within the Solana Blockchain may increase the data flow on the Solana Network and could either "bloat" the size of the Solana Blockchain or slow confirmation times.

Forms of Attack Against the Solana Network

All networked systems are vulnerable to various kinds of attacks. As with any computer network, the Solana Network contains certain flaws. For example, the

Solana Network is currently vulnerable to a “51% attack” where, if a party or group were to gain control of more than 50% of the staked SOL, a malicious actor would be able to gain full control of the network and the ability to manipulate the Solana Blockchain. As of December 31, 2023, the top three largest staking pools controlled approximately 93.5% of the SOL staked on the Solana Network.

In addition, many digital asset networks have been subjected to a number of denial of service attacks, which has led to temporary delays in block creation and in the transfer of SOL.

For example, on September 14, 2021, the Solana Network experienced a significant disruption, later attributed to a type of denial of service attack, and was offline for 17 hours, only returning to full functionality 24 hours later. While persons associated with Solana Labs and/or the Solana Foundation are understood to have played a key role in bringing the network back online, the broader community also played a key role, as Solana validators coordinated to upgrade and restart the network. Any similar attacks on the Solana Network that impact the ability to transfer SOL could have a material adverse effect on the price of SOL and the value of the Shares.

Custody of the Trust’s SOL

Digital assets and digital asset transactions are recorded and validated on blockchains, the public transaction ledgers of a digital asset network. Each digital asset blockchain serves as a record of ownership for all of the units of such digital asset, even in the case of certain privacy-preserving digital assets, where the transactions themselves are not publicly viewable. All digital assets recorded on a blockchain are associated with a public blockchain address, also referred to as a digital wallet. Digital assets held at a particular public blockchain address may be accessed and transferred using a corresponding private key.

Key Generation

Public addresses and their corresponding private keys are generated by the Custodian in secret key generation ceremonies at secure locations inside faraday cages, which are enclosures used to block electromagnetic fields and thus mitigate against attacks. The Custodian uses quantum random number generators to generate the public and private key pairs.

Once generated, private keys are encrypted, separated into “shards,” and

then further encrypted. After the key generation ceremony, all materials used to generate private keys, including computers, are destroyed. All key generation ceremonies are performed offline. No party other than the Custodian has access to the private key shards of the Trust, including the Trust itself.

Key Storage

Private key shards are distributed geographically in secure vaults around the world, including in the United States. The locations of the secure vaults may change regularly and are kept confidential by the Custodian for security purposes.

The “Digital Asset Account” is a segregated custody account controlled and secured by the Custodian to store private keys, which allows for the transfer of ownership or control of the Trust’s SOL on the Trust’s behalf. The Digital Asset Account uses offline storage, or “cold,” mechanisms to secure the Trust’s private keys. The term cold storage refers to a safeguarding method by which the private keys corresponding to digital assets are disconnected and/or deleted entirely from the internet. Cold storage of private keys may involve keeping such keys on a non-networked (or “air-gapped”) computer or electronic device or storing the private keys on a storage device (for example, a USB thumb drive) or printed medium (for example, papyrus, paper, or a metallic object). A digital wallet may receive deposits of digital assets but may not send digital assets without use of the digital assets’ corresponding private keys. In order to send digital assets from a digital wallet in which the private keys are kept in cold storage, either the private keys must be retrieved from cold storage and entered into an online, or “hot,” digital asset software program to sign the transaction, or the unsigned transaction must be transferred to the cold server in which the private keys are held for signature by the private keys and then transferred back to the online digital asset software program. At that point, the user of the digital wallet can transfer its digital assets.

Security Procedures

The Custodian is the custodian of the Trust’s private keys (which, as noted above, facilitate the transfer of ownership or control of the Trust’s SOL) in accordance with the terms and provisions of the custodian agreement by and between the Custodian, the Sponsor and the Trust (the “Custodian Agreement”). Transfers from the Digital Asset Account require certain security

procedures, including, but not limited to, multiple encrypted private key shards, usernames, passwords and 2-step verification. Multiple private key shards held by the Custodian must be combined to reconstitute the private key to sign any transaction in order to transfer the Trust’s assets. Private key shards are distributed geographically in secure vaults around the world, including in the United States.

As a result, if any one secure vault is ever compromised, this event will have no impact on the ability of the Trust to access its assets, other than a possible delay in operations, while one or more of the other secure vaults is used instead. These security procedures are intended to remove single points of failure in the protection of the Trust’s assets.

Transfers of SOL to the Digital Asset Account will be available to the Trust once processed on the Blockchain.

Subject to obtaining regulatory approval to operate a redemption program and authorization of the Sponsor, the process of accessing and withdrawing SOL from the Trust to redeem a Basket by an Authorized Participant will follow the same general procedure as transferring SOL to the Trust to create a Basket by an Authorized Participant, only in reverse.

The Sponsor will maintain ownership and control of the Trust’s SOL in a manner consistent with good delivery requirements for spot commodity transactions.

Staking

The Sponsor may, from time to time and subject to certain conditions, stake a portion of the Trust’s SOL on behalf of the Trust through one or more staking providers (“Staking Providers”), which may include an affiliate of the Custodian(s). However, the Sponsor will not utilize any Staking Providers that are affiliates of the Sponsor. In consideration for any staking activity in which the Trust may engage, the Trust would receive certain staking rewards of SOL tokens, which may be treated as income to the Trust.

The Staking Process

As described above, the Solana Network’s consensus mechanism is known as proof-of-stake. Proof-of-stake was intended to address the perceived shortcomings of the proof-of-work consensus mechanism in terms of labor intensity and duplicative computational effort expended by validators (known under proof-of-work as “miners”). In a proof-of-work consensus mechanism, each miner competes to be the first in time to solve the cryptographic puzzle

that would allow it to be the only validator permitted to validate the block and thus be the only one to receive the resulting block reward. Miners who are not first in time (and thus are not permitted to be validators) will have expended significant labor and computing power for no direct gain. In the Solana Network's proof-of-stake mechanism, by contrast, a single validator is randomly selected to solve the cryptographic puzzle needed to validate a block, which it proposes to a committee of other validators, who vote for whether to include the block (or not). This proof-of-stake system reduces the computational work performed—and energy expended—to validate each block compared to proof-of-work.

New SOL is created as a result of each new block being added to the Solana Network's blockchain. Each validator is required to stake SOL in order to be selected to perform validation activities and then once selected, as a reward, it earns newly created SOL. Validation activities include verifying transactions, storing data, and adding to the Solana blockchain. To operate a validator on the Solana blockchain, a validator operator must be supported by staked SOL, typically by having SOL "delegated" to their validator. SOL holders can stake by sending a special transaction that designates or "delegates" SOL to an account controlled by such a validator that can vote on blockchain consensus.

Staking by the Sponsor on Behalf of the Trust

The Sponsor may, from time to time, stake a portion of the Trust's SOL on behalf of the Trust through one or more Staking Providers. Subject to the provisions of the "Staking Procedures" section below, the Sponsor expects to maintain sufficient liquidity in the Trust to satisfy existing and reasonably foreseen redemptions.²³ The SOL staked by the Sponsor on behalf of the Trust will consist exclusively of SOL owned by the Trust.

First, the Sponsor will only stake the SOL held by the Trust. The Sponsor will not seek to pool the SOL held by the Trust with SOL held by other entities; because staked SOL will remain in the Trust wallet administered by the Custodian, even when staked, the Trust's SOL will not be commingled with the SOL of any other SOL holder in connection with Staking, such as the Staking Provider or the Staking

Provider's other customers, despite the Trust delegating its validation rights to the Staking Provider, which may be in receipt of other SOL holders' validation rights. Second, the Sponsor will not advertise itself as providing any staking services (rather, it will make clear that such staking services are provided by the Staking Provider), or promise any specific level of return from staking, or solicit delegated stakes from entities other than the Trust. Third, the Sponsor has stated that it is staking the Trust's SOL solely in order to maximize the Trust's revenue generation opportunities, and to generate returns for the Trust's shareholders. Fourth, the Sponsor will not bear or subsidize the risk of slashing on behalf of the Trust. Staking by the Sponsor will not result in the SOL held by the Trust moving out of the custody of the Custodian. In order to stake the Trust's SOL, the Sponsor will use an interface through which an entity can initiate staking by selecting the SOL assets to be staked. The Custodian retains control over the Trust's staked SOL throughout this process, which reduces risk of loss of SOL through theft at the node while the asset is staked (although this process will not reduce the risk of loss of the SOL through slashing).

Staking Procedures

The Sponsor anticipates that the Trust will enter into written agreements ("Staking Arrangements") with its Custodian, which will engage one or more Staking Providers (which may be an affiliate of the Custodian or other third parties) to stake the Trust's SOL.

The Sponsor anticipates that it will engage in staking with respect to all of the Trust's SOL at all times, except as necessary (i) to pay the Sponsor Fee, (ii) to pay any additional Trust expenses, (iii) to satisfy existing and reasonably foreseen potential redemption requests (as described below) as determined by the Sponsor, (iv) to reduce the SOL obtained by the Trust as staking rewards to cash for distribution at regular intervals, (v) if the Sponsor determines that staking raises significant governmental, policy or regulatory concerns or is subject or likely subject to a specialized regulatory regime, (vi) if the Sponsor determines there exists vulnerabilities in the source code or cryptography underlying the Solana Network, (vii) if the Custodian or Staking Provider discontinues their arrangements with the Trust, (viii) if the Sponsor otherwise determines that continued staking of such portion of the Trust's assets would be inconsistent with the Trust's purpose of protecting and preserving the value of the Trust

estate, (ix) to fund or replenish the Liquidity Sleeve (as defined below) or (x) in accordance with any other exception that is expressly contemplated by an opinion from a tax advisor or a relevant tax ruling, in each case, to the effect that engaging in such activity should not cause the Trust to be treated other than a grantor trust for U.S. federal income tax purposes. All SOL received by the Trust in connection with the creation of new Shares, or as staking rewards, would also be staked upon receipt by the Trust, unless one or more of the exceptions described in clauses (i)–(ix) above applies. Moreover, any staked SOL which must be unstaked in order to fulfill a distribution in connection with a redemption (to the extent such distribution cannot be fulfilled utilizing the portion of the Trust's SOL that has not been staked, or through another mechanism to manage liquidity in connection with redemption requests in respect of which the Trust has received an opinion of a tax advisor or a relevant tax ruling) will be unstaked only after the redemption request is approved by the Trust, the Sponsor executes an un-stake or withdrawal transaction through the Custodian, and such transaction is processed by the Solana Network. The Sponsor anticipates that the Solana protocol will permit unstaking of staked SOL on a variable timeline (currently, approximately three days from the time of the unstaking request) (the "Solana Protocol Unstaking Time"). In light of the foregoing, the Sponsor intends to implement the following liquidity procedures, which it believes will ensure that it will satisfy existing and reasonably foreseen redemption requests.

The Sponsor believes the Liquidity Sleeve will be sufficient to satisfy existing and reasonably foreseen redemption requests, but the Sponsor intends to employ the following mechanisms, in order of priority, in the unlikely event that the Liquidity Sleeve alone is insufficient under certain circumstances.

1. *Liquidity Sleeve:*

a. The Sponsor intends to maintain a portion of unstaked SOL in the Trust (the "Liquidity Sleeve"). Because the SOL in the Liquidity Sleeve is freely transferrable, there is no timing mismatch between Trust Share settlement in primary market redemptions and the SOL transfer time. The percentage of the Trust estate comprising the Liquidity Sleeve will be dynamic and subject to adjustment based on anticipated Trust Share primary and secondary market activity and the Solana Protocol Unstaking

²³ The Trust will maintain written liquidity risk policies and procedures that address the risk that it could not meet requests to redeem shares issued by the Trust, including the percentage of the Trust's SOL that would be subject to staking.

Time. As of the date of this filing, the Sponsor anticipates that it can responsibly stake greater than 85% of the Trust’s SOL and hold less than 15% of the Trust estate in the Liquidity Sleeve, but may maintain a greater proportion of the Trust’s SOL in the Liquidity Sleeve from time to time in order to satisfy existing and reasonably foreseen redemption requests.

2. Custodian and Liquidity Provider Financing:

a. The Trust will enter into short-term financing arrangements with its Custodian to provide SOL to the Trust for settlement of trades with the Trust’s Liquidity Provider(s), if necessary. Under this arrangement, the Custodian will deliver unstaked SOL to the Liquidity Provider on the Trust’s behalf while the Trust’s staked SOL undergoes the Solana protocol unstaking process. The Custodian will take ownership of a corresponding quantity of the Trust’s SOL as unstaking is completed (or if the Trust otherwise receives unstaked SOL via a creation order) to cover the Trust’s borrowed position. Any costs associated with financing will be borne by the Authorized Participant.

b. Under a similar model, the Trust will enter into short-term financing arrangements with its Liquidity Provider(s) under which the Liquidity Provider(s) will provide cash on behalf of the Trust for settlement of trades in the ordinary course, while the Trust’s staked SOL undergoes the Solana protocol unstaking process. Under this arrangement, the Trust will deliver SOL to the Liquidity Provider(s) as soon as the unstaked SOL (or unstaked SOL via

a creation order) becomes available to cover the Trust’s borrowed cash position. Any costs associated with financing will be borne by the Authorized Participant.

SOL Value
Digital Asset Trading Platform Valuation

The value of SOL is determined by the value that various market participants place on SOL through their transactions. The most common means of determining the value of a SOL is by surveying one or more Digital Asset Trading Platforms where SOL is traded publicly and transparently (e.g., Coinbase, LMAX Digital, and Kraken).

Digital Asset Trading Platform Public Market Data

On each online Digital Asset Trading Platform, SOL is traded with publicly disclosed valuations for each executed trade, measured by one or more fiat currencies such as the U.S. dollar or euro or by the widely used cryptocurrency Bitcoin. Over-the-counter dealers or market makers do not typically disclose their trade data.

As of September 30, 2024, the Digital Asset Trading Platforms included in the Index were Coinbase, LMAX Digital and Kraken. As further described below, the Sponsor and the Trust reasonably believe each of these Digital Asset Trading Platforms are in material compliance with applicable U.S. federal and state licensing requirements and maintain practices and policies designed to comply with anti-money

laundering (“AML”) and know-your-customer (“KYC”) regulations.

- *Coinbase*: A U.S.-based trading platform registered as a money services business (“MSB”) with the Financial Crimes Enforcement Network (“FinCEN”) and licensed as a virtual currency business under the New York State Department of Financial Services (“NYDFS”) BitLicense as well as a money transmitter in various U.S. states.

- *LMAX Digital*: A U.K.-based trading platform registered as a broker with FCA. LMAX Digital does not hold a BitLicense.

- *Kraken*: A U.S.-based trading platform registered as an MSB with FinCEN and licensed as a money transmitter in various U.S. states. Kraken does not hold a BitLicense.

Currently, there are several Digital Asset Trading Platforms operating worldwide and online Digital Asset Trading Platforms represent a substantial percentage of SOL buying and selling activity and provide the most data with respect to prevailing valuations of SOL. These trading platforms include established trading platforms such as trading platforms included in the Index which provide a number of options for buying and selling SOL. The below table reflects the trading volume in SOL and market share of the SOL–U.S. dollar trading pairs of each of the Digital Asset Trading Platforms included in the Index as of September 30, 2024 (collectively, “Constituent Trading Platforms”), using data since the inception of the Trust’s operations:

SOL trading platforms included in the Index as of September 30, 2024 ¹	Volume (SOL)	Market share ² (%)
Coinbase	1,784,513,563	66.15
Kraken	436,825,854	16.19
LMAX Digital	30,394,040	1.13
Total U.S. Dollar-SOL trading pair	2,251,733,457	83.47

¹ On June 17, 2023, the Index Provider removed Binance.US from the Index due to Binance.US’s announcement that the trading platform was suspending U.S. dollar (“USD”) deposits and withdrawals and planned to delist its USD trading pairs, and added LMAX Digital to the Index due to the trading platform meeting the minimum liquidity requirement. Effective October 27, 2024, the Index Provider added *Crypto.com* to the Index due to the trading platform meeting the Index Provider’s minimum liquidity requirement, and did not remove any Constituent Trading Platforms as part of its scheduled quarterly review.

² Market share is calculated using trading volume (in SOL) for certain Digital Asset Trading Platforms including, Coinbase, LMAX Digital and Kraken, as well as certain other large U.S.-dollar denominated Digital Asset Trading Platforms that were not included in the Index as of September 30, 2024, including Binance.US, Bitfinex, Bitstamp, Bittrex, Cex.io, *Crypto.com*, FTX.US, Gate.io, Gemini, itBit, and OKCoin.

The Index and the Index Price

The Index is a U.S. dollar-denominated composite reference rate for the price of SOL. The Index is designed to (1) mitigate the effects of fraud, manipulation and other anomalous trading activity from impacting the SOL reference rate, (2) provide a real-time, volume-weighted

fair value of SOL and (3) appropriately handle and adjust for non-market related events.

The Index Price is determined by the Index Provider through a process in which trade data is cleansed and compiled in such a manner as to algorithmically reduce the impact of anomalous or manipulative trading. This is accomplished by adjusting the

weight of each data input based on price deviation relative to the observable set, as well as recent and long-term trading volume at each venue relative to the observable set.

The value of the Index is calculated and disseminated on a 24-hour basis and will be available on a continuous basis at <https://www.coindesk.com/indices>.

Constituent Trading Platform Selection

According to the Annual Report, the Digital Asset Trading Platforms that are included in the Index are selected by the Index Provider utilizing a methodology that is guided by the International Organization of Securities Commissions (“IOSCO”) principles for financial benchmarks. For a trading platform to become a Constituent Trading Platform, it must satisfy each of the criteria listed below (the “Inclusion Criteria”):

- Sufficient USD or USDC liquidity relative to the size of the listed assets;
- No evidence in the past 12 months of trading restrictions on individuals or entities that would otherwise meet the trading platform’s eligibility requirements to trade;
- No evidence in the past 12 months of undisclosed restrictions on deposits or withdrawals from user accounts;
- Real-time price discovery;
- Limited or no capital controls;²⁴
- Transparent ownership including a publicly-known ownership entity;
- Publicly available language and policies addressing legal and regulatory compliance in the U.S., including KYC (Know Your Customer), AML (Anti-Money Laundering) and other policies designed to comply with relevant regulations that might apply to it;
- Be a trading platform that is licensed and able to service investors in one or more of the following jurisdictions:

- United States
- United Kingdom
- European Union
- Hong Kong
- Singapore

- Offer programmatic spot trading of the trading pair²⁵ and reliably publish trade prices and volumes on a real-time basis through Rest and Websocket APIs.

A Digital Asset Trading Platform is removed as a Constituent Trading Platform when it no longer satisfies the Inclusion Criteria. The Index Provider does not currently include data from over-the-counter markets or derivatives platforms among the Constituent Trading Platforms. According to the Annual Report, over-the-counter data is not currently included because of the potential for trades to include a significant premium or discount paid for larger liquidity, which creates an

uneven comparison relative to more active markets. There is also a higher potential for over-the-counter transactions to not be arms-length, and thus not be representative of a true market price.

The Index Provider and the Sponsor have entered into the index license agreement, dated as of February 1, 2022 (as amended, the “Index License Agreement”), governing the Sponsor’s use of the Index Price.²⁶ Pursuant to the terms of the Index License Agreement, the Index Provider may adjust the calculation methodology for the Index Price without notice to, or consent of, the Trust or its shareholders. The Index Provider may decide to change the calculation methodology to maintain the integrity of the Index Price calculation should it identify or become aware of previously unknown variables or issues with the existing methodology that it believes could materially impact its performance and/or reliability. The Index Provider has sole discretion over the determination of Index Price and may change the methodologies for determining the Index Price from time to time. Shareholders will be notified of any material changes to the calculation methodology or the Index Price in the Trust’s current reports and will be notified of all other changes that the Sponsor considers significant in the Trust’s periodic or current reports. The Sponsor will determine the materiality of any changes to the Index Price on a case-by-case basis, in consultation with external counsel.

The Index Provider may change the trading venues that are used to calculate the Index or otherwise change the way in which the Index is calculated at any time. For example, the Index Provider has scheduled quarterly reviews in which it may add or remove Constituent Trading Platforms that satisfy or fail the Inclusion Criteria. The Index Provider does not have any obligation to consider the interests of the Sponsor, the Trust, the shareholders, or anyone else in connection with such changes. While the Index Provider is not required to publicize or explain the changes or to alert the Sponsor to such changes, it has historically notified the Trust (and other subscribers to the Index) of any material changes to the Constituent Trading Platforms, including any additions or removals, contemporaneous with its issuance of press releases in connection with the same. The Sponsor will notify investors of any such material event by

filing a current report on Form 8–K. Although the Index methodology is designed to operate without any manual intervention, rare events would justify manual intervention. Intervention of this kind would be in response to non-market-related events, such as the halting of deposits or withdrawals of funds on a Digital Asset Trading Platform, the unannounced closure of operations on a Digital Asset Trading Platform, insolvency or the compromise of user funds. In the event that such an intervention is necessary, the Index Provider would issue a public announcement through its website, API and other established communication channels with its clients.

Determination of the Index Price

The Index applies an algorithm to the price of SOL on the Constituent Trading Platforms calculated on a per second basis over a 24-hour period. The Index’s algorithm is expected to reflect a four-pronged methodology to calculate the Index Price from the Constituent Trading Platforms:

- *Volume Weighting*: Constituent Trading Platforms with greater liquidity receive a higher weighting in the Index, increasing the ability to execute against (*i.e.*, replicate) the Index in the underlying spot markets.

- *Price-Variance Weighting*: The Index Price reflects data points that are discretely weighted in proportion to their variance from the rest of the Constituent Trading Platforms. As the price at a particular trading platform diverges from the prices at the rest of the Constituent Trading Platforms, its weight in the Index Price consequently decreases.

- *Inactivity Adjustment*: The Index Price algorithm penalizes stale activity from any given Constituent Trading Platform. When a Constituent Trading Platform does not have recent trading data, its weighting in the Index Price is gradually reduced until it is de-weighted entirely. Similarly, once trading activity at a Constituent Trading Platform resumes, the corresponding weighting for that Constituent Trading Platform is gradually increased until it reaches the appropriate level.

- *Manipulation Resistance*: In order to mitigate the effects of wash trading and order book spoofing, the Index only includes executed trades in its calculation. Additionally, the Index only includes Constituent Trading Platforms that charge trading fees to its users in order to attach a real, quantifiable cost to any manipulation attempts.

The Index Provider re-evaluates the weighting algorithm on a periodic basis,

²⁴ “Capital controls” in this context means governmental sanctions that would limit the movement of capital into, or out of, the jurisdiction in which such Digital Asset Trading Platforms operate.

²⁵ Trading platforms with programmatic trading offer traders an application programming interface that permits trading by sending programmed commands to the trading platform.

²⁶ Upon entering into the Index License Agreement, the Sponsor and the Index Provider terminated the license agreement between the parties dated as of February 28, 2019.

but maintains discretion to change the way in which an Index Price is calculated based on its periodic review or in extreme circumstances and does not make the exact methodology to calculate the Index Price publicly available. Nonetheless, the Sponsor believes that the Index is designed to limit exposure to trading or price distortion of any individual Digital Asset Trading Platform that experiences periods of unusual activity or limited liquidity by discounting, in real-time, anomalous price movements at individual Digital Asset Trading Platforms.

The Sponsor believes the Index Provider's selection process for Constituent Trading Platforms as well as the methodology of the Index Price's algorithm provides a more accurate picture of SOL price movements than a simple average of Digital Asset Trading Platform spot prices, and that the weighting of SOL prices on the Constituent Trading Platforms limits the inclusion of data that is influenced by temporary price dislocations that may result from technical problems, limited liquidity or fraudulent activity elsewhere in the SOL spot market. By referencing multiple trading venues and weighting them based on trade activity, the Sponsor believes that the impact of any potential fraud, manipulation or anomalous trading activity occurring on any single venue is reduced.

If the Index Price becomes unavailable, or if the Sponsor determines in good faith that such Index Price does not reflect an accurate price for SOL, then the Sponsor will, on a best efforts basis, contact the Index Provider to obtain the Index Price directly from the Index Provider. If after such contact such Index Price remains unavailable or the Sponsor continues to believe in good faith that such Index Price does not reflect an accurate price for SOL, then the Sponsor will employ a cascading set of rules to determine the Index Price, as described below in "Determination of the Index Price When Index Price Is Unavailable."

The Trust values its SOL for operational purposes by reference to the Index Price. The Index Price is the value of SOL as represented by the Index, calculated at 4:00 p.m., New York time, on each business day.

Illustrative Example

For the purposes of illustration, outlined below are examples of how the attributes that impact weighting and adjustments in the aforementioned methodology may be utilized to generate the Index Price for a digital asset. For example, Constituent Trading Platforms

used to calculate the Index Price of the digital asset may include trading platforms such as Coinbase, Kraken, LMAX Digital, and *Crypto.com*.

The Index Price algorithm, as described above, accounts for manipulation at the outset by only including data from executed trades on Constituent Trading Platforms that charge trading fees. Then, the below-listed elements may impact the weighting of the Constituent Trading Platforms on the Index Price as follows:

- *Volume Weighting:* Each Constituent Trading Platform will be weighted to appropriately reflect the trading volume share of the Constituent Trading Platform relative to all the Constituent Trading Platforms during this same period. For example, an average hourly weighting of 67.06%, 14.57%, 11.88%, and 6.49% for Coinbase, Kraken, LMAX Digital, and Crypto.com, respectively, would represent each Constituent Trading Platform's share of trading volume during the same period.

- *Inactivity Adjustment:* Assume that a Constituent Trading Platform represented a 14% weighting on the Index Price of the digital asset, which is based on the per-second calculations of its trading volume and price-variance relative to the cohort of Constituent Trading Platforms included in such Index, and then went offline for approximately two hours. The index algorithm would automatically recognize inactivity and start de-weighting the Constituent Trading Platform at the 3-minute mark and continue to do so over a 7-minute period until its influence was effectively zero, 10 minutes after becoming inactive. As soon as trading activity resumed at the Constituent Trading Platform, the index algorithm would re-weight it to the appropriate weighting based on trading volume and price-variance relative to the cohort of Constituent Trading Platforms included in the Index. Due to the period of inactivity, it would re-weight the Constituent Trading Platform activity to a weight lower than its original weighting—for example, to 12%.

- *Price-Variance Weighting:* The price-variance weighting adjustment is a relative measure of each Constituent Trading Platform versus the cohort of Constituent Trading Platforms. The further the price at a Constituent Trading Platform is from the mean price of the cohort, the less influence that trading platform's price will have on the algorithm that produces the Index Price, as the trading platform data is discretely weighted in proportion to their variance from the rest of the trading platforms on

a per-second basis and there is no minimum threshold the variance must meet for this adjustment to take place. For example, assume that for a one-hour period, the digital asset's execution prices on one Constituent Trading Platform were trading more than 7% higher than the average execution prices on another Constituent Trading Platform. The algorithm will automatically detect the anomaly (price variance) and reduce that specific Constituent Trading Platform's weighting during that one-hour period, ensuring a reliable spot reference price that is unaffected by the localized event and that is reflective of broader market activity.

Determination of the Index Price When Index Price Is Unavailable

The Sponsor uses the following cascading set of rules to calculate the Index Price when the Index Price is unavailable.²⁷ For the avoidance of doubt, the Sponsor will employ the below rules sequentially and in the order as presented below, should one or more specific rule(s) fail:

1. Index Price = The price set by the Index as of 4:00 p.m., New York time, on the valuation date.²⁸ If the Index becomes unavailable, or if the Sponsor determines in good faith that the Index does not reflect an accurate price, then the Sponsor will, on a best efforts basis, contact the Index Provider to obtain the Index Price directly from the Index Provider. If after such contact the Index remains unavailable or the Sponsor continues to believe in good faith that the Index does not reflect an accurate price, then the Sponsor will employ the next rule to determine the Index Price. There are no predefined criteria to make a good faith assessment and it will be made by the Sponsor in its sole discretion.

2. Index Price = The price set by Coin Metrics Real-Time Rate (the "Secondary Index") as of 4:00 p.m., New York time, on the valuation date (the "Secondary Index Price"). The Secondary Index Price is a real-time reference rate price, calculated using trade data from constituent markets selected by Coin Metrics, Inc. (the "Secondary Index Provider"). The Secondary Index Price is calculated by applying weighted-median techniques to such trade data where half the weight is derived from the trading volume on each constituent market and half is derived from inverse price variance, where a constituent

²⁷ The Sponsor updated these rules on January 11, 2022.

²⁸ The valuation date is any day for which the value of the SOL in the Trust may be calculated utilizing the Index Price.

market with high price variance as a result of outliers or market anomalies compared to other constituent markets is assigned a smaller weight. If the Secondary Index becomes unavailable, or if the Sponsor determines in good faith that the Secondary Index does not reflect an accurate price, then the Sponsor will, on a best efforts basis, contact the Secondary Index Provider to obtain the Secondary Index Price directly from the Secondary Index Provider. If after such contact the Secondary Index remains unavailable or the Sponsor continues to believe in good faith that the Secondary Index does not reflect an accurate price, then the Sponsor will employ the next rule to determine the Index Price. There are no predefined criteria to make a good faith assessment and it will be made by the Sponsor in its sole discretion.

3. **Index Price =** The price set by the Trust's principal market (as defined in the Annual Report) (the "Tertiary Pricing Option") as of 4:00 p.m., New York time, on the valuation date. The Tertiary Pricing Option is a spot price derived from the principal market's public data feed that is believed to be consistently publishing pricing information as of 4:00 p.m., New York time, and is provided to the Sponsor via an application programming interface. If the Tertiary Pricing Option becomes unavailable, or if the Sponsor determines in good faith that the Tertiary Pricing Option does not reflect an accurate price, then the Sponsor will, on a best efforts basis, contact the Tertiary Pricing Provider to obtain the Tertiary Pricing Option directly from the Tertiary Pricing Provider. If after such contact the Tertiary Pricing Option remains unavailable after such contact or the Sponsor continues to believe in good faith that the Tertiary Pricing Option does not reflect an accurate price, then the Sponsor will employ the next rule to determine the Index Price. There are no predefined criteria to make a good faith assessment and it will be made by the Sponsor in its sole discretion.

4. **Index Price =** The Sponsor will use its best judgment to determine a good faith estimate of the Index Price. There are no predefined criteria to make a good faith assessment and it will be made by the Sponsor in its sole discretion.

In the event of a fork, the Index Provider may calculate the Index Price based on a digital asset that the Sponsor does not believe to be an appropriate asset of the Trust (*i.e.*, a digital asset

other than SOL).²⁹ In this event, the Sponsor has full discretion to use a different index provider or calculate the Index Price itself using its best judgment. In such an event, the Exchange will submit a proposed rule filing to contemplate the assets that would subsequently be held by the Trust.

The Sponsor may, in its sole discretion, select a different index provider, select a different index price provided by the Index Provider, calculate the Index Price by using the cascading set of rules set forth above, or change the cascading set of rules set forth above at any time.³⁰

The Structure and Operation of the Trust Protects Investors and Satisfies Commission Requirements for SOL-Based Exchange Traded Products

The Sponsor believes the Commission should approve the listing and trading of Shares of the Trust. In the context of prior spot digital asset ETP proposal disapproval orders for Bitcoin and Ethereum, the Commission expressed concerns about the underlying Digital Asset Market due to the potential for fraud and manipulation and has outlined the reasons why such ETP proposals have been unable to satisfy these concerns.³¹ For purposes of the

²⁹ According to the Annual Report, the Solana Network operates using open-source protocols, meaning that any user can download the software, modify it and then propose that the users and validators of SOL adopt the modification. When a modification is introduced and a substantial majority of users and validators' consent to the modification, the change is implemented and the network remains uninterrupted. However, if less than a substantial majority of users and validators' consent to the proposed modification, and the modification is not compatible with the software prior to its modification, the consequence would be what is known as a "hard fork" of the Solana Network, with one group running the pre-modified software and the other running the modified software. The effect of such a fork would be the existence of two versions of SOL running in parallel, yet lacking interchangeability. Forks may also occur as a network community's response to a significant security breach.

³⁰ The Sponsor will provide notice of any such changes in the Trust's periodic or current reports and, if the Sponsor makes such a change other than on an ad hoc or temporary basis, will file a proposed rule change with the Commission.

³¹ See Securities Exchange Act Release Nos. 83723 (July 26, 2018), 83 FR 37579 (August 1, 2018) (SR-BatsBZX-2016-30) (Order Setting Aside Action by Delegated Authority and Disapproving a Proposed Rule Change, as Modified by Amendments No. 1 and 2, To List and Trade Shares of the Winklevoss Bitcoin Trust) (the "Winklevoss Order"); 87267 (October 9, 2019), 84 FR 55382 (October 16, 2019) (SR-NYSEArca-2019-01) (Order Disapproving a Proposed Rule Change, as Modified by Amendment No. 1, Relating to the Listing and Trading of Shares of the Bitwise Bitcoin ETF Trust Under NYSE Arca Rule 8.201-E) (the "Bitwise Order"); 88284 (February 26, 2020), 85 FR 12595 (March 3, 2020) (SR-NYSEArca-2019-39) (Order Disapproving a Proposed Rule Change, as Modified

Trust's SOL-based ETP proposal, the Sponsor anticipates that the Commission may have the same concerns and addresses each of these in turn below.

In the Prior Spot Digital Asset ETP Disapproval Orders, the Commission outlined that a proposal relating to a digital asset-based ETP could satisfy its concerns regarding potential for fraud and manipulation by demonstrating:

(1) *Inherent Resistance to Fraud and Manipulation*: that the underlying commodity market is inherently resistant to fraud and manipulation;

(2) *Other Means to Prevent Fraud and Manipulation*: that there are other means to prevent fraudulent and manipulative acts and practices that are sufficient; or

(3) *Surveillance Sharing*: that the listing exchange has entered into a surveillance sharing agreement with a regulated market of significant size relating to the underlying or reference assets.

As described below, the Sponsor believes the structure and operation of the Trust are designed to prevent fraudulent and manipulative acts and practices, to protect investors and the public interest, and to respond to the specific concerns that the Commission may have with respect to potential fraud and manipulation in the context of a SOL-based ETP.

How the Trust Meets Standards in the Prior Spot Digital Asset ETP Disapproval Orders

1. Resistance to or Prevention of Fraud and Manipulation

In the Prior Spot Digital Asset ETP Disapproval Orders, the Commission disagreed with the proposition that a digital asset's fungibility,

by Amendment No. 1, to Amend NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares) and to List and Trade Shares of the United States Bitcoin and Treasury Investment Trust Under NYSE Arca Rule 8.201-E) (the "Wilshire Phoenix Order"); 83904 (August 22, 2018), 83 FR 43934 (August 28, 2018) (SR-NYSEArca-2017-139) (Order Disapproving a Proposed Rule Change to List and Trade the Shares of the ProShares Bitcoin ETF and the ProShares Short Bitcoin ETF) (the "ProShares Order"); 83912 (August 22, 2018), 83 FR 43912 (August 28, 2018) (SR-NYSEArca-2018-02) (Order Disapproving a Proposed Rule Change Relating to Listing and Trading of the Direxion Daily Bitcoin Bear 1X Shares, Direxion Daily Bitcoin 1.25X Bull Shares, Direxion Daily Bitcoin 1.5X Bull Shares, Direxion Daily Bitcoin 2X Bull Shares, and Direxion Daily Bitcoin 2X Bear Shares Under NYSE Arca Rule 8.200-E) (the "Direxion Order"); 83913 (August 22, 2018), 83 FR 43923 (August 28, 2018) (SR-CboeBZX-2018-01) (Order Disapproving a Proposed Rule Change to List and Trade the Shares of the GraniteShares Bitcoin ETF and the GraniteShares Short Bitcoin ETF) (the "GraniteShares Order") (together, the "Prior Spot Digital Asset ETP Disapproval Orders").

transportability and exchange tradability combine to provide unique protections against, and allow such digital asset to be uniquely resistant to, attempts at price manipulation. The Commission reached its conclusion based on concessions by one issuer that 95% of the reported trading in the digital asset, Bitcoin, is “fake” or non-economic, effectively admitting that the properties of Bitcoin do not make it inherently resistant to manipulation. Such issuer’s concessions were further compounded by evidence of potential and actual fraud and manipulation in the historical trading of Bitcoin on certain marketplaces such as (1) “wash” trading, (2) trading based on material, non-public information, including the dissemination of false and misleading information, (3) manipulative activity involving Tether, and (4) fraud and manipulation.³²

The Sponsor acknowledges the possibility that fraud and manipulation may exist in commodity markets and that digital asset trading, such as SOL, *on any given trading platform* may be no more uniquely resistant to fraud and manipulation than other commodity markets.³³ However, the Sponsor believes that the fundamental features of digital assets, including fungibility, transportability and exchange tradability offer novel protections beyond those that exist in traditional commodity markets or equity markets when combined with other means, as discussed further below.

Further, the Sponsor believes that SOL is arguably less susceptible to manipulation than other commodities that underlie ETPs. For example, with respect to a physical commodity, there may be inside information relating to the supply of the physical commodity, such as the discovery of new sources of supply or significant disruptions at mining facilities that supply the commodity that simply are inapplicable to SOL. The Sponsor also believes that the fragmentation across SOL trading platforms, the relatively slow speed of transactions, and the capital necessary

to maintain a significant presence on each trading platform make manipulation of SOL prices through continuous trading activity unlikely. Moreover, the linkage between the SOL markets and the presence of arbitrageurs in those markets means that the manipulation of the price of SOL on any single venue would require manipulation of the global SOL price in order to be effective. Arbitrageurs must have funds distributed across multiple SOL trading platforms in order to take advantage of temporary price dislocations, thereby making it unlikely that there will be strong concentration of funds on any particular SOL trading platform. As a result, the potential for manipulation on a particular SOL trading platform would require overcoming the liquidity supply of such arbitrageurs who are effectively eliminating any cross-market pricing differences. For all of these reasons, the Sponsor believes that SOL is not particularly susceptible to manipulation, especially as compared to other approved ETP reference assets.

2. Other Means To Prevent Fraud and Manipulation

The Commission has recognized that a listing exchange could demonstrate that other means to prevent fraudulent and manipulative acts and practices are sufficient to justify dispensing with the requisite surveillance-sharing agreement.³⁴ In evaluating the effectiveness of this type of resistance, the Commission does not apply a “cannot be manipulated” standard. Instead, the Commission requires that such resistance to fraud and manipulation be novel and beyond those protections that exist in traditional commodity markets or equity markets for which the Commission has long required surveillance-sharing agreements in the context of listing derivative securities products.³⁵

The Sponsor believes the Index represents a novel means to prevent fraud and manipulation from impacting a reference price for SOL and that it offers protections beyond those that exist in traditional commodity markets or equity markets. Specifically, digital assets, such as SOL, are novel and exist outside traditional commodity markets. It therefore stands to reason that the methods by which they trade will be novel and that the market for digital assets like SOL will have different attributes than traditional commodity

markets. Digital assets like SOL were only introduced within the past decade, twenty years after the first U.S. ETFs were offered³⁶ and 150 years after the first futures were offered.³⁷ In contrast to older commodities such as gold, silver, platinum, palladium or copper, which the Commission has noted all had at least one significant, regulated market for trading futures on the underlying commodity at the time commodity trust ETPs were approved for listing and trading, the first trading in digital assets like SOL took place entirely in an open, transparent and online setting where other commodities cannot trade.

The Trust has priced its Shares consistently for more than three years based on the Index. The Sponsor believes the Trust’s use of the Index specifically addresses the Commission’s concerns in that the Index serves as an alternative means to prevent fraud and manipulation. Specifically, the Index can (i) mitigate the effects of fraud, manipulation and other anomalous trading activity on the SOL reference rate, (ii) provide a real-time, volume-weighted fair value of SOL and (iii) appropriately handle and adjust for non-market related events.

As described in more detail below, the Sponsor believes that the Index accomplishes those objectives in the following ways:

1. The Index tracks the Digital Asset Trading Platform Market price through trading activity at “U.S.-Compliant Trading Platforms”;³⁸

2. The Index mitigates the impact of instances of fraud, manipulation and other anomalous trading activity in real-time through systematic adjustments;

3. The Index is constructed and maintained by an expert third-party index provider, allowing for prudent

³⁶ SEC, “Investor Bulletin: Exchange-Traded Funds (ETFs),” August 2012, <https://www.sec.gov/investor/alerts/etfs.pdf>.

³⁷ Commodity Futures Trading Commission (“CFTC”), “History of the CFTC,” https://www.cftc.gov/About/HistoryoftheCFTC/history_precftc.html.

³⁸ “U.S.-Compliant Trading Platforms” are trading platforms in the Digital Asset Trading Platform Market that are compliant with applicable U.S. federal and state licensing requirements and practices regarding AML and KYC regulations. All Constituent Trading Platforms are U.S.-Compliant Trading Platforms.

“Non-U.S.-Compliant Trading Platforms” are all other trading platforms in the Digital Asset Trading Platform Market.

As of the date of this filing, the U.S.-Compliant Trading Platforms that the Index Provider considered for inclusion in the Index were Coinbase, Kraken, LMAX Digital and *Crypto.com*.

From these U.S.-Compliant Trading Platforms, the Index Provider then applies additional Inclusion Criteria to determine the Constituent Trading Platforms.

³² See Bitwise Order, 84 FR at 55383 (discussing analysis of the Bitcoin spot market that asserts that 95% of the spot market is dominated by fake and non-economic activity, such as wash trades), 55391 (discussing possible sources of fraud and manipulation in the bitcoin spot market). See also Winklevoss Order, 83 FR at 37585–86 (discussing pending litigation against a Bitcoin trading platform for fraudulent conduct relating to Tether); Bitwise Order, 84 FR at 55391 n.140, 55402 & n.331 (same); Winklevoss Order, 83 FR at 37584–86 (discussing potential types of manipulation in the Bitcoin spot market). The Commission has also noted that fraud and manipulation in the Bitcoin spot market could persist for a significant duration. See, e.g., Bitwise Order, 84 FR at 55405 & n.379.

³³ See generally Bitwise Order.

³⁴ See Winklevoss Order, 84 FR at 37580, 37582–91; Bitwise Order, 84 FR at 55383, 55385–406; Wilshire Phoenix Order, 85 FR at 12597.

³⁵ See Winklevoss Order, 84 FR at 37582; Wilshire Phoenix Order, 85 FR at 12597.

handling of non-market-related events; and

4. The Index mitigates the impact of instances of fraud, manipulation and other anomalous trading activity concentrated on any one specific trading platform through a cross-trading platform composite index rate.

1. *The Index tracks the Digital Asset Trading Platform Market price through trading activity at "U.S.-Compliant Trading Platforms."*

To reduce the risk of fraud, manipulation, and other anomalous trading activity from impacting the Index, only U.S.-Compliant Trading Platforms are eligible to be included in the Index.

The Index maintains a minimum number of three trading platforms and a maximum number of five trading platforms to track the Digital Asset Trading Platform Market while offering replicability for traders and market makers.³⁹

U.S.-Compliant Trading Platforms possess safeguards that protect against fraud and manipulation. For example, U.S.-Compliant Trading Platforms regulated by the NYDFS under the BitLicense program have regulatory requirements to implement measures designed to effectively detect, prevent, and respond to fraud, attempted fraud, market manipulation, and similar wrongdoing, and to monitor, control, investigate and report back to the NYDFS regarding any wrongdoing.⁴⁰ These trading platforms also have the following obligations:⁴¹

- Submission of audited financial statements including income statements, statements of assets/liabilities, insurance, and banking;
- Compliance with capitalization requirements set at NYDFS's discretion;
- Prohibitions against the sale or encumbrance to protect full reserves of custodian assets;

- Fingerprints and photographs of employees with access to customer funds;
- Retention of a qualified Chief Information Security Officer and annual penetration testing/audits;
- Documented business continuity and disaster recovery plan, independently tested annually; and
- Participation in an independent exam by NYDFS.

Other U.S.-Compliant Trading Platforms have voluntarily implemented measures to protect against common forms of market manipulation.⁴²

Furthermore, all U.S.-Compliant Trading Platforms are considered MSBs that are subject to FinCEN's federal and state reporting requirements that provide additional safeguards. For example, unscrupulous traders may be less likely to engage in fraudulent or manipulative acts and practices on trading platforms that (1) report suspicious activity to FinCEN as money services businesses, (2) report to state regulators as money transmitters, and/or (3) require customer identification through KYC procedures. U.S.-Compliant Trading Platforms are required to:⁴³

- Identify people with ownership stakes or controlling roles in the MSB;
- Establish a formal Anti-Money Laundering (AML) policy in place with documentation, training, independent review, and a named compliance officer;
- Implement strict customer identification and verification policies and procedures;
- File Suspicious Activity Reports (SARs) for suspicious customer transactions;
- File Currency Transaction Reports (CTRs) for cash-in or cash-out transactions greater than \$10,000; and
- Maintain a five-year record of currency exchanges greater than \$1,000 and money transfers greater than \$3,000.

The Sponsor acknowledges that there are substantial differences between FinCEN and New York state regulations and the Commission's regulation of the national securities exchanges.⁴⁴ The Sponsor does not believe the inclusion of U.S.-Compliant Trading Platforms is in and of itself sufficient to prove that the Index is an alternative means to prevent fraud and manipulation such that surveillance sharing agreements are not required, but does believe that the

inclusion of only U.S.-Compliant Trading Platforms in the Index is one significant way in which the Index is protected from the potential impacts of fraud and manipulation.

2. *The Index mitigates the impact of instances of fraud, manipulation, and other anomalous trading activity in real-time through systematic adjustments.*

The Index is calculated once every second according to a systematic methodology that relies on observed trading activity on the Constituent Trading Platforms. While the precise methodology underlying the Index is currently proprietary, the key elements of the Index are outlined below:

- *Volume Weighting:* Constituent Trading Platforms with greater liquidity receive a higher weighting in the Index, increasing the ability to execute against (*i.e.*, replicate) the Index in the underlying spot markets.

- *Price-Variance Weighting:* The Index reflects data points that are discretely weighted in proportion to their variance from the rest of the Constituent Trading Platforms. As the price at a Constituent Trading Platform diverges from the prices at the rest of the Constituent Trading Platforms, its weight in the Index consequently decreases.

- *Inactivity Adjustment:* The Index algorithm penalizes stale activity from any given Constituent Trading Platform. When a Constituent Trading Platform does not have recent trading data, its weighting in the Index is gradually reduced, until it is de-weighted entirely. Similarly, once trading activity at the Constituent Trading Platform resumes, the corresponding weighting for that Constituent Trading Platform is gradually increased until it reaches the appropriate level.

- *Manipulation Resistance:* In order to mitigate the effects of wash trading and order book spoofing, the Index only includes executed trades in its calculation. Additionally, the Index only includes Constituent Trading Platforms that charge trading fees to its users in order to attach a real, quantifiable cost to any manipulation attempts.

The Index Provider reviews and periodically updates the Constituent Trading Platforms included in the Index by utilizing a methodology that is guided by the IOSCO principles for financial benchmarks.

3. *The Index is constructed and maintained by an expert third-party index provider, allowing for prudent handling of non-market-related events.*

The Index Provider reviews and periodically updates which trading platforms are included in the Index by

³⁹ According to the Sponsor, the more trading platforms included in the Index, the more ability there is for traders and market makers to trade against the Index by arbitraging price differences. For example, in the event of variances between SOL prices on Constituent Trading Platforms and non-Constituent Trading Platforms, arbitrage trading opportunities would exist. These discrepancies generally consolidate over time, as price differences across trading platforms are realized and capitalized upon by traders and market makers.

⁴⁰ See, e.g., "DFS Takes Action to Deter Fraud and Manipulation in Virtual Currency Markets," available at: <https://www.dfs.ny.gov/about/press/pr1802071.htm>.

⁴¹ See "New York's Final "BitLicense" Rule: Overview and Changes from July 2014 Proposal," June 5, 2015, Davis Polk, available at: https://www.davispolk.com/files/new_yorks_final_bitlicense_rule_overview_changes_july_2014_proposal.pdf.

⁴² As of the date of this filing, one of the four Constituent Trading Platforms, Coinbase, is regulated by NYDFS.

⁴³ See BSA Requirements for MSBs, FinCEN website: <https://www.fincen.gov/bsarequirements-msbs>.

⁴⁴ See Bitwise Order, 84 FR at 55392; Wilshire Phoenix Order, 85 FR at 12603.

utilizing a methodology that is guided by the IOSCO principles for financial benchmarks.

According to the Index methodology, for a trading platform to become a Constituent Trading Platform, it must satisfy each of the following Inclusion Criteria:

- Sufficient USD or USDC liquidity relative to the size of the listed assets;
- No evidence in the past 12 months of trading restrictions on individuals or entities that would otherwise meet the trading platform's eligibility requirements to trade;
- No evidence in the past 12 months of undisclosed restrictions on deposits or withdrawals from user accounts;
- Real-time price discovery;
- Limited or no capital controls;
- Transparent ownership including a publicly-known ownership entity;
- Publicly available language and policies addressing legal and regulatory compliance in the U.S., including KYC (Know Your Customer), AML (Anti-Money Laundering) and other policies designed to comply with relevant regulations that might apply to it;
- Be a trading platform that is licensed and able to service investors in one or more of the following jurisdictions:

- United States,
- United Kingdom,
- European Union,
- Hong Kong,
- Singapore; and

• Offer programmatic spot trading of the trading pair and reliably publish trade prices and volumes on a real-time basis through Rest and Websocket APIs.

Although the Index methodology is designed to operate without any human interference, rare events would justify manual intervention. Manual intervention would only be in response to "non-market-related events" (e.g., halting of deposits or withdrawals of funds, unannounced closure of trading platform operations, insolvency, compromise of user funds, etc.). In the event that such an intervention is necessary, the Index Provider would issue a public announcement through its website, API and other established communication channels with its clients.⁴⁵

4. The Index mitigates the impact of instances of fraud, manipulation and other anomalous trading activity concentrated on any one specific trading platform through a cross-trading platform composite index rate.

The Index is based on the price and volume data of multiple U.S.-Compliant

Trading Platforms that satisfy the Index Provider's Inclusion Criteria. By referencing multiple trading venues and weighting them based on trade activity, the impact of any potential fraud, manipulation, or anomalous trading activity occurring on any single venue is reduced. Specifically, the effects of fraud, manipulation, or anomalous trading activity occurring on any single venue are de-weighted and consequently diluted by non-anomalous trading activity from other Constituent Trading Platforms.

Although the Index is designed to accurately capture the market price of SOL, third parties may be able to purchase and sell SOL on public or private markets not included among the constituent Digital Asset Trading Platforms of the Index, and such transactions may take place at prices materially higher or lower than the Index Price. Moreover, there may be variances in the prices of SOL on the various Digital Asset Trading Platforms, including as a result of differences in fee structures or administrative procedures on different Digital Asset Trading Platforms. For example, based on data provided by the Index Provider,⁴⁶ on any given day during the twelve months ended September 30, 2024, the maximum differential between the 4:00 p.m., New York time spot price of any single Digital Asset Trading Platform included in the Index and the Index Price was 1.85% and the average of the maximum differentials of the 4:00 p.m., New York time spot price of each Digital Asset Trading Platform included in the Index and the Index Price was 1.09%. During this same period, the average differential between the 4:00 p.m., New York time spot prices of all the Digital Asset Trading Platforms included in the Index and the Index Price was 0.01%.

The Trust has consistently priced its Shares at 4:00 p.m., E.T. based on the Index Price for over three years. While that pricing would be known to the market, the Sponsor believes that, even if efforts to manipulate the price of SOL at 4:00 p.m., E.T. were successful on any Digital Asset Trading Platform, such activity would have had a negligible effect on the pricing of the Trust, due to the controls embedded in the structure of the Index.

Accordingly, the Sponsor believes that the Index has proven its ability to (i) mitigate the effects of fraud, manipulation and other anomalous trading activity on the SOL reference rate, (ii) provide a real-time, volume-

weighted fair value of SOL and (iii) appropriately handle and adjust for non-market related events. For these reasons, the Sponsor believes that the Index represents an effective alternative means to prevent fraud and manipulation and the Trust's reliance on the Index addresses the Commission's concerns with respect to potential fraud and manipulation.

* * * * *

In summary, the Sponsor believes that the foregoing addresses concerns the Commission may have with respect to SOL-based ETPs, based on the Commission's articulated concerns with respect to potential fraud and manipulation in Bitcoin-based ETPs. Specifically, the Sponsor believes that, although SOL is not itself inherently resistant to fraud and manipulation, the Index represents an effective means to prevent fraudulent and manipulative acts and practices. As discussed above, the Trust has used the Index to price the Shares for more than three years, and the Index has proven its ability to (i) mitigate the effects of fraud, manipulation and other anomalous trading activity on the SOL reference rate, (ii) provide a real-time, volume-weighted fair value of SOL and (iii) appropriately handle and adjust for non-market related events.

Creation and Redemption of Shares

Authorized Participants may submit orders to create or redeem Shares under procedures for "Cash Orders."

The Authorized Participants will deliver only cash to create Shares and will receive only cash when redeeming Shares. Further, Authorized Participants will not directly or indirectly purchase, hold, deliver, or receive SOL as part of the creation or redemption process or otherwise direct the Trust or a third party with respect to purchasing, holding, delivering, or receiving SOL as part of the creation or redemption process.

The Trust will create Shares by receiving SOL from a third party that is not the Authorized Participant and the Trust, or an affiliate of the Trust (and in any event not the Authorized Participant), is responsible for selecting the third party to deliver the SOL. Further, the third party will not be acting as an agent of the Authorized Participant with respect to the delivery of the SOL to the Trust or acting at the direction of the Authorized Participant with respect to the delivery of the SOL to the Trust. The Trust will redeem Shares by delivering SOL to a third party that is not the Authorized Participant and the Trust, or an affiliate of the Trust (and in any event not the

⁴⁵ To the extent any such intervention has a material impact on the Trust, the Sponsor will also issue a public announcement.

⁴⁶ All Digital Asset Trading Platforms that were included in the Index throughout the period were considered in this analysis.

Authorized Participant), is responsible for selecting the third party to receive the SOL. Further, the third party will not be acting as an agent of the Authorized Participant with respect to the receipt of the SOL from the Trust or acting at the direction of the Authorized Participant with respect to the receipt of the SOL from the Trust.

Cash Orders are made through the participation of a Liquidity Provider⁴⁷ who obtains or receives SOL in exchange for cash, and are facilitated by the Transfer Agent and Grayscale Investments, LLC, acting in its capacity as the Liquidity Engager. Liquidity Providers are not party to the Participant Agreements and are engaged separately by the Liquidity Engager.

According to the Registration Statement, the Trust creates Baskets (as described below) of Shares only upon receipt of SOL and redeems Shares only by distributing SOL. “Authorized Participants” are the only persons that may place orders to create and redeem Baskets. Each Authorized Participant must (i) be a registered broker-dealer and (ii) enter into an agreement with the Sponsor and Transfer Agent that provides the procedures for the creation and redemption of Baskets and for the delivery of SOL required for the creation and redemption of Baskets via a Liquidity Provider (each, a “Participant Agreement”). An Authorized Participant may act for its own account or as agent for broker-dealers, custodians and other securities market participants that wish to create or redeem Baskets. Shareholders who are not Authorized Participants will only be able to create or redeem their Shares through an Authorized Participant.

The Trust issues Shares to and redeems Shares from Authorized Participants on an ongoing basis, but only in one or more “Baskets” (with a

Basket being a block of 10,000 Shares). The Trust will not issue fractions of a Basket.

The creation and redemption of Baskets will be made only in exchange for the delivery to the Trust, or the distribution by the Trust, of the number of whole and fractional SOL represented by each Basket being created or redeemed, which is determined by dividing (x) the number of SOL owned by the Trust at 4:00 p.m., New York time, on the trade date of a creation or redemption order, after deducting the number of SOL representing the U.S. dollar value of accrued but unpaid fees and expenses of the Trust (converted using the Index Price at such time, and carried to the eighth decimal place), by (y) the number of Shares outstanding at such time (with the quotient so obtained calculated to one one-hundred-millionth of one SOL (*i.e.*, carried to the eighth decimal place)), and multiplying such quotient by 10,000 (the “Basket Amount”). The U.S. dollar value of a Basket is calculated by multiplying the Basket Amount by the Index Price as of the trade date (the “Basket NAV”). The Basket NAV multiplied by the number of Baskets being created or redeemed is referred to as the “Total Basket NAV.” All questions as to the calculation of the Basket Amount will be conclusively determined by the Sponsor and will be final and binding on all persons interested in the Trust. The number of SOL represented by a Share will gradually decrease over time as the Trust’s SOL are used to pay the Trust’s expenses. As of September 30, 2024, each Share represented approximately 0.3723 of one SOL.

The creation of Baskets requires the delivery by the Authorized Participant of the Total Basket Amount and the redemption of Baskets requires the distribution to the Authorized Participant of the Total Basket Amount.

Although the Trust creates Baskets only upon the receipt of SOL, and redeems Baskets only by distributing SOL, an Authorized Participant will submit Cash Orders, pursuant to which the Authorized Participant will deposit cash with, or accept cash from, the Transfer Agent in connection with the creation and redemption of Baskets.

Cash Orders will be facilitated by the Transfer Agent and Liquidity Engager, acting other than in its capacity as Sponsor. On an order-by-order basis, the Liquidity Engager will engage one or more Liquidity Providers to obtain or receive SOL in exchange for cash in connection with such order, as described in more detail below.

Unless the Sponsor requires that a Cash Order be effected at actual

execution prices (an “Actual Execution Cash Order”),⁴⁸ each Authorized Participant that submits a Cash Order to create or redeem Baskets (a “Variable Fee Cash Order”) ⁴⁹ will pay a fee (the “Variable Fee”) based on the Total Basket NAV, and any price differential of SOL between the trade date and the settlement date will be borne solely by the Liquidity Provider until such SOL have been received or liquidated by the Trust. The Variable Fee is intended to cover all of a Liquidity Provider’s expenses in connection with the creation or redemption order, including any SOL trading platform fees that the Liquidity Provider incurs in connection with buying or selling SOL. The amount may be changed by the Sponsor in its sole discretion at any time, and Liquidity Providers will communicate to the Sponsor in advance the Variable Fee they would be willing to accept in connection with a Variable Fee Cash Order, based on market conditions and other factors existing at the time of such Variable Fee Cash Order.

Alternatively, the Sponsor may require that a Cash Order be effected as an Actual Execution Cash Order, in its sole discretion based on market conditions and other factors existing at the time of such Cash Order, and under such circumstances, any price differential of SOL between the trade date and the settlement date will be borne solely by the Authorized Participant until such SOL have been received or liquidated by the Trust.

In the case of creations, to transfer the Total Basket Amount to the Trust’s

⁴⁸ With respect to a creation or redemption pursuant to an Actual Execution Cash Order, as between the Trust and an Authorized Participant, the Authorized Participant is responsible for the dollar cost of the difference between the SOL price utilized in calculating Total Basket NAV on the trade date and the price at which the Trust acquires or disposes of the SOL on the settlement date. If the price realized in acquiring or disposing of the corresponding Total Basket Amount is higher than the Total Basket NAV, the Authorized Participant will bear the dollar cost of such difference, in the case of a creation, by delivering cash in the amount of such shortfall (the “Additional Creation Cash”) to the Cash Account or, in the case of a redemption, with the amount of cash to be delivered to the Authorized Participant being reduced by the amount of such difference (the “Redemption Cash Shortfall”). If the price realized in acquiring the corresponding Total Basket Amount is lower than the Total Basket NAV, the Authorized Participant will benefit from such difference, with the Trust promptly returning cash in the amount of such excess (the “Excess Creation Cash”) to the Authorized Participant.

⁴⁹ Unless the Sponsor determines otherwise in its sole discretion based on market conditions and other factors existing at the time of such Cash Order, all creations and redemptions pursuant to Cash Orders are expected to be executed as Variable Fee Cash Orders, and any price differential of SOL between the trade date and the settlement date will be borne solely by the Liquidity Provider until such SOL have been received by the Trust.

⁴⁷ A “Liquidity Provider” means one or more eligible companies that facilitate the purchase and sale of SOL in connection with creations or redemptions pursuant to Cash Orders. The Liquidity Providers with which Grayscale Investments, LLC, acting other than in its capacity as the Sponsor (in such other capacity, the “Liquidity Engager”) will engage in SOL transactions are third parties that are not affiliated with the Sponsor or the Trust and are not acting as agents of the Trust, the Sponsor, or any Authorized Participant, and all transactions will be done on an arms-length basis. Except for the contractual relationships between each Liquidity Provider and Grayscale Investments, LLC in its capacity as the Liquidity Engager, there is no contractual relationship between each Liquidity Provider and the Trust, the Sponsor, or any Authorized Participant. When seeking to buy SOL in connection with creations or sell SOL in connection with redemptions, the Liquidity Engager will seek to obtain commercially reasonable prices and terms from the approved Liquidity Providers. Once agreed upon, the transaction will generally occur on an “over-the-counter” basis.

Digital Asset Account, the Liquidity Provider will transfer SOL to one of the public key addresses associated with the Digital Asset Account and as provided by the Sponsor. In the case of redemptions, the same procedure is conducted, but in reverse, using the public key addresses associated with the wallet of the Liquidity Provider and as provided by such party. All such transactions will be conducted on the Blockchain and parties acknowledge and agree that such transfers may be irreversible if done incorrectly.

Authorized Participants do not pay a transaction fee to the Trust in connection with the creation or redemption of Baskets, but there may be transaction fees associated with the validation of the transfer of SOL by the SOL Network, which will be paid by the Custodian in the case of redemptions and the Authorized Participant or the Liquidity Provider in the case of creations. Service providers may charge Authorized Participants administrative fees for order placement and other services related to creation of Baskets.

As discussed above, Authorized Participants will also pay the Variable Fee in connection with Variable Fee Cash Orders. Under certain circumstances Authorized Participants may also be required to deposit additional cash in the Cash Account, or be entitled to receive excess cash from the Cash Account, in connection with creations and redemptions pursuant to Actual Execution Cash Orders. Authorized Participants will receive no fees, commissions or other form of compensation or inducement of any kind from either the Sponsor or the Trust and no such person has any obligation or responsibility to the Sponsor or the Trust to effect any sale or resale of Shares.

The following is a summary of the procedures for the creation and redemption of Baskets.

Creation Procedures

On any business day, an Authorized Participant may place an order with the Transfer Agent to create one or more Baskets.

Cash Orders for creation must be placed with the Transfer Agent no later than 1:59:59 p.m., New York time.

The Sponsor may in its sole discretion limit the number of Shares created pursuant to Cash Orders on any specified day without notice to the Authorized Participants and may direct the Marketing Agent to reject any Cash Orders in excess of such capped amount. In exercising its discretion to limit the number of Shares created pursuant to Cash Orders, the Sponsor expects to take into consideration a number of factors, including the availability of Liquidity Providers to facilitate Cash Orders and the cost of processing Cash Orders.

Creations under Cash Orders will take place as follows, where “T” is the trade date and each day in the sequence must be a business day. Before a creation order is placed, the Sponsor determines if such creation order will be a Variable Fee Cash Order or an Actual Execution Cash Order, which determination is communicated to the Authorized Participant.

Trade date (T)	Settlement date (T+1, or T+2, as established at the time of order placement)
• The Authorized Participant places a creation order with the Transfer Agent. • The Marketing Agent accepts (or rejects) the creation order, which is communicated to the Authorized Participant by the Transfer Agent. • The Sponsor notifies the Liquidity Provider of the creation order. • The Sponsor determines the Total Basket NAV and any Variable Fee and Additional Creation Cash as soon as practicable after 4:00 p.m., New York time.	• The Authorized Participant delivers to the Cash Account: ¹ (x) in the case of a Variable Fee Cash Order, the Total Basket NAV, plus any Variable Fee; or (y) in the case of an Actual Execution Cash Order, the Total Basket NAV, plus any Additional Creation Cash, less any Excess Creation Cash, if applicable (such amount, as applicable, the “Required Creation Cash”). • The Liquidity Provider transfers the Total Basket Amount to the Trust’s Digital Asset Account. • Once the Trust is in simultaneous possession of (x) the Total Basket Amount and (y) the Required Creation Cash, the Trust issues the aggregate number of Shares corresponding to the Baskets ordered by the Authorized Participant, which the Transfer Agent holds for the benefit of the Authorized Participant. • Cash equal to the Required Creation Cash is delivered to the Liquidity Provider from the Cash Account. • The Transfer Agent delivers Shares to the Authorized Participant by crediting the number of Baskets created to the Authorized Participant’s DTC account.

¹ The “Cash Account” means the account maintained by the Transfer Agent for purposes of receiving cash from, and distributing cash to, Authorized Participants in connection with creations and redemptions pursuant to Cash Orders. For the avoidance of doubt, the Trust shall have no interest (beneficial, equitable or otherwise) in the Cash Account or any cash held therein.

Redemption Procedures

The procedures by which an Authorized Participant can redeem one or more Baskets mirror the procedures for the creation of Baskets. On any business day, an Authorized Participant may place a redemption order specifying the number of Baskets to be redeemed.

The redemption of Shares pursuant to Cash Orders will only take place if approved by the Sponsor in writing, in

its sole discretion and on a case-by-case basis. In exercising its discretion to approve the redemption of Shares pursuant to Cash Orders, the Sponsor expects to take into consideration a number of factors, including the availability of Liquidity Providers to facilitate Cash Orders and the cost of processing Cash Orders

Cash Orders for redemption must be placed no later than 1:59:59 p.m., New York time on each business day. The Authorized Participants may only

redeem Baskets and cannot redeem any Shares in an amount less than a Basket.

Redemptions under Cash Orders will take place as follows, where “T” is the trade date and each day in the sequence must be a business day. Before a redemption order is placed, the Sponsor determines if such redemption order will be a Variable Fee Cash Order or an Actual Execution Cash Order, which determination is communicated to the Authorized Participant.

Trade date (T)	Settlement date (T+1 (or T+2 on case-by-case basis, as approved by Sponsor))
• The Authorized Participant places a redemption order with the Transfer Agent. • The Marketing Agent accepts (or rejects) the redemption order, which is communicated to the Authorized Participant by the Transfer Agent. • The Sponsor notifies the Liquidity Provider of the redemption order. • The Sponsor determines the Total Basket NAV and, in the case of a Variable Fee Cash Order, any Variable Fee, as soon as practicable after 4:00 p.m., New York time.	• The Authorized Participant delivers Baskets to be redeemed from its DTC account to the Transfer Agent. • The Liquidity Provider delivers to the Cash Account: (x) in the case of a Variable Fee Cash Order, the Total Basket NAV less any Variable Fee; or (y) in the case of an Actual Execution Cash Order, the actual proceeds to the Trust from the liquidation of the Total Basket Amount (such amount, as applicable, the "Required Redemption Cash"). • Once the Trust is in simultaneous possession of (x) the Total Basket Amount and (y) the Required Redemption Cash, the Transfer Agent cancels the Shares comprising the number of Baskets redeemed by the Authorized Participant. • The Custodian sends the Liquidity Provider the Total Basket Amount, and cash equal to the Required Redemption Cash is delivered to the Authorized Participant from the Cash Account.

Suspension or Rejection of Orders and Total Basket Amount

The creation or redemption of Shares may be suspended generally, or refused with respect to particular requested creations or redemptions, during any period when the transfer books of the Transfer Agent are closed or if circumstances outside the control of the Sponsor or its delegates make it for all practicable purposes not feasible to process creation orders or redemption orders or for any other reason at any time or from time to time.⁵⁰ The Transfer Agent may reject an order or, after accepting an order, may cancel such order if: (i) such order is not presented in proper form as described in the Participant Agreement, (ii) the transfer of the Total Basket Amount comes from an account other than a SOL wallet address that is known to the Custodian as belonging to a Liquidity Provider or (iii) the fulfillment of the order, in the opinion of counsel, might be unlawful, among other reasons. None of the Sponsor or its delegates will be liable for the suspension, rejection or acceptance of any creation order or redemption order.

Availability of Information

The Trust's website (<https://grayscale.com/crypto-products/>)

⁵⁰ Extenuating circumstances outside of the control of the Sponsor and its delegates or that could cause the transfer books of the Transfer Agent to be closed are outlined in the Participant Agreement and include, for example, public service or utility problems, power outages resulting in telephone, telecopy and computer failures, acts of God such as fires, floods or extreme weather conditions, market conditions or activities causing trading halts, systems failures involving computer or other information systems, including any failures or outages of the Solana Network, affecting the Authorized Participant, the Sponsor, the Trust, the Transfer Agent, the Marketing Agent and the Custodian and similar extraordinary events.

grayscale-solana-trust/) will include quantitative information on a per Share basis updated on a daily basis, including, (i) the current NAV per Share daily and the prior business day's NAV per Share and the reported closing price of the Shares; (ii) the mid-point of the bid-ask price⁵¹ as of the time the NAV per Share is calculated ("Bid-Ask Price") and a calculation of the premium or discount of such price against such NAV per Share; and (iii) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid-Ask Price against the NAV per Share, within appropriate ranges, for each of the four previous calendar quarters (or for as long as the Trust has been trading as an ETP if shorter). In addition, on each business day the Trust's website will provide pricing information for the Shares.

One or more major market data vendors, will provide an intra-day indicative value ("IIV") per Share updated every 15 seconds, as calculated by the Exchange or a third party financial data provider during the Exchange's Core Trading Session (9:30 a.m. to 4:00 p.m., E.T.). The IIV will be calculated using the same methodology as the NAV per Share of the Trust (as described above), specifically by using the prior day's closing NAV per Share as a base and updating that value during the NYSE Arca Core Trading Session to reflect changes in the value of the Index during the trading day.

The IIV disseminated during the NYSE Arca Core Trading Session should not be viewed as an actual real-time update of the NAV per Share, which

⁵¹ The bid-ask price of the Trust is determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day NAV.

will be calculated only once at the end of each trading day. The IIV will be widely disseminated on a per Share basis every 15 seconds during the NYSE Arca Core Trading Session by one or more major market data vendors. In addition, the IIV will be available through on-line information services.

The NAV for the Trust will be calculated by the Sponsor once a day and will be disseminated daily to all market participants at the same time. To the extent that the Sponsor has utilized the cascading set of rules described in "Index Price" above, the Trust's website will note the valuation methodology used and the price per SOL resulting from such calculation. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association ("CTA").

Quotation and last sale information for SOL will be widely disseminated through a variety of major market data vendors, including Bloomberg and Reuters. In addition, real-time price (and volume) data for SOL is available by subscription from Reuters and Bloomberg. The spot price of SOL is available on a 24-hour basis from major market data vendors, including Bloomberg and Reuters. Information relating to trading, including price and volume information, in SOL will be available from major market data vendors and from the trading platforms on which SOL are traded. The normal trading hours for Digital Asset Trading Platforms are 24-hours per day, 365-days per year.

On each business day, the Sponsor will publish the Index Price, the Trust's NAV, and the NAV per Share on the Trust's website as soon as practicable after its determination. If the NAV and NAV per Share have been calculated

using a price per SOL other than the Index Price for such Evaluation Time, the publication on the Trust's website will note the valuation methodology used and the price per SOL resulting from such calculation.

The Trust will provide website disclosure of its NAV daily. The website disclosure of the Trust's NAV will occur at the same time as the disclosure by the Sponsor of the NAV to Authorized Participants so that all market participants are provided such portfolio information at the same time. Therefore, the same portfolio information will be provided on the public website as well as in electronic files provided to Authorized Participants. Accordingly, each investor will have access to the current NAV of the Trust through the Trust's website, as well as from one or more major market data vendors.

The value of the Index, as well as additional information regarding the Index, will be available on a continuous basis at <https://www.coindesk.com/indices>.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services.

Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m., E.T. in accordance with NYSE Arca Rule 7.34-E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6-E, the minimum price variation ("MPV") for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is \$0.01, with the exception of securities that are priced less than \$1.00, for which the MPV for order entry is \$0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Rule 8.201-E. The trading of the Shares will be subject to NYSE Arca Rule 8.201-E(g), which sets forth certain restrictions on Equity Trading Permit Holders ("ETP Holders") acting as registered Market Makers in Commodity-Based Trust Shares to

facilitate surveillance. The Exchange represents that, for initial and continued listing, the Trust will be in compliance with Rule 10A-3⁵² under the Act, as provided by NYSE Arca Rule 5.3-E. A minimum of 100,000 Shares of the Trust will be outstanding at the commencement of trading on the Exchange.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Trust.⁵³ Trading in Shares of the Trust will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12-E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

The Exchange may halt trading during the day in which an interruption to the dissemination of the IIV or the value of the Index occurs. If the interruption to the dissemination of the IIV or the value of the Index persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV per Share is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV per Share is available to all market participants.

Surveillance

The Exchange represents that trading in the Shares of the Trust will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.⁵⁴ The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity.

When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and SOL derivatives from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and SOL derivatives from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement ("CSSA").⁵⁵ The Exchange is also able to obtain information regarding trading in the Shares and any underlying SOL or SOL derivatives in connection with ETP Holders' proprietary trades, or customer trades effected through ETP Holders on any relevant market. Under NYSE Arca Rule 8.201-E(g), an ETP Holder acting as a registered Market Maker in the Shares is required to provide the Exchange with information relating to its accounts for trading in any underlying commodity, related futures or options on futures, or any other related derivatives. Commentary .04 of NYSE Arca Rule 11.3-E requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures, and any related derivative instruments (including the Shares). As a general matter, the Exchange has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. To the extent the Exchange may be found to lack jurisdiction over a subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts and that subsidiary or affiliate is a member of another

⁵² 17 CFR 240.10A-3.

⁵³ See NYSE Arca Rule 7.12-E.

⁵⁴ FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

⁵⁵ For a list of the current members of ISG, see www.isgportal.org. The Exchange notes that not all components of the Trust may trade on markets that are members of ISG or with which the Exchange has in place a CSSA.

regulatory organization, the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations to the extent the Exchange has such an agreement with an organization of which the subsidiary or affiliate is a member.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the index, portfolio, or reference assets of the Trust, (b) limitations on index or portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares on the Exchange.

The Sponsor has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an “Information Bulletin” of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) the procedures for creations of Shares in Baskets; (2) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) information regarding how the value of the Index and NAV are disseminated; (4) the possibility that trading spreads and the resulting premium or discount on the Shares may widen during the Opening and Late Trading Sessions, when an updated IIV will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issues Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Exchange notes that investors purchasing Shares directly from the Trust will receive a prospectus.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses as described in the Annual Report. The Information Bulletin will disclose that information about the Shares of the Trust is publicly available on the Trust’s website.

The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)⁵⁶ that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 8.201–E. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets. In addition, the Exchange may obtain information regarding trading in the Shares from markets that are members of ISG or with which the Exchange has in place a CSSA. Also, pursuant to NYSE Arca Rule 8.201–E(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying SOL or any SOL derivative through ETP Holders’ proprietary trades or customer trades effected through ETP Holders any relevant market.

The proposed rule change is also designed to prevent fraudulent and manipulative acts and practices because, although the Digital Asset Trading Platform Market is not inherently resistant to fraud and manipulation, the Index serves as a means sufficient to mitigate the impact

of instances of fraud and manipulation on a reference price for SOL. Specifically, the Index provides a better benchmark for the price of SOL than the Digital Asset Trading Platform Market price because it (1) tracks the Digital Asset Trading Platform Market price through trading activity at U.S.-Compliant Trading Platforms; (2) mitigates the impact of instances of fraud, manipulation and other anomalous trading activity in real-time through systematic adjustments; (3) is constructed and maintained by an expert third-party index provider, allowing for prudent handling of non-market-related events; and (4) mitigates the impact of instances of fraud, manipulation and other anomalous trading activity concentrated on any one specific trading platform through a cross-trading platform composite index rate. The Trust has used the Index to price the Shares for more than three years, and the Index has proven its ability to (i) mitigate the effects of fraud, manipulation and other anomalous trading activity from impacting the SOL reference rate, (ii) provide a real-time, volume-weighted fair value of SOL and (iii) appropriately handle and adjust for non-market related events, such that efforts to manipulate the price of SOL would have had a negligible effect on the pricing of the Trust, due to the controls embedded in the structure of the Index. In addition, certain of the Index’s Constituent Trading Platforms also have or have begun to implement market surveillance infrastructure to further detect, prevent, and respond to fraud, attempted fraud, and similar wrongdoing, including market manipulation.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that there is a considerable amount of SOL price and market information available on public websites and through professional and subscription services. Investors may obtain, on a 24-hour basis, SOL pricing information based on the spot price for SOL from various financial information service providers. The closing price and settlement prices of SOL are readily available from the Digital Asset Trading Platforms and other publicly available websites. In addition, such prices are published in public sources, or on-line information services such as Bloomberg and Reuters. The NAV per Share will be calculated daily and made available to all market participants at the same time. The Trust will provide website disclosure of its NAV daily. One or more major market data vendors will

⁵⁶ 15 U.S.C. 78f(b)(5).

disseminate for the Trust on a daily basis information with respect to the most recent NAV per Share and Shares outstanding. In addition, if the Exchange becomes aware that the NAV per Share is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. The IIV will be widely disseminated on a per Share basis every 15 seconds during the NYSE Arca Core Trading Session (normally 9:30 a.m., E.T., to 4:00 p.m., E.T.) by one or more major market data vendors. The Exchange represents that the Exchange may halt trading during the day in which an interruption to the dissemination of the IIV or the value of the Index occurs. If the interruption to the dissemination of the IIV or the value of the Index persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a CSSA. In addition, as noted above, investors will have ready access to information regarding the Trust's NAV, IIV, and quotation and last sale information for the Shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of exchange-traded product, and the first such product based on SOL, which will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 2, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2025-06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEARCA-2025-06. 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-NYSEARCA-2025-06 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁷

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2025-15734 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

⁵⁷ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103712; File No. SR-CboeBZX-2025-014]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of VanEck Solana Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

August 14, 2025.

On January 28, 2025, Cboe BZX Exchange, Inc. ("BZX") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the VanEck Solana Trust under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.³

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On May 19, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷

Section 19(b)(2) of the Act⁸ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102394 (Feb. 11, 2025), 90 FR 9746. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-014/sr-cboebzx2025014.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102587, 90 FR 12427 (Mar. 17, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 103064, 90 FR 22130 (May 23, 2025).

⁸ 15 U.S.C. 78s(b)(2).

disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.⁹ The 180th day after publication of the proposed rule change is August 17, 2025. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹⁰ designates October 16, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR-CboeBZX-2025-014).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-15728 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103711; File No. SR-CboeBZX-2025-013]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Amendment No. 1 and Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of Canary Marinade Solana ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

August 14, 2025.

On January 28, 2025, Cboe BZX Exchange, Inc. (“BZX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the Canary

Solana Trust ³ under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.⁴

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁵ 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.⁶ On May 19, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act ⁷ to determine whether to approve or disapprove the proposed rule change.⁸

On May 22, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaces and supersedes the original filing. The proposed rule change, as modified by Amendment No. 1, is 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, as modified by Amendment No. 1, from interested persons, and to designate a longer period within which to issue an order approving or disapproving the proposed rule change, as modified by Amendment No. 1.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (“BZX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to list and trade shares of the Canary Marinade Solana Trust (the “Trust”),⁹ under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares.

The text of the proposed rule change is also available on the Exchange's website (<http://markets.cboe.com/us/>

equities/regulation/rule_filings/bzx/) and at the Exchange's Office of the Secretary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This Amendment No. 1 to SR-CboeBZX-2025-013 amends and replaces in its entirety the proposal as originally submitted on January 28, 2025. The Exchange submits this Amendment No. 1 in order to clarify certain points and add additional details to the proposal.

The Exchange proposes to list and trade the Shares under BZX Rule 14.11(e)(4),¹⁰ which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.¹¹ Canary Capital Group LLC is the sponsor of the Trust (the “Sponsor”). The Shares will be registered with the Commission by means of the Trust's registration statement on Form S-1 (the “Registration Statement”).¹² According to the Registration Statement, the Trust is neither an investment company registered under the Investment

¹⁰ The Commission approved BZX Rule 14.11(e)(4) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR-BATS-2011-018).

¹¹ Any of the statements or representations regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values, or the applicability of Exchange listing rules specified in this filing to list a series of Other Securities (collectively, “Continued Listing Representations”) shall constitute continued listing requirements for the Shares listed on the Exchange.

¹² See the Registration Statement on Form S-1, dated October 30, 2024, submitted by the Sponsor on behalf of the Trust. The descriptions of the Trust, the Shares, and the Pricing Benchmark (as defined below) contained herein are based, in part, on information in the Registration Statement. The Registration Statement is not yet effective, and the Shares will not trade on the Exchange until such time that the Registration Statement is effective.

⁹ See *supra* note 3 and accompanying text.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(57).

¹² 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1 the Exchange proposes to change the name of the trust to Canary Marinade Solana ETF. See Item I *infra*.

⁴ See Securities Exchange Act Release No. 102392 (Feb. 11, 2025), 90 FR 9756. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-013/sr-cboebzx2025013.htm>.

⁵ 15 U.S.C. 78s(b)(2).

⁶ See Securities Exchange Act Release No. 102588, 90 FR 12424 (Mar. 17, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ See Securities Exchange Act Release No. 103065, 90 FR 22141 (May 23, 2025).

⁹ The Trust was formed as a Delaware statutory trust on October 17, 2024, and is operated as a grantor trust for U.S. federal tax purposes. The Trust has no fixed termination date.

Company Act of 1940, as amended,¹³ nor a commodity pool for purposes of the Commodity Exchange Act (“CEA”), and neither the Trust nor the Sponsor is subject to regulation as a commodity pool operator or a commodity trading adviser in connection with the Shares.

Since 2017, the Commission has approved or disapproved exchange filings to list and trade series of Trust Issued Receipts, including spot-based Commodity-Based Trust Shares, on the basis of whether the listing exchange has in place a comprehensive surveillance sharing agreement with a regulated market of significant size related to the underlying commodity to be held (the “Winklevoss Test”).¹⁴ The Commission has also consistently recognized that this not the *exclusive* means by which an ETP listing exchange can meet this statutory obligation.¹⁵ A listing exchange could, alternatively, demonstrate that “other means to prevent fraudulent and manipulative acts and practices will be sufficient” to justify dispensing with a surveillance-sharing agreement with a regulated market of significant size.¹⁶

¹³ 15 U.S.C. 80a–1.

¹⁴ See Securities Exchange Act Release Nos. 78262 (July 8, 2016), 81 FR 78262 (July 14, 2016) (the “Winklevoss Proposal”). The Winklevoss Proposal was the first exchange rule filing proposing to list and trade shares of an ETP that would hold spot bitcoin (a “Spot Bitcoin ETP”). It was subsequently disapproved by the Commission. See Securities Exchange Act Release No. 83723 (July 26, 2018), 83 FR 37579 (August 1, 2018) (the “Winklevoss Order”); 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Self-Regulatory Organizations; NYSE Arca, Inc.; The Nasdaq Stock Market LLC; Cboe BZX Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units) (the “Spot Bitcoin ETP Approval Order”); 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (Self-Regulatory Organizations; NYSE Arca, Inc.; The Nasdaq Stock Market LLC; Cboe BZX Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products) (the “Spot ETH ETP Approval Order”).

¹⁵ See Winklevoss Order, 83 FR at 37580; see Spot Bitcoin ETP Approval Order, 89 FR at 3009; see Spot ETH ETP Approval Order 89 FR at 46938.

¹⁶ The Exchange notes that that the Winklevoss Test was first applied in 2017 in the Winklevoss Order, which was the first disapproval order related to an exchange proposal to list and trade a Spot Bitcoin ETP. All prior approval orders issued by the Commission approving the listing and trading of series of Trust Issued Receipts included no specific analysis related to a “regulated market of significant size.” In the Winklevoss Order and the Commission’s prior orders approving the listing and trading of series of Trust Issued Receipts have noted that the spot commodities and currency markets for which it has previously approved spot ETPs are generally unregulated and that the Commission relied on the underlying futures market as the regulated market of significant size that formed the basis for approving the series of Currency and Commodity-Based Trust Shares, including gold,

The Commission recently issued orders granting approval for proposals to list bitcoin- and ether-based commodity trust shares and bitcoin-based, ether-based, and a combination of bitcoin- and ether-based trust issued receipts (these proposed funds are nearly identical to the Trust, but proposed to hold bitcoin and/or ether, respectively, instead of SOL) (“Spot Bitcoin ETPs” and “Spot ETH ETPs”). In both the Spot Bitcoin ETP Approval Order and Spot ETH ETP Approval Order, the Commission found that sufficient “other means” of preventing fraud and manipulation had been demonstrated that justified dispensing with a surveillance-sharing agreement of significant size. Specifically, the Commission found that while the Chicago Mercantile Exchange (“CME”) futures market for both bitcoin and ether were not of “significant size” related to the spot market, the Exchange demonstrated that other means could be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the proposals.

As further discussed below, both the Exchange and the Sponsor believe that this proposal and the included analysis are sufficient to establish that the proposal is consistent with the Act itself and, additionally, that there are sufficient “other means” of preventing fraud and manipulation that warrant dispensing of the surveillance-sharing agreement with a regulated market of significant size, as was done with both Spot Bitcoin ETPs and Spot ETH ETPs, and that this proposal should be approved.

Background

SOL is a digital asset that is created and transmitted through the operations of the peer-to-peer Solana Network, a decentralized network of computers that operates on cryptographic protocols. No single entity is known to own or operate

silver, platinum, palladium, copper, and other commodities and currencies. The Commission specifically noted in the Winklevoss Order that the approval order issued related to the first spot gold ETP “was based on an assumption that the currency market and the spot gold market were largely unregulated.” See Winklevoss Order at 37592. As such, the regulated market of significant size test does not require that the spot market be regulated in order for the Commission to approve this proposal, and precedent makes clear that an underlying market for a spot commodity or currency being a regulated market would actually be an exception to the norm. These largely unregulated currency and commodity markets do not provide the same protections as the markets that are subject to the Commission’s oversight, but the Commission has consistently looked to surveillance sharing agreements with the underlying futures market in order to determine whether such products were consistent with the Act.

the Solana Network, the infrastructure of which is understood to be collectively maintained by a decentralized user base. The Solana Network allows people to exchange tokens of value, called SOL, which are recorded on a public transaction ledger known as a blockchain. SOL can be used to pay for goods and services, including computational power on the Solana Network, or it can be converted to fiat currencies, such as the U.S. dollar, at rates determined on Digital Asset Trading Platforms or in individual end-user-to-end-user transactions under a barter system. Furthermore, the Solana Network was designed to allow users to write and implement smart contracts—that is, general-purpose code that executes on every computer in the network and can instruct the transmission of information and value based on a sophisticated set of logical conditions. Using smart contracts, users can create markets, store registries of debts or promises, represent the ownership of property, move funds in accordance with conditional instructions and create digital assets other than SOL on the Solana Network. Smart contract operations are executed on the Solana blockchain in exchange for payment of SOL. Like the Ethereum network, the Solana Network is one of a number of projects intended to expand blockchain use beyond just a peer-to-peer money system.

The Solana protocol introduced the Proof-of-History (“PoH”) timestamping mechanism. PoH automatically orders on-chain transactions by creating a historical record that proves an event has occurred at a specific moment in time. PoH is intended to provide a transaction processing speed and capacity advantage over other blockchain networks like Bitcoin and Ethereum, which rely on sequential production of blocks and can lead to delays caused by validator confirmations. PoH is a new blockchain technology that is not widely used. PoH may not function as intended. For example, it may require more specialized equipment to participate in the network and fail to attract a significant number of users, or may be subject to outages or fail to function as intended. In addition, there may be flaws in the cryptography underlying PoH, including flaws that affect functionality of the Solana Network or make the network vulnerable to attack.

In addition to the PoH mechanism described above, the Solana Network uses a proof-of-stake consensus mechanism to incentivize SOL holders to validate transactions. Unlike proof-of-work, in which miners expend

computational resources to compete to validate transactions and are rewarded coins in proportion to the amount of computational resources expended, in proof-of-stake, validators risk or “stake” coins to compete to be randomly selected to validate transactions and are rewarded coins in proportion to the amount of coins staked. Any malicious activity, such as disagreeing with the eventual consensus or otherwise violating protocol rules, results in the forfeiture or “slashing” of a portion of the staked coins. Proof-of-stake is viewed as more energy efficient and scalable than proof-of-work and is sometimes referred to as “virtual mining”.

The Solana protocol was first conceived by Anatoly Yakovenko in a 2017 whitepaper. Development of the Solana Network is overseen by the Solana Foundation, a Swiss non-profit organization, and Solana Labs, Inc., a Delaware corporation, which administered the original network launch and token distribution.

Although the Solana Labs, Inc. and the Solana Foundation continue to exert significant influence over the direction of the development of Solana, the Solana Network, like the Ethereum network, is believed to be decentralized and does not require governmental authorities or financial institution intermediaries to create, transmit or determine the value of SOL.

As noted above, this proposal is to list and trade shares of the Trust that would hold spot SOL and, as described below, cause the Trust to stake a portion of its SOL.

In light of these factors, among others, the Sponsor believes that it is applying the proper legal standards in making a good faith determination that it believes SOL is not presently and under these circumstances a security under federal law in light of the uncertainties inherent in applying the *Howey* and *Reves* tests.¹⁷ As noted numerous times by the

Commission as it relates to crypto assets, a crypto asset is not itself a security, but rather can be an investment contract (and thus a security) based on the full set of contracts, expectations, and understanding centered on the sales and distribution of the crypto asset.¹⁸ Thus, even where the facts and circumstances dictate that an investment contract exists, the token is not itself an

preliminary matter, the SEC does not appear to contest that tokens, in and of themselves, are not securities.”); *SEC v. Coinbase*, Transcript of Oral Arguments. (S.D.N.Y. Jan. 17, 2024) (MR. COSTELLO: “The token itself is not the security,” at page 21) (MR. COSTELLO: “It’s that network or ecosystem, that is what drives the value of the token because the token as code is linked to that ecosystem. It is tied to it. It cannot be separated from it. As the value of that network or platform or ecosystem increases, so does the value of the token. And the issuers and the project team, they drive the value of the ecosystem. So your token being part of this ecosystem is going up or down in value based entirely on what these issuers and project team members are doing and continuing to do. So it is their conduct that would be relevant for the *Howey* analysis,” at page 19). See also *CFTC v. Sam Ikkurty*; In the U.S. District Court for the Northern District of Illinois, Eastern Division, No. 22–cv–02465, July 1, 2024, which stated that “OHM and Klima, two non-Bitcoin virtual currencies . . . qualify as commodities,” noting those virtual currencies fall into the same general class as Bitcoin, on which there is regulated futures trading; *CFTC v. My Big Coin Pay, Inc.*, 334 F. Supp. 3d 492, 498 (D. Mass. 2018) (finding non-Bitcoin virtual currency is a commodity because “the CEA only requires the existence of futures trading within a certain class (e.g., “natural gas”) in order for all items within that class (e.g., “West Coast” natural gas) to be considered commodities.”).

¹⁸ See *SEC v. Telegram Grp., Inc.*, 448 F. Supp. 3d 352, 379 (S.D.N.Y. 2020); *SEC v. Binance Holdings Limited*, No. 1–23–cv–01599, (D.D.C. Sep 12, 2024) ECF No 273 (Plaintiff Securities and Exchange Commission’s Memorandum of Law in Support of Motion for Leave to Amend the Complaint) (the “Amended Binance Complaint”). Specifically, footnote 6 of the Amended Binance Complaint stated: “As this Court noted and as the SEC reiterates, with its use of the term “crypto asset securities,” the SEC is not referring to the crypto asset itself as the security; rather, as the SEC has consistently maintained since the very first crypto asset *Howey* case the SEC litigated, the term is a shorthand. See *Telegram*, 448 F. Supp. 3d 352, 379 (“While helpful as a shorthand reference, the security in this case is not simply the [crypto asset], which is little more than alphanumeric cryptographic sequence . . . [the] security . . . [in] [t]his case . . . consists of the full set of contracts, expectations, and understandings centered on the sales and distribution of the [crypto asset].”). Nevertheless, to avoid any confusion, the PAC no longer uses the shorthand term, and the SEC regrets any confusion it may have invited in this regard. MTD Order at 19–20. As the Court explained, the crypto asset is the subject of the investment contract. Defendants appear to argue that, even if the Ten Crypto Assets were offered and sold as securities during the ICOs, they do not remain securities into perpetuity. The SEC is not advancing this argument. The SEC’s allegations with respect to the Ten Crypto Assets at issue in secondary markets are that their promotions and economic realities have not changed in any meaningful way under *Howey*, such that they continue to be offered and sold as investment contracts.”

investment contract and the investment contract does not exist in perpetuity. The investment contract (and thus security) analysis is a facts and circumstances dependent evaluation related to all circumstances surrounding the buying or selling of the crypto asset. In the Amended Binance Complaint, the Commission notes the following:

Defendants appear to argue that, even if the Ten Crypto Assets were offered and sold as securities during the ICOs, they do not remain securities into perpetuity. The SEC is not advancing this argument. The SEC’s allegations with respect to the Ten Crypto Assets at issue in secondary markets are that their promotions and economic realities have not changed in any meaningful way under *Howey*, such that they continue to be offered and sold as investment contracts.

This footnote is presented in the context of the argument that transactions in Solana (among other assets) that occur on Binance’s platforms are investment contracts and thus represent securities transactions. The Amended Binance Complaint also includes extensive discussion about Binance’s role in promoting the Ten Crypto Assets. A broad reading of this footnote could lead one to believe that the Ten Crypto Assets discussed therein are in every context considered an investment contract and therefore in every context are a security. However that reading would contradict other statements from both the SEC and the courts, such as from *Telegram*: “[the] security . . . [in] [t]his case . . . consists of the full set of contracts, expectations, and understandings centered on the sales and distribution of the [crypto asset].” The “full set of contracts, expectations, and understandings” is critical and seems to be the basis for inclusion of Binance’s role in promoting the Ten Crypto Assets in the Amended Binance Complaint. In this instance, the details about the vehicle through which a crypto asset is being held and the way that vehicle will be bought and sold seem to clearly be part of the “full set of contracts, expectations, and understandings” and therefore would warrant a separate investment contract analysis from cases like the Amended Binance Complaint unless there was another instance to analogize in which Solana had been deemed a security.

Here, however, the facts and circumstances are much different than in any prior complaint, including the Amended Binance Complaint, and therefore such prior determinations by the Commission that Solana is a security under the specific applicable sets of facts and circumstances should not apply as it relates to this rule filing and

¹⁷ See *SEC v. Ripple Labs*, 2023 WL 4507900 at 15, (S.D.N.Y. July 13, 2023) (“XRP, as a digital token, is not in and of itself a ‘contract, transaction[,] or scheme’ that embodies the *Howey* requirements of an investment contract.”); *SEC v. Terraform Labs*, 2023 WL 4858299 at 33 (S.D.N.Y. July 31, 2023) (“To be sure, the original UST and LUNA coins, as originally created and when considered in isolation, might not then have been, by themselves, investment contracts. Much as the orange groves in *Howey* would not be considered securities if they were sold apart from the cultivator’s promise to share any profits derived by their cultivation, the term “security” also cannot be used to describe any crypto-assets that were not somehow intermingled with one of the investment “protocols,” did not confer a “right to . . . purchase” another security, or were otherwise not tied to the growth of the Terraform blockchain ecosystem”); *SEC v. Coinbase*, 2024 WL 134037 at 29 (S.D.N.Y. March 27, 2024 at 29) (“As a

the specific facts and circumstances presented herein.

Section 6(b)(5) and the Applicable Standards

The Commission has approved numerous series of Trust Issued Receipts,¹⁹ including Commodity-Based Trust Shares,²⁰ to be listed on U.S. national securities exchanges. In order for any proposed rule change from an exchange to be approved, the Commission must determine that, among other things, the proposal is consistent with the requirements of Section 6(b)(5) of the Act, specifically including: (i) the requirement that a national securities exchange's rules are designed to prevent fraudulent and manipulative acts and practices;²¹ and (ii) the requirement that an exchange proposal be designed, in general, to protect investors and the public interest. The Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the Act and that this filing sufficiently demonstrates the manipulation concerns previously articulated by the Commission are sufficiently mitigated to the point that they are outweighed by quantifiable investor protection issues

¹⁹ See Exchange Rule 14.11(f).

²⁰ Commodity-Based Trust Shares, as described in Exchange Rule 14.11(e)(4), are a type of Trust Issued Receipt.

²¹ Much like bitcoin and ETH, the Exchange believes that SOL is resistant to price manipulation and that "other means to prevent fraudulent and manipulative acts and practices" exist to justify dispensing with the requisite surveillance sharing agreement. The geographically diverse and continuous nature of SOL trading render it difficult and prohibitively costly to manipulate the price of SOL. The fragmentation across platforms and the capital necessary to maintain a significant presence on each trading platform make manipulation of SOL prices through continuous trading activity challenging. To the extent that there are trading platforms engaged in or allowing wash trading or other activity intended to manipulate the price of SOL on other markets, such pricing does not normally impact prices on other trading platforms because participants will generally ignore markets with quotes that they deem non-executable. Moreover, the linkage between SOL markets and the presence of arbitrageurs in those markets means that the manipulation of the price of SOL on any single venue would require manipulation of the global SOL price in order to be effective. Arbitrageurs must have funds distributed across multiple trading platforms in order to take advantage of temporary price dislocations, thereby making it unlikely that there will be strong concentration of funds on any particular trading platforms or OTC platform. Further, the speed and relatively inexpensive nature of transactions on the Solana network allow arbitrageurs to quickly move capital between trading platforms where price dislocations may occur. As a result, the potential for manipulation on a trading platform would require overcoming the liquidity supply of such arbitrageurs who are effectively eliminating any cross-market pricing differences.

that would be resolved by approving this proposal.

As noted above, the Commission has recognized that the "regulated market of significant size" standard is not the only means for satisfying Section 6(b)(5) of the Act, specifically providing that a listing exchange could demonstrate that "other means to prevent fraudulent and manipulative acts and practices" are sufficient to justify dispensing with the requisite surveillance-sharing agreement.²² While there is currently no futures market for SOL, in the Spot Bitcoin ETF Approval Order and Spot ETH ETF Approval Order the Commission determined that the CME bitcoin futures market and CME ETH future market, respectively, were not of "significant size" related to the spot market. Instead, the Commission found that sufficient "other means" of preventing fraud and manipulation had been demonstrated that justified dispensing with a surveillance-sharing agreement of significant size. The Exchange and Sponsor believe that this proposal provides for other means of preventing fraud and manipulation justify dispensing with a surveillance-sharing agreement of significant size.

Over the past several years, U.S. investor exposure to SOL, through OTC SOL Funds and digital asset trading platforms, has grown into billions of dollars. The Exchange believes that approving this proposal (and comparable proposals) provides the Commission with the opportunity to allow U.S. investors with access to SOL in a regulated and transparent exchange-traded vehicle that would act to limit risk to U.S. investors by: (i) reducing premium and discount volatility; (ii) reducing management fees through meaningful competition; and (iii) providing an alternative to custodial spot SOL.

The Exchange believes that the policy concerns are mitigated by the fact that the Exchange believes that the underlying reference asset is not susceptible to manipulation because the nature of the SOL ecosystem makes manipulation of SOL difficult. The geographically diverse and continuous nature of SOL trading makes it difficult and prohibitively costly to manipulate the price of SOL and, in many instances, the SOL market is generally less

susceptible to manipulation than the equity, fixed income, and commodity futures markets. There are a number of reasons this is the case, including that there is not inside information about revenue, earnings, corporate activities, or sources of supply; manipulation of the price on any single venue would require manipulation of the global SOL price in order to be effective; a substantial over-the-counter market provides liquidity and shock-absorbing capacity; SOL's 24/7/365 nature provides constant arbitrage opportunities across all trading venues; and it is unlikely that any one actor could obtain a dominant market share.

Further, SOL is arguably less susceptible to manipulation than other commodities that underlie ETPs; there may be inside information relating to the supply of the physical commodity such as the discovery of new sources of supply or significant disruptions at mining facilities that supply the commodity that simply are inapplicable as it relates to certain cryptoassets, including SOL. Further, the Exchange believes that the fragmentation across SOL trading platforms and increased adoption of SOL, as displayed through increased user engagement and trading volumes, and the Solana Network make manipulation of SOL prices through continuous trading activity unlikely. Moreover, the linkage between the SOL markets and the presence of arbitrageurs in those markets means that the manipulation of the price of SOL price on any single venue would require manipulation of the global SOL price in order to be effective. Arbitrageurs must have funds distributed across multiple SOL trading platforms in order to take advantage of temporary price dislocations, thereby making it unlikely that there will be strong concentration of funds on any particular SOL trading platform. As a result, the potential for manipulation on a particular SOL trading platform would require overcoming the liquidity supply of such arbitrageurs who are effectively eliminating any cross-market pricing differences. For all of these reasons, SOL is not particularly susceptible to manipulation, especially as compared to other approved ETP reference assets.

Canary Marinade Solana ETF

CSC Delaware Trust Company is the trustee ("Trustee"). A third party will be the administrator ("Administrator") and transfer agent ("Transfer Agent") and will be responsible for the custody of the Trust's cash and cash equivalents²³

²² See Winklevoss Order at 37580. The Commission has also specifically noted that it "is not applying a 'cannot be manipulated' standard; instead, the Commission is examining whether the proposal meets the requirements of the Exchange Act and, pursuant to its Rules of Practice, places the burden on the listing exchange to demonstrate the validity of its contentions and to establish that the requirements of the Exchange Act have been met." *Id.* at 37582.

²³ Cash equivalents are short-term instruments with maturities of less than 3 months.

(the “Cash Custodian”). A third-party custodian (the “Custodian”), will be responsible for custody of the Trust’s SOL.

According to the Registration Statement, each Share will represent a fractional undivided beneficial interest in and ownership of the Trust. The Trust’s assets will only consist of SOL, cash, or cash and cash equivalents.

According to the Registration Statement, the Trust will be neither an investment company registered under the Investment Company Act of 1940, as amended,²⁴ nor a commodity pool for purposes of the CEA, and neither the Trust nor the Sponsor is subject to regulation as a commodity pool operator or a commodity trading adviser in connection with the Shares.

The Sponsor may stake, or cause to be staked, all or a portion of the Trust’s SOL through one or more trusted staking providers (“Staking Providers”). The Sponsor intends for the initial Staking Provider of the Trust to be Sous Vide Ltd. Dba Marinade Finance. In consideration for any staking activity in which the Trust may engage, the Trust would receive all or a portion of the staking rewards generated through staking activities, which may be treated as income to the Trust. The Trust will not acquire and will disclaim any incidental right (“IR”) or IR asset received, for example as a result of forks or airdrops, and such assets will not be taken into account for purposes of determining NAV.

When the Trust sells or redeems its Shares, it will do so in cash transactions in blocks of 500 Shares (a “Creation Basket”) at the Trust’s net asset value (“NAV”). For creations, authorized participants will deliver cash to the Trust’s account with the Cash Custodian in exchange for Shares. Upon receipt of an approved creation order, the Sponsor, on behalf of the Trust, will submit an order to buy the amount of SOL represented by a Creation Basket. Based off SOL executions, the Cash Custodian will request the required cash from the authorized participant; the Transfer Agent will only issue Shares when the authorized participant has made delivery of the cash. Following receipt by the Cash Custodian of the cash from an authorized participant, the Sponsor, on behalf of the Trust, will approve an order with one or more previously onboarded trading partners to purchase the amount of SOL represented by the Creation Basket. This purchase of SOL will normally be cleared through an affiliate of the Custodian (although the purchase may

also occur directly with the trading partner) and the SOL will settle directly into the Trust’s account at the Custodian.²⁵ Authorized participants may then offer Shares to the public at prices that depend on various factors, including the supply and demand for Shares, the value of the Trust’s assets, and market conditions at the time of a transaction. Shareholders who buy or sell Shares during the day from their broker may do so at a premium or discount relative to the NAV of the Shares of the Trust.

Investment Objective

According to the Registration Statement and as further described below, the Trust’s investment objective is to seek to track the performance of SOL, as measured by the Pricing Benchmark, adjusted for the Trust’s expenses and other liabilities. In seeking to achieve its investment objective, the Trust will hold SOL and will value its Shares daily as of 4:00 p.m. ET using the same methodology used to calculate the Pricing Benchmark. All of the Trust’s SOL will be held by the Custodian.

The Pricing Benchmark

As described in the Registration Statement, The Trust will use the CME CF Solana-Dollar Reference Rate—New York Variant (the “Pricing Benchmark”) to calculate the Trust’s NAV. The Trust will determine the SOL Pricing Benchmark price and value its Shares daily based on the value of SOL as reflected by the Pricing Benchmark. The Pricing Benchmark will be calculated daily and aggregates the notional value of SOL trading across major SOL spot trading platforms.

Net Asset Value

NAV means the total assets of the Trust (which includes all SOL and cash and cash equivalents) less total liabilities of the Trust. The Administrator determines the NAV of the Trust on each day that the Exchange is open for regular trading, as promptly as practical after 4:00 p.m. ET based on the closing value of the Pricing Benchmark. The NAV of the Trust is the aggregate value of the Trust’s assets less its estimated accrued but unpaid liabilities (which include accrued expenses). In determining the NAV, the Administrator values the SOL held by

the Trust based on the closing value of the Pricing Benchmark as of 4:00 p.m. ET. The Administrator also determines the NAV per Share. The NAV for the Trust will be calculated by the Administrator once a day and will be disseminated daily to all market participants at the same time.

Availability of Information

In addition to the price transparency of the Pricing Benchmark, the Trust will provide information regarding the Trust’s SOL holdings as well as additional data regarding the Trust. The website for the Trust, which will be publicly accessible at no charge, will contain the following information: (a) the current NAV per Share daily and the prior business day’s NAV per Share and the reported BZX Official Closing Price;²⁶ (b) the BZX Official Closing Price in relation to the NAV per Share as of the time the NAV is calculated and a calculation of the premium or discount of such price against such NAV per Share; (c) data in chart form displaying the frequency distribution of discounts and premiums of the BZX Official Closing Price against the NAV per Share, within appropriate ranges for each of the four previous calendar quarters (or for the life of the Trust, if shorter); (d) the prospectus; and (e) other applicable quantitative information. The aforementioned information will be published as of the close of business and available on the Sponsor’s website at *Canary-capital.com*, or any successor thereto. The NAV for the Trust will be calculated by the Administrator once a day and will be disseminated daily to all market participants at the same time. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association (“CTA”). The Trust will also disseminate its holdings on a daily basis on its website.

The Intraday Indicative Value (“IIV”) will be updated during Regular Trading Hours to reflect changes in the value of the Trust’s SOL holdings during the trading day. The IIV disseminated during Regular Trading Hours should not be viewed as an actual real-time update of the NAV, which will be calculated only once at the end of each trading day. The IIV may differ from the NAV because NAV is calculated, using the closing value of the Pricing Benchmark, once a day at 4 p.m. ET,

²⁵ For redemptions, the process will occur in the reverse order. Upon receipt of an approved redemption order, the Sponsor, on behalf of the Trust, will submit an order to sell the amount of SOL represented by a Creation Basket and the cash proceeds will be remitted to the authorized participant when the Shares are received by the Transfer Agent.

²⁶ As defined in Rule 11.23(a)(3), the term “BZX Official Closing Price” shall mean the price disseminated to the consolidated tape as the market center closing trade.

²⁴ 15 U.S.C. 80a–1.

whereas the IIV draws prices from the last trade on each constituent platform in an effort to produce a relevant, real-time price). The Trust will provide an IIV per Share updated every 15 seconds, as calculated by the Exchange or a third-party financial data provider during the Exchange's Regular Trading Hours (9:30 a.m. to 4:00 p.m. E.T.). The IIV will be widely disseminated on a per Share basis every 15 seconds during the Exchange's Regular Trading Hours through the facilities of the CTA and Consolidated Quotation System (CQS) high speed lines. In addition, the IIV will be available through on-line information services, such as Bloomberg and Reuters.

The price of SOL will be made available by one or more major market data vendors, updated at least every 15 seconds during Regular Trading Hours.

Quotation and last sale information for SOL is widely disseminated through a variety of major market data vendors, including Bloomberg and Reuters. Information relating to trading, including price and volume information, in SOL is available from major market data vendors and from the trading platforms on which SOL are traded. Depth of book information is also available from SOL trading platforms. The normal trading hours for SOL trading platforms are 24 hours per day, 365 days per year.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's BZX Official Closing Price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA.

The Custodian

The Custodian's services (i) allow SOL to be deposited from a public blockchain address to the Trust's SOL account; (ii) allow SOL to be withdrawn from the SOL account to a public blockchain address as instructed by the Trust; and (iii) allow SOL to be staked. The custody agreement requires the Custodian to hold the Trust's SOL in cold storage, unless required to facilitate withdrawals as a temporary measure. The Custodian will use segregated cold storage SOL addresses for the Trust which are separate from the SOL addresses that the Custodian uses for its other customers and which are directly verifiable via the SOL blockchain. The

Custodian will safeguard the private keys to the SOL associated with the Trust's SOL account. The Custodian will at all times record and identify in its books and records that such SOL constitutes the property of the Trust. The Custodian will not withdraw the Trust's SOL from the Trust's account with the Custodian, or loan, hypothecate, pledge or otherwise encumber the Trust's SOL, without the Trust's instruction. If the custody agreement terminates, the Sponsor may appoint another custodian and the Trust may enter into a custodian agreement with such custodian.

Creation and Redemption of Shares

When the Trust sells or redeems its Shares, it will do so in cash transactions in 500 Share increments (a Creation Basket) that are based on the amount of SOL held by the Trust on a per Creation Basket basis. According to the Registration Statement, on any business day, an authorized participant may place an order to create one or more Creation Baskets. Purchase orders must be placed by 4:00 p.m. ET, or the close of regular trading on the Exchange, whichever is earlier. The day on which an order is received is considered the purchase order date. The total deposit of cash required is based on the combined NAV of the number of Shares included in the Creation Baskets being created determined as of 4:00 p.m. ET on the date the order to purchase is properly received. The Administrator determines the quantity of SOL associated with a Creation Basket for a given day by dividing the number of SOL held by the Trust as of the opening of business on that business day, adjusted for the amount of SOL constituting estimated accrued but unpaid fees and expenses of the Trust as of the opening of business on that business day, by the quotient of the number of Shares outstanding at the opening of business divided by the number of Shares in a Creation Basket.

The authorized participants will deliver only cash to create Shares and will receive only cash when redeeming Shares. Further, authorized participants will not directly or indirectly purchase, hold, deliver, or receive SOL as part of the creation or redemption process or otherwise direct the Trust or a third party with respect to purchasing, holding, delivering, or receiving SOL as part of the creation or redemption process.

The Trust will create Shares by receiving SOL from a third party that is not the authorized participant and the Trust—not the authorized participant—is responsible for selecting the third party to facilitate the delivery of SOL.

Further, the third party will not be acting as an agent of the authorized participant with respect to the delivery of the SOL to the Trust or acting at the direction of the authorized participant with respect to the delivery of the SOL to the Trust. When fulfilling a redemption request, the Trust will redeem shares by delivering SOL to a third party that is not the authorized participant and the Trust—not the authorized participant—is responsible for selecting such third party to receive the SOL. Further, the third party will not be acting as an agent of the authorized participant with respect to the receipt of the SOL from the Trust or acting at the direction of the authorized participant with respect to the receipt of the SOL from the Trust.

The procedures by which an authorized participant can redeem one or more Creation Baskets mirror the procedures for the creation of Creation Baskets.

The Sponsor will maintain ownership and control of SOL in a manner consistent with good delivery requirements for spot commodity transactions.

Rule 14.11(e)(4)—Commodity-Based Trust Shares

The Shares will be subject to BZX Rule 14.11(e)(4), which sets forth the initial and continued listing criteria applicable to Commodity-Based Trust Shares. The Exchange represents that, for initial and continued listing, the Trust must be in compliance with Rule 10A-3 under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of listing on the Exchange. The Exchange will obtain a representation that the NAV will be calculated daily and that the NAV and information about the assets of the Trust will be made available to all market participants at the same time. The Exchange notes that, as defined in Rule 14.11(e)(4)(C)(i), the Shares will be: (a) issued by a trust that holds (1) a specified commodity²⁷ deposited with the trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the

²⁷ For purposes of Rule 14.11(e)(4), the term commodity takes on the definition of the term as provided in the Commodity Exchange Act.

redeeming holder the quantity of the underlying commodity and/or cash.

Upon termination of the Trust, the Shares will be removed from listing. The Trustee, Delaware Trust Company, is a trust company having substantial capital and surplus and the experience and facilities for handling corporate trust business, as required under Rule 14.11(e)(4)(E)(iv)(a) and that no change will be made to the trustee without prior notice to and approval of the Exchange. The Exchange also notes that, pursuant to Rule 14.11(e)(4)(F), neither the Exchange nor any agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions or delays in calculating or disseminating any underlying commodity value, the current value of the underlying commodity required to be deposited to the Trust in connection with issuance of Commodity-Based Trust Shares; resulting from any negligent act or omission by the Exchange, or any agent of the Exchange, or any act, condition or cause beyond the reasonable control of the Exchange, its agent, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; or any error, omission or delay in the reports of transactions in an underlying commodity. Finally, as required in Rule 14.11(e)(4)(G), the Exchange notes that any registered market maker ("Market Maker") in the Shares must file with the Exchange in a manner prescribed by the Exchange and keep current a list identifying all accounts for trading in an underlying commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, which the registered Market Maker may have or over which it may exercise investment discretion. No registered Market Maker shall trade in an underlying commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, in an account in which a registered Market Maker, directly or indirectly, controls trading activities, or has a direct interest in the profits or losses thereof, which has not been reported to the Exchange as required by this Rule. In addition to the existing obligations under Exchange rules regarding the production of books and records (see, *e.g.*, Rule 4.2), the registered Market Maker in Commodity-Based Trust Shares shall make available to the Exchange such books, records or other information pertaining to

transactions by such entity or registered or non-registered employee affiliated with such entity for its or their own accounts for trading the underlying physical commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, as may be requested by the Exchange.

The Exchange is able to obtain information regarding trading in the Shares and the underlying SOL or any other SOL derivative through members acting as registered Market Makers, in connection with their proprietary or customer trades.

As a general matter, the Exchange has regulatory jurisdiction over its Members and their associated persons, which include any person or entity controlling a Member. To the extent the Exchange may be found to lack jurisdiction over a subsidiary or affiliate of a Member that does business only in commodities or futures contracts, the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. The Exchange will halt trading in the Shares under the conditions specified in BZX Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which trading is not occurring in the SOL underlying the Shares; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 14.11(e)(4)(E)(ii), which sets forth circumstances under which trading in the Shares may be halted.

If the IIV or the value of the Pricing Benchmark is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the value of the Pricing Benchmark occurs. If the interruption to the dissemination of the IIV or the value of the Pricing Benchmark persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market

participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. BZX will allow trading in the Shares during all trading sessions on the Exchange. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in BZX Rule 11.11(a) the minimum price variation for quoting and entry of orders in securities traded on the Exchange is \$0.01 where the price is greater than \$1.00 per share or \$0.0001 where the price is less than \$1.00 per share. The Shares of the Trust will conform to the initial and continued listing criteria set forth in BZX Rule 14.11(e)(4).

Surveillance

The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Commodity-Based Trust Shares. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares or any other SOL derivative with other markets and other entities that are members of the ISG, and the Exchange, or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares or any other SOL derivative from such markets and other entities.²⁸ The Exchange may obtain information regarding trading in the Shares or any other SOL derivative via ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the

²⁸ For a list of the current members and affiliate members of ISG, see www.isgportal.com.

distribution of material, non-public information by its employees.

The Sponsor has represented to the Exchange that it will advise the Exchange of any failure by the Trust or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Trust or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (i) the procedures for the creation and redemption of Creation Baskets (and that the Shares are not individually redeemable); (ii) BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (iii) how information regarding the IIV and the Trust's NAV are disseminated; (iv) the risks involved in trading the Shares outside of Regular Trading Hours²⁹ when an updated IIV will not be calculated or publicly disseminated; (v) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (vi) trading information. The Information Circular will also reference the fact that there is no regulated source of last sale information regarding SOL, and that the Commission has no jurisdiction over the trading of SOL as a commodity.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Shares. Members purchasing the Shares for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b)

of the Act³⁰ in general and Section 6(b)(5) of the Act³¹ in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission has approved numerous series of Trust Issued Receipts,³² including Commodity-Based Trust Shares,³³ to be listed on U.S. national securities exchanges. In order for any proposed rule change from an exchange to be approved, the Commission must determine that, among other things, the proposal is consistent with the requirements of Section 6(b)(5) of the Act, specifically including: (i) the requirement that a national securities exchange's rules are designed to prevent fraudulent and manipulative acts and practices;³⁴ and (ii) the requirement that an exchange proposal be designed, in general, to protect investors and the public interest. The Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the

³⁰ 15 U.S.C. 78f.

³¹ 15 U.S.C. 78f(b)(5).

³² See Exchange Rule 14.11(f).

³³ Commodity-Based Trust Shares, as described in Exchange Rule 14.11(e)(4), are a type of Trust Issued Receipt.

³⁴ The Exchange believes that SOL is resistant to price manipulation and that "other means to prevent fraudulent and manipulative acts and practices" exist to justify dispensing with the requisite surveillance sharing agreement. The geographically diverse and continuous nature of SOL trading render it difficult and prohibitively costly to manipulate the price of SOL. The fragmentation across SOL platforms, the relatively slow speed of transactions, and the capital necessary to maintain a significant presence on each trading platform make manipulation of SOL prices through continuous trading activity challenging. To the extent that there are SOL trading platforms engaged in or allowing wash trading or other activity intended to manipulate the price of SOL on other markets, such pricing does not normally impact prices on other trading platforms because participants will generally ignore markets with quotes that they deem non-executable. Moreover, the linkage between the SOL markets and the presence of arbitrageurs in those markets means that the manipulation of the price of SOL price on any single venue would require manipulation of the global SOL price in order to be effective. Arbitrageurs must have funds distributed across multiple trading platforms in order to take advantage of temporary price dislocations, thereby making it unlikely that there will be strong concentration of funds on any particular SOL trading platform or OTC platforms. As a result, the potential for manipulation on a trading platform would require overcoming the liquidity supply of such arbitrageurs who are effectively eliminating any cross-market pricing differences.

Act and that this filing sufficiently demonstrates that on the whole, the manipulation concerns previously articulated by the Commission are sufficiently mitigated to the point that they are outweighed by quantifiable investor protection issues that would be resolved by approving this proposal.

As noted above, the Commission has recognized that the "regulated market of significant size" standard is not the only means for satisfying Section 6(b)(5) of the act, specifically providing that a listing exchange could demonstrate that "other means to prevent fraudulent and manipulative acts and practices" are sufficient to justify dispensing with the requisite surveillance-sharing agreement.³⁵ The Exchange and Sponsor believe that such conditions are present.

The Exchange believes that the proposal is designed to protect investors and the public interest. Over the past several years, U.S. investor exposure to SOL has grown into the billions of dollars, mostly through transactions in spot SOL on digital asset trading platforms. The Exchange believes that approving this proposal (and comparable proposals) provides the Commission with the opportunity to allow U.S. investors with access to SOL in a regulated and transparent exchange-traded vehicle that would act to limit risk to U.S. investors by: (i) reducing premium and discount volatility; (ii) reducing management fees through meaningful competition; and (iii) providing an alternative to custodial spot SOL.

The Exchange believes that the policy concerns are mitigated by the fact that the Exchange believes that the underlying reference asset is not susceptible to manipulation because the nature of the SOL ecosystem makes manipulation of SOL difficult. The geographically diverse and continuous nature of SOL trading makes it difficult and prohibitively costly to manipulate the price of SOL and, in many instances, the SOL market is generally less susceptible to manipulation than the equity, fixed income, and commodity futures markets. There are a number of reasons this is the case, including that there is not inside information about revenue, earnings, corporate activities, or sources of supply; manipulation of the price on any single venue would

³⁵ See Winklevoss Order at 37580. The Commission has also specifically noted that it "is not applying a 'cannot be manipulated' standard; instead, the Commission is examining whether the proposal meets the requirements of the Exchange Act and, pursuant to its Rules of Practice, places the burden on the listing exchange to demonstrate the validity of its contentions and to establish that the requirements of the Exchange Act have been met." *Id.* at 37582.

²⁹ Regular Trading Hours is the time between 9:30 a.m. and 4:00 p.m. Eastern Time.

require manipulation of the global SOL price in order to be effective; a substantial over-the-counter market provides liquidity and shock-absorbing capacity; SOL's 24/7/365 nature provides constant arbitrage opportunities across all trading venues; and it is unlikely that any one actor could obtain a dominant market share.

Further, SOL is arguably less susceptible to manipulation than other commodities that underlie ETPs; there may be inside information relating to the supply of the physical commodity such as the discovery of new sources of supply or significant disruptions at mining facilities that supply the commodity that simply are inapplicable as it relates to bitcoin. Further, the Exchange believes that the fragmentation across SOL trading platforms, the relatively slow speed of transactions, and the capital necessary to maintain a significant presence on each trading platform make manipulation of SOL prices through continuous trading activity unlikely. Moreover, the linkage between the SOL markets and the presence of arbitrageurs in those markets means that the manipulation of the price of SOL price on any single venue would require manipulation of the global SOL price in order to be effective. Arbitrageurs must have funds distributed across multiple SOL trading platforms in order to take advantage of temporary price dislocations, thereby making it unlikely that there will be strong concentration of funds on any particular SOL trading platform. As a result, the potential for manipulation on a particular SOL trading platform would require overcoming the liquidity supply of such arbitrageurs who are effectively eliminating any cross-market pricing differences. For all of these reasons, SOL is not particularly susceptible to manipulation, especially as compared to other approved ETP reference assets.

Commodity-Based Trust Shares

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed on the Exchange pursuant to the initial and continued listing criteria in Exchange Rule 14.11(e)(4). The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products,

including Commodity-Based Trust Shares. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Trust or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Trust or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12. The Exchange may obtain information regarding trading in the Shares and listed SOL derivatives via the ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

Availability of Information

In addition to the price transparency of the Pricing Benchmark, the Trust will provide information regarding the Trust's SOL holdings as well as additional data regarding the Trust. The website for the Trust, which will be publicly accessible at no charge, will contain the following information: (a) the current NAV per Share daily and the prior business day's NAV per Share and the reported BZX Official Closing Price;³⁶ (b) the BZX Official Closing Price in relation to the NAV per Share as of the time the NAV is calculated and a calculation of the premium or discount of such price against such NAV per Share; (c) data in chart form displaying the frequency distribution of discounts and premiums of the BZX Official Closing Price against the NAV per Share, within appropriate ranges for each of the four previous calendar quarters (or for the life of the Trust, if shorter); (d) the prospectus; and (e) other applicable quantitative information. The aforementioned information will be published as of the close of business and available on the Sponsor's website at <https://www.canary.capital/>, or any successor thereto. The NAV for the Trust will be calculated by the Administrator once a day and will be disseminated daily to all market participants at the same time. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. The Trust will also disseminate its holdings on a daily basis on its website.

³⁶ As defined in Rule 11.23(a)(3), the term "BZX Official Closing Price" shall mean the price disseminated to the consolidated tape as the market center closing trade.

The Intraday Indicative Value ("IIV") will be updated during Regular Trading Hours to reflect changes in the value of the Trust's SOL holdings during the trading day. The IIV may differ from the NAV because NAV is calculated, using the closing value of the Pricing Benchmark, once a day at 4:00 p.m. Eastern time whereas the IIV draws prices from the last trade on each constituent platform to produce a relevant, real-time price. The IIV disseminated during Regular Trading Hours should not be viewed as an actual real-time update of the NAV, which will be calculated only once at the end of each trading day. The Trust will provide an IIV per Share updated every 15 seconds, as calculated by the Exchange or a third-party financial data provider during the Exchange's Regular Trading Hours (9:30 a.m. to 4:00 p.m. E.T.). The IIV will be widely disseminated on a per Share basis every 15 seconds during the Exchange's Regular Trading Hours through the facilities of the CTA and CQS high speed lines. In addition, the IIV will be available through on-line information services such as Bloomberg and Reuters.

The price of SOL will be made available by one or more major market data vendors, updated at least every 15 seconds during Regular Trading Hours.

Quotation and last sale information for SOL is widely disseminated through a variety of major market data vendors, including Bloomberg and Reuters. Information relating to trading, including price and volume information, in SOL is available from major market data vendors and from the trading platforms on which SOL are traded. Depth of book information is also available from SOL trading platforms. The normal trading hours for SOL trading platforms are 24 hours per day, 365 days per year.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's BZX Official Closing Price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA.

In sum, the Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the Act, that on the whole the manipulation concerns previously articulated by the Commission are sufficiently mitigated to the point that they are outweighed by

investor protection issues that would be resolved by approving this proposal.

The Exchange believes that the proposal is, in particular, designed to protect investors and the public interest. The investor protection issues for U.S. investors has grown significantly over the last several years, through premium/discount volatility and management fees for OTC SOL Funds. As discussed throughout, this growth investor protection concerns need to be re-evaluated and rebalanced with the prevention of fraudulent and manipulative acts and practices concerns that previous disapproval orders have relied upon.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change, rather will facilitate the listing and trading of an additional exchange-traded product that will enhance competition among both market participants and listing venues, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Notice of Designation of a Longer Period for Commission Action

Section 19(b)(2) of the Act³⁷ provides that, after initiating proceedings to determine whether to disapprove a proposed rule change, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission

determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.³⁸ The 180th day after publication of the proposed rule change is August 17, 2025. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1, and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,³⁹ designates October 16, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment No. 1

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-CboeBZX-2025-013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing also

will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2025-013 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁰

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-15732 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103713; File No. SR-NASDAQ-2025-034]

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 21Shares Dogecoin ETF Under Nasdaq Rule 5711(d) (Commodity Based Trust Shares)

August 14, 2025.

I. Introduction

On April 28, 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 21Shares Dogecoin ETF ("Trust") under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on May 19, 2025.³

⁴⁰ 17 CFR 200.30-3(a)(12) and (57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 103032 (May 13, 2025), 90 FR 21355 ("Notice"). Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nasdaq-2025-034/srnasdaq2025034.htm>.

³⁷ 15 U.S.C. 78s(b)(2).

³⁸ See *supra* note 4 and accompanying text.

³⁹ 15 U.S.C. 78s(b)(2).

On June 30, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ This order institutes proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Proposal

As described in more detail in the Notice,⁷ the Exchange proposes to list and trade the Shares of the Trust under 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 to seek to track the performance of Dogecoin,⁸ as measured by the performance of the CF DOGE-Dollar US Settlement Price Index (“Pricing Benchmark”), adjusted for the Trust’s expenses and other liabilities.⁹ In seeking to achieve its investment objective, the Trust will hold Dogecoin and will value its Shares daily as of 4:00 p.m. ET based on the Pricing Benchmark.¹⁰ When the Trust sells or redeems its Shares, it will do so in cash with authorized participants in blocks of 10,000 Shares.¹¹

III. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2025–034 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section

19(b)(2)(B) of the Act¹² 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,¹³ 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.”¹⁴

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 Dogecoin, 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.¹⁵

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by September 9, 2025. Any person who wishes to file a rebuttal to any other person’s submission must file that rebuttal by September 23, 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–2025–034 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–2025–034. 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.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 103355, 90 FR 29599 (July 3, 2025). The Commission designated August 17, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Notice, *supra* note 3.

⁸ The Exchange states that Dogecoin is a digital asset that is created and transmitted through the operations of the peer-to-peer “Dogecoin Network, a decentralized network of computers that operates on cryptographic protocols. See Notice at 21356.

⁹ See *id.* The Trust is a Maryland statutory trust and is managed and controlled by 21Shares US LLC (“Sponsor”). A Maryland trust company will serve as the trustee of the Trust. Coinbase Custody Trust Company, LLC will be responsible for the custody of the Trust’s Dogecoin. See *id.* at 21355–56.

¹⁰ See *id.* at 21356. The Pricing Benchmark is calculated by CF Benchmarks Ltd. based on an aggregation of executed trade flow of major Dogecoin trading platforms. See *id.*

¹¹ See *id.*

¹² 15 U.S.C. 78s(b)(2)(B).

¹³ *Id.*

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 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).

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–2025–034 and should be submitted on or before September 9, 2025. Rebuttal comments should be submitted by September 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,
Deputy Secretary.
[FR Doc. 2025–15736 Filed 8–18–25; 8:45 am]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE
COMMISSION

[Release No. 34–103710; File No. SR–NASDAQ–2025–058]

Self-Regulatory Organizations; The
Nasdaq Stock Market LLC; Notice of
Filing and Immediate Effectiveness of
Proposed Rule Change To Amend
Options 7, Section 2

August 14, 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 August 1, 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, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization’s
Statement of the Terms of Substance of
the Proposed Rule Change**

The Exchange proposes to amend The Nasdaq Options Market LLC (“NOM”) Rules at Options 7, Section 2, Nasdaq Options Market—Fees and Rebates.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings> and at 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.

*A. Self-Regulatory Organization’s
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change*

1. Purpose

The Exchange proposes to amend NOM’s Pricing Schedule at Options 7, Section 2, Nasdaq Options Market—Fees and Rebates to: (1) increase a NOM Marker Maker³ Rebate to add Liquidity in Non-Penny Symbols; and (2) amend the note 5 incentive for the NOM Market Maker Fee for Adding Liquidity in Non-Penny Symbols.

Background

Today, NOM assesses certain fees and rebates for execution of contracts on NOM as follows:

REBATES TO ADD LIQUIDITY IN PENNY SYMBOLS

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6
Customer	(\$0.20)	(\$0.25)	(\$0.43)	(\$0.44)	(\$0.45)	(\$0.48)
Professional	(0.20)	(0.25)	(0.43)	(0.44)	(0.45)	(0.47)
Broker-Dealer	(0.10)	(0.10)	(0.10)	(0.10)	(0.10)	(0.10)
Firm	(0.10)	(0.10)	(0.10)	(0.10)	(0.10)	(0.10)
Non-NOM Market Maker	(0.10)	(0.10)	(0.10)	(0.10)	(0.10)	(0.10)
NOM Market Maker	(.20)	(0.25)	(0.30)	(0.32)	(0.46)	(0.48)

FEES AND REBATES TO ADD LIQUIDITY IN NON-PENNY SYMBOLS

Customer	(\$0.80)
Professional	(0.80)
Broker-Dealer	0.45
Firm	0.45
Non-NOM Market Maker	0.45
NOM Market Maker	0.35/0.00/ (0.20)/ (0.40)

¹⁶ 17 CFR 200.30–3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ The term “NOM Market Maker” or (“M”) is a Participant that has registered as a Market Maker on NOM pursuant to Options 2, Section 1, and must also remain in good standing pursuant to Options

2, Section 9. In order to receive NOM Market Maker pricing in all securities, the Participant must be registered as a NOM Market Maker in at least one security. Options 7, Section 1(a).

FEES TO REMOVE LIQUIDITY IN PENNY AND NON-PENNY SYMBOLS

	Penny symbols	Non-penny symbols
Customer	\$0.49	\$0.85
Professional	0.49	0.85
Broker-Dealer	0.50	1.25
Firm	0.50	1.25
Non-NOM Market Maker	0.50	1.25
NOM Market Maker	0.50	1.25

Further, Customer ⁴ and Professional ⁵ Rebates to Add Liquidity in Penny Symbols are paid per the highest tier achieved below. To determine the

applicable percentage of total industry customer equity and ETF option average daily volume, unless otherwise stated, the Participant's Penny Symbol and

Non-Penny Symbol Customer and/or Professional volume that adds liquidity will be included.

MONTHLY VOLUME

Tier 1	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Symbols and/or Non-Penny Symbols of up to 0.10% of total industry customer equity and ETF option average daily volume ("ADV") contracts per day in a month.
Tier 2	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Symbols and/or Non-Penny Symbols above 0.10% of total industry customer equity and ETF option ADV contracts per day in a month.
Tier 3	Participant: (a) adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Symbols and/or Non-Penny Symbols above 0.20% of total industry customer equity and ETF option ADV contracts per day in a month; or (b) adds Customer and/or Professional liquidity in Penny Symbols and/or Non-Penny Symbols above 0.05% of total industry customer equity and ETF option ADV contracts per day in a month and qualifies for MARS.
Tier 4	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Symbols and/or Non-Penny Symbols above 0.30% of total industry customer equity and ETF option ADV contracts per day in a month.
Tier 5	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Symbols and/or Non-Penny Symbols above 0.40% of total industry customer equity and ETF option ADV contracts per day in a month.
Tier 6	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Symbols and/or Non-Penny Symbols above 0.70% or more of total industry customer equity and ETF option ADV contracts per day in a month, or Participant: (1) adds Customer and/or Professional liquidity in Penny Symbols and/or Non-Penny Symbols of 0.10% or more of total industry customer equity and ETF option ADV contracts per day in a month, and (2) has added liquidity in all securities through one or more of its Nasdaq Market Center MPIDs that represent 1.00% or more of Consolidated Volume in a month or qualifies for MARS (defined below).

Finally, NOM Market Makers Rebates to Add Liquidity in Penny Symbols are

paid per the highest tier achieved based on the below 6 tiers.⁶

MONTHLY VOLUME

Tier 1	Participant adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols of up to 0.10% of total industry customer equity and ETF option average daily volume ("ADV") contracts per day in a month.
Tier 2	Participant adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 0.10% of total industry customer equity and ETF option ADV contracts per day in a month.
Tier 3	Participant: (a) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 0.20% of total industry customer equity and ETF option ADV contracts per day in a month; or (b)(1) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 0.15% of total industry customer equity and ETF option ADV contracts per day in a month, (2) transacts in all securities through one or more of its Nasdaq Market Center MPIDs that represent (i) 0.50% or more of Consolidated Volume ("CV") which adds liquidity in the same month on The Nasdaq Stock Market or (ii) 50 million shares or more ADV which adds liquidity in the same month on The Nasdaq Stock Market, and (3) executes 1.5 million shares or more ADV in the same month utilizing the M-ELO order type on The Nasdaq Stock Market.

⁴ The term "Customer" or ("C") applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation ("OCC") which is not for the account of broker or dealer or for the account of a "Professional" (as that term is defined in Options 1, Section 1(a)(47)). See Options 7, Section 1(a).

⁵ The term "Professional" or ("P") means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Options 1, Section 1(a)(47). All Professional orders

shall be appropriately marked by Participants. See Options 7, Section 1(a).

⁶ "Total Volume" is defined as Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Symbols and/or Non-Penny Symbols which either adds or removes liquidity on NOM.

MONTHLY VOLUME—Continued

Tier 4	Participant adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols of above 0.60% of total industry customer equity and ETF option ADV contracts per day in a month.
Tier 5	Participant: (a) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 1.00% of total industry customer equity and ETF option ADV contracts per day in a month; or (b) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols of above 0.40% of total industry customer equity and ETF option ADV contracts per day in a month and transacts in all securities through one or more of its Nasdaq Market Center MPIDs that represent 0.40% or more of Consolidated Volume ("CV") which adds liquidity in the same month on The Nasdaq Stock Market.
Tier 6	Participant: (a)(1) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 0.95% of total industry customer equity and ETF option ADV contracts per day in a month, (2) executes Total Volume of 250,000 or more contracts per day in a month, of which 30,000 or more contracts per day in a month must be removing liquidity, and (3) adds Firm, Broker-Dealer and Non-NOM Market Maker liquidity in Non-Penny Symbols of 10,000 or more contracts per day in a month; or (b)(1) adds NOM Market Maker liquidity in Penny Symbols and/or Non-Penny Symbols above 1.40% of total industry customer equity and ETF option ADV contracts per day in a month, and (2) executes Total Volume of 250,000 or more contracts per day in a month, of which 15,000 or more contracts per day in a month must be removing liquidity.

Today, pursuant to note 5 of Options 7, Section 2, the NOM Market Maker Fee for Adding Liquidity in Non-Penny Symbols of \$0.35 per contract will apply unless Participants meet the volume thresholds set forth in note 5.

- Today, Participants that add NOM Market Maker liquidity in Non-Penny Symbols of 0.03% to 0.05% of total industry customer equity and ETF option ADV contracts per day in a month are assessed a \$0.00 per contract Non-Penny Options Fee for Adding Liquidity in that month.

- Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.05% to 0.08% of total industry customer equity and ETF option ADV contracts per day in a month receive a Non-Penny Rebate to Add Liquidity of \$0.20 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity.

- Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.08% of total industry customer equity and ETF option ADV contracts per day in a month receive a Non-Penny Rebate to Add Liquidity of \$0.40 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity.

Proposal

At this time, the Exchange proposes to replace certain percentage thresholds in note 5 of Options 7, Section 2 with new percentage thresholds and increase the \$0.20 per contract Non-Penny Rebate to Add Liquidity to \$0.30 per contract.⁷

⁷ The Exchange would also amend the rebates noted in the Fees and Rebates to Add Liquidity in Non-Penny Symbols table in Options 7, Section 2.

- Participants that add NOM Market Maker liquidity in Non-Penny Symbols of 0.03% to 0.07% of total industry customer equity and ETF option ADV contracts per day in a month would be assessed a \$0.00 per contract Non-Penny Options Fee for Adding Liquidity in that month.

- Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.07% to 0.10% of total industry customer equity and ETF option ADV contracts per day in a month would receive a Non-Penny Rebate to Add Liquidity of \$0.30 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity.

- Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.10% of total industry customer equity and ETF option ADV contracts per day in a month would receive a Non-Penny Rebate to Add Liquidity of \$0.40 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity.

As proposed, note 5 will state:

The NOM Market Maker Fee for Adding Liquidity in Non-Penny Symbols will apply unless Participants meet the volume thresholds set forth in this note. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of 0.03% to 0.07% of total industry customer equity and ETF option ADV contracts per day in a month will be assessed a \$0.00 per contract Non-Penny Options Fee for Adding Liquidity in that month. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.07% to 0.10% of total industry customer equity and ETF option ADV contracts per day in a month will receive a Non-Penny Rebate to Add Liquidity

of \$0.30 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity. Participants that add NOM Market Maker liquidity in Non-Penny Symbols of above 0.10% of total industry customer equity and ETF option ADV contracts per day in a month will receive a Non-Penny Rebate to Add Liquidity of \$0.40 per contract for that month instead of paying the Non-Penny Fee for Adding Liquidity.

With this proposal, the Exchange would require a greater amount of add NOM Market Maker liquidity in Non-Penny Symbols in order to receive the increased Non-Penny Rebate to Add Liquidity of \$0.30 per contract or the current Non-Penny Rebate to Add Liquidity of \$0.40 per contract. Some Participants that currently receive the Non-Penny Rebate to Add Liquidity of \$0.20 per contract may receive no rebate as a result of this change. Some Participants that currently receive the Non-Penny Rebate to Add Liquidity of \$0.40 per contract may receive the proposed \$0.30 per contract rebate as a result of this change. Also, other Participants may remain unaffected. The Exchange believes that the revised note 5 incentives will encourage NOM Market Makers to add more Non-Penny Symbol liquidity on NOM to the benefit of all market participants that may interact with that liquidity. Also, the Exchange believes that NOM Market Makers will be encouraged to add liquidity to receive the increase \$0.30 Non-Penny Rebate to Add Liquidity.

2. Statutory Basis

The Exchange believes that its proposal is consistent

with Section 6(b) of the Act,⁸ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁹ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁰

Likewise, in *NetCoalition v. Securities and Exchange Commission*¹¹ (“NetCoalition”) the D.C. Circuit upheld the Commission’s use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.¹² As the court emphasized, the Commission “intended in Regulation NMS that ‘market forces, rather than regulatory requirements’ play a role in determining the market data . . . to be made available to investors and at what cost.”¹³

Further, “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’”¹⁴ Although the court and the SEC were discussing the cash equities markets, the Exchange believes

that these views apply with equal force to the options markets.

The Exchange’s proposal to replace certain percentage thresholds in note 5 of Options 7, Section 2 with new percentage thresholds related to the Non-Penny Options Fee for Adding Liquidity and the Non-Penny Rebates to Add Liquidity and increase the \$0.20 per contract Non-Penny Rebate to Add Liquidity is reasonable because the amended note 5 incentives will encourage NOM Market Makers to add more Non-Penny Symbol liquidity on NOM to the benefit of all market participants that may interact with that liquidity. Also, the Exchange believes that NOM Market Makers will be encouraged to add liquidity to receive the increased \$0.30 Non-Penny Rebate to Add Liquidity. As proposed, the Exchange will require a greater amount of add NOM Market Maker liquidity in Non-Penny Symbols to be assessed no Non-Penny Options Fee for Adding Liquidity. As proposed, the Exchange will require a greater amount of add NOM Market Maker liquidity in Non-Penny Symbols in order to receive the increased Non-Penny Rebate to Add Liquidity of \$0.20[sic] per contract and the current Non-Penny Rebate to Add Liquidity of \$0.40 per contract. Some Participants that currently receive the Non-Penny Rebate to Add Liquidity of \$0.20 per contract may receive no rebate as a result of this change. Some Participants that currently receive the Non-Penny Rebate to Add Liquidity of \$0.40 per contract may receive the proposed \$0.30 per contract rebate as a result of this change. Also, other Participants may remain unaffected.

The Exchange’s proposal to replace certain percentage thresholds in note 5 of Options 7, Section 2 with new percentage thresholds related to the Non-Penny Options Fee for Adding Liquidity and the Non-Penny Rebates to Add Liquidity and increase the \$0.20 per contract Non-Penny Rebate to Add Liquidity is equitable and not unfairly discriminatory because the Exchange will apply the proposed requirements uniformly to all qualifying NOM Market Makers. Additionally, all NOM Market Makers that qualify for the increased \$0.30 per contract Non-Penny Rebate to Add Liquidity would be paid the rebate uniformly. The Exchange does not believe that it is unfairly discriminatory to offer the note 5 incentives to only NOM Market Makers because these market participants add value through continuous quoting and the commitment of capital.¹⁵ Because NOM Market Makers have these obligations to

the market and regulatory requirements that normally do not apply to other market participants, the Exchange believes that offering the note 5 incentives to only NOM Market Makers is equitable and not unfairly discriminatory in light of their obligations. Finally, encouraging NOM Market Makers to add greater liquidity benefits all market participants in the quality of order interaction.

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.

Inter-market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another venue in which to submit orders. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-market Competition

The Exchange’s proposal to replace certain percentage thresholds in note 5 of Options 7, Section 2 with new percentage thresholds related to the Non-Penny Options Fee for Adding Liquidity and the Non-Penny Rebates to Add Liquidity and increase the \$0.20 per contract Non-Penny Rebate to Add Liquidity does not impose an undue burden on competition because the Exchange will apply the proposed requirements uniformly to all qualifying NOM Market Makers. Additionally, all NOM Market Makers that qualify for the increased \$0.30 per contract Non-Penny Rebate to Add Liquidity would be paid

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(4) and (5).

¹⁰ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

¹¹ *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

¹² See *NetCoalition*, at 534–535.

¹³ *Id.* at 537.

¹⁴ *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

¹⁵ See Options 2, Sections 4 and 5.

the rebate uniformly. NOM Market Maker add value through continuous quoting and the commitment of capital.¹⁶ Because NOM Market Makers have these obligations to the market and regulatory requirements that normally do not apply to other market participants, the Exchange believes that offering the note 5 incentives to only NOM Market Makers does not impose an undue burden on competition in light of their obligations. Finally, encouraging NOM Market Makers to add greater liquidity benefits all market participants in the quality of order interaction.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁷

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2025-058 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-2025-058. 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-2025-058 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-15738 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103705; File No. SR-CboeBZX-2025-113]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 21.15(b) (Exchange Data Products) To Adopt a New Market Data Report

August 14, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 5, 2025, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") proposes to amend Rule 21.15(b) (Exchange Data Products) to adopt a new market data report. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/) and at the Exchange's Office of the Secretary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 21.15(b) (Exchange Data Products) to adopt an additional report as part of the existing Cboe Timestamping Service reports. The Cboe Timestamping Service reports provide timestamp information for orders, quotes and cancels for Members. More specifically, the Cboe Timestamping Service reports provide various timestamps relating to the message lifecycle throughout the exchange system. The first report that is currently offered—the Missed Liquidity Report—covers order and quote messages and the second report—Cancels Report⁵—covers cancel messages.

The Exchange now proposes to introduce the All Cancel Report which is intended to supplement the existing Missed Cancels Report⁶ by offering a

⁵ In connection with the offering of this new report, the Exchange proposes to modify the title of the current Cancels Report to Missed Cancels Report in order to provide clarity between the existing Cancels Report, and the new proposed All Cancels Report.

⁶ *Id.*

¹⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

¹⁶ See Options 2, Sections 4 and 5.

¹⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

comprehensive view of cancel behavior and messaging activity. In comparison to the existing Missed Cancell Report, the All Cancells Report will include all cancel-related messages sent by the Recipient Firm (as defined below), irrespective of whether the cancel attempt was successful or associated with a trade event.

These reports are optional products that will be available to all Members and Members may opt to choose multiple reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.⁷

The Exchange notes that the data included in the proposed report will be based only on the data of the Member that opts to subscribe to the report ("Recipient Firm") and will not include information related to any firm other than the Recipient Firm. The Exchange will restrict all other Members from receiving another Member's data. Additionally, the proposed report does not include real-time market data. Rather, the proposed report will contain historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis. Currently, the Exchange provides the Missed Liquidity and Missed Cancel Reports and now proposes to introduce the All Cancells Report in response to demand for additional data concerning the timeliness of all cancel-related messages sent by the Recipient Firm, irrespective of whether the cancel attempt was successful or associated with a trade event. The Exchange believes the additional data points outlined below may help subscribing firms gain a better understanding about their interactions with the Exchange. The Exchange believes this report will provide subscribing firms with an opportunity to learn more about better opportunities to improve order cancel success. The proposed report will also increase transparency and democratize information so that all subscribing firms that subscribe to the report have access to the same information on an equal basis.

The current Missed Cancells Report provides liquidity response time details for orders or quotes that rest on the book where the Member receiving the report attempted to cancel that resting order or quote or any other resting order or quote within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the order or quote that executed against the resting order or

quote and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the order or quote that executed against the resting order or quote. For example, if a Recipient Firm sends in a cancel message, but an order resting on the Exchange order book was executed prior to the system processing the cancel message, the Missed Cancells Report can assist the Recipient Firm in determining by how much time that order missed being canceled instead of executing.⁸

In contrast, the proposed All Cancells Report provides a comprehensive view of cancel behavior and messaging activity when the Recipient Firm is the originator of the cancel-related message.⁹ It is particularly useful for analyzing cancel patterns across all market scenarios, including those where no trade occurred. Cancel, cancel rejected, or purge/mass cancel records for the subscriber are included, regardless of their timing or relation to a trade.

The All Cancells Report will include the following data elements for cancels: (1) Message Type;¹⁰ (2) Date; (3) Recipient Firm ID; (4) Session Sub ID; (5) Client Identifier;¹¹ (6) Cboe Order ID;¹² (7) Symbol; (8) Exchange System Timestamps;¹³ (9) Matching Unit

⁸ For example, Participant A submits an order that is posted to the Exchange's Book and Participant B at some point thereafter submits a marketable order to execute against Participant A's resting order. Within 500 microseconds of submission of Participant B's order, Participant A sends a cancel message to cancel its resting order. Because Participant B's order is processed at the Matching Engine by the Exchange before Participant A's cancel message, Participant B's order executes against Participant A's resting order. The Missed Cancells Report provides Participant A the data points necessary for that firm to calculate by how much time they missed canceling its resting order.

⁹ The report shall not include any trade records or aggressor information.

¹⁰ Represents if it was a cancel, mass cancel or purge, a cancel rejected, or a quote update cancel.

¹¹ The unique ClOrdID or MassCancelID assigned by the client.

¹² The Cboe Order ID is a unique reference number assigned by the Exchange.

¹³ Includes Network Discovery Time (which is a network hardware switch timestamp taken at the network capture point); Order Handler NIC Timestamp (which is a hardware timestamp that represents when a BOE 3 convenience or BOE 2 order handler server NIC observed the message and may not be available for certain reject cases); Boe3u NIC Timestamp (which is a hardware timestamp that represents when a BOE 3 unitized order handler server NIC observed the message and may not be available for certain reject cases); Order Handler Received Timestamp (which is software timestamp that represents when the FIX, BOE 3 convenience, or BOE 2 order handler has begun processing the order after the socket read and may not be available for certain reject cases); Boe3u Received Timestamp (which is a software timestamp that represents when the BOE 3 unitized order handler has begun processing the order after

number;¹⁴ (10) Queued;¹⁵ and (11) Port Type.¹⁶

The All Cancells Report will enable subscribing market participants to have a deeper analysis of order management behavior across all market scenarios, even when no trade occurs. By highlighting all cancel attempts (successful or not), the All Cancells Report helps firms identify patterns, refine strategies to improve cancel efficiency, and better manage risk and exposure.

The Exchange notes the data information contained within the proposed All Cancells Report is similar to data fields that are included in the existing Missed Cancells Report.¹⁷

Implementation

The Exchange will announce via Exchange Notice the implementation date of the proposed rule change. While the Exchange notes that it proposes to introduce this report on August 25, 2025, this date may be subject to change.

2. Statutory Basis

The Exchange believes that the proposed All Cancells Report is consistent with Section 6(b) of the Act,¹⁸ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest,

the socket read and may not be available for certain reject cases); Order Handler Send Timestamp (which represents when the FIX, BOE 3 convenience, or BOE 2 order handler has finished processing the order and begun sending to the matching engine or BOE 3 unitized order handler and may not be available for certain reject cases); Boe3u Send Timestamp (which represents when the BOE 3 unitized order handler has finished processing the order and begun sending to the matching engine and may not be available for certain reject cases); Matching Engine NIC Timestamp (which is a hardware timestamp that represents when the target matching engine server NIC observed the message); and Matching Engine Transaction Timestamp (which is a software timestamp that represents when the matching engine has started processing an event).

¹⁴ Represents the matching unit number.

¹⁵ Flag to indicate whether a message was delayed due to message in flight limits (*i.e.*, a limit on the total number of messages in flight between an order handler and a matching engine).

¹⁶ Refers to the port type used by the session to send the applicable message.

¹⁷ See *e.g.* Securities Exchange Act Release No. 102239 (January 17, 2025), 90 FR 8064 (January 23, 2025) (SR-CboeBZX-2025-004) adopting the Missed Cancells Report and Missed Liquidity Report.

¹⁸ 15 U.S.C. 78f.

¹⁹ 15 U.S.C. 78f(b)(5).

⁷ The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the All Cancells Report.

and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by market participants and Section 6(b)(8) of the Act, which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.²⁰ This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional All Cancels Report to those interested in paying to receive this report.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed report. The report will allow subscribing firms to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions. It also promotes just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any subscribing firm that chooses to subscribe to the proposed report. As discussed, the proposed report is also not real-time market data products, but rather provide only historical trading data for the previous trading day, generally on a T+1 basis. In addition, the data in the reports would be specific to the Recipient Firm's messages.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed reports are the sort of market data product that the Commission

envisioned when it adopted Regulation NMS.

The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

"[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data."²¹

By removing "unnecessary regulatory restrictions" on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. This proposed addition to the Cboe Timestamping Service (*i.e.*, the All Cancels Reports) provides investors with a new option for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.²²

The proposed report is designed for subscribing firms that are interested in gaining insight into latency in connection with their respective cancel messages. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants regarding their trading activity on the Exchange. More specifically, the proposed report provides greater visibility of cancel behavior and messaging activity—particularly for analyzing cancel patterns across all market scenarios, including those where no trade occurred.

As mentioned above, the previously adopted Missed Cancels Report contains similar trading related data that has been reviewed and approved by the Commission.²³ Specifically, the data points within the reports are identical, with the exception that the Missed Cancels Report also contains the

following data points as these are all only applicable when there is a trade record: Execution ID, Trade Condition and Aggressor Order Type.

The Exchange proposes to provide the reports on a voluntary basis and no firm will be required to subscribe to this proposed report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a firm elects to receive, this report. It is entirely a business decision of each firm to subscribe to this report. The Exchange proposes to offer the report as a convenience to firms to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A firm that chooses to subscribe to the reports may discontinue receiving either report at any time if that firm determines that the information contained in the All Cancels Report is no longer useful.

In summary, the proposed report will help to protect a free and open market by providing additional historical data (offered on an optional basis) to the marketplace and by providing investors with greater choices. Additionally, the proposal would not permit unfair discrimination because the proposed reports will be available to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed All Cancels Report will enhance competition by providing a new option for receiving market data to market participants. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its existing product offerings, which may lead other exchanges who currently offer similar products to do the same.²⁴

²¹ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) ("Regulation NMS Adopting Release").

²² See Regulation NMS Adopting Release, *supra*, at 37503.

²³ See *supra* note 17.

²⁴ MIAX Emerald offers a Liquidity Taker Event Report, analogous to the Exchange's Missed Liquidity Report under its Cboe Timestamping Services. See MIAX Emerald Rule 531. Although not clearly defined, the Exchange believes that MIAX Emerald's Liquidity Taker Event Report also provides information relating to cancel messages. Particularly, MIAX Emerald Liquidity Taker Event Report provides, among other things, data relating to the "type of each response submitted by the Recipient Member." See MIAX Emerald Rule 5.31(a)(iii)(C). MIAX Emerald's technical specifications outline the various types of available liquidity messages including, Simple Mass Quote Cancel Request and Mass Liquidity Cancel Request. See MIAX Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 4.1 (Liquidity Messages), available at:

²⁰ 15 U.S.C. 78ff(b)(8).

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed report, and the Exchange is not required to make this report available to investors. Rather, the Exchange is voluntarily making these reports available, as requested by subscribing firms, and subscribing firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act²⁵ and Rule 19b-4(f)(6) thereunder.²⁶ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act²⁷ and Rule 19b-4(f)(6)(iii) thereunder.²⁸

https://www.miaxglobal.com/sites/default/files/job-files/MIAExpress_Interface_MEI_v2.2a.pdf. The Exchange also believes that providing the same data points for cancel messages as the data provided for orders messages is of no materials consequence as the Missed Cancels Report serves a similar purpose as the Missed Liquidity Report—providing Members additional information to better understand the efficacy of their incoming orders and cancel messages.

²⁵ 15 U.S.C. 78s(b)(3)(A)(iii).

²⁶ 17 CFR 240.19b-4(f)(6).

²⁷ 15 U.S.C. 78s(b)(3)(A).

²⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

A proposed rule change filed under Rule 19b-4(f)(6)²⁹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),³⁰ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may introduce this new report by August 25, 2025. The Exchange states that the proposed report does not present any substantive issues not already considered by the Commission. The proposed report includes data fields that are already included in the previously established Missed Cancels Report. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.³¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B)³² of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or

²⁹ 17 CFR 240.19b-4(f)(6).

³⁰ 17 CFR 240.19b-4(f)(6)(iii).

³¹ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See U.S.C. 78c(f).

³² 15 U.S.C. 78s(b)(2)(B).

- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-113 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2025-113. 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-CboeBZX-2025-113 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-15727 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103709; File No. SR-CboeBZX-2025-012]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of Bitwise Solana ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

August 14, 2025.

On January 28, 2025, Cboe BZX Exchange, Inc. ("BZX") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4

³³ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

thereunder,² a proposed rule change to list and trade shares of the Bitwise Solana ETF under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.³

On March 11, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On May 19, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷

Section 19(b)(2) of the Act⁸ provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on February 18, 2025.⁹ The 180th day after publication of the proposed rule change is August 17, 2025. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹⁰

designates October 16, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR-CboeBZX-2025-012).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2025-15733 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103703; File No. SR-NYSEAMER-2025-48]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a Fee for Limited Underwriting Members

August 14, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on August 5, 2025, NYSE American LLC (the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a fee for Limited Underwriting Members as defined in recently adopted Rule 310—Equities. The proposed rule change is available on the Exchange’s website at www.nyse.com and at 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a fee for Limited Underwriting Members as defined in recently adopted Rule 310—Equities (Limited Underwriting Members and Associated Persons). As proposed, registered brokers or dealers that become Limited Underwriting Members pursuant to Rule 310—Equities would be eligible for a \$200 per month fee from the month an application is approved.

The Exchange proposes to implement the fee changes effective August 5, 2025.⁴

Background

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”⁵

While Regulation NMS has enhanced competition, it has also fostered a “fragmented” market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that “such competition can lead to the fragmentation of order flow in that stock.”⁶ Indeed, cash equity trading is currently dispersed across 16 exchanges,⁷ numerous alternative

⁴ The Exchange originally filed to amend the Price List on July 28, 2025 (SR-NYSEAMER-2025-44). SR-NYSEAMER-2025-44 was withdrawn on August 5, 2025, and replaced by this filing.

⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7-10-04) (Final Rule) (“Regulation NMS”).

⁶ See Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7-02-10) (Concept Release on Equity Market Structure).

⁷ See Cboe U.S. Equities Market Volume Summary, available at <https://markets.cboe.com/us/>

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102391 (Feb. 11, 2025), 90 FR 9772. Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2025-012/sr-cboebzx2025012.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102608, 90 FR 12422 (Mar. 17, 2025). The Commission designated May 19, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 103063, 90 FR 22139 (May 23, 2025).

⁸ 15 U.S.C. 78s(b)(2).

⁹ See *supra* note 3 and accompanying text.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(57).

¹² 15 U.S.C. 78s(b)(1).

¹³ 15 U.S.C. 78a.

¹⁴ 17 CFR 240.19b-4.

trading systems,⁸ and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 20% market share.⁹ Therefore, no exchange possesses significant pricing power in the execution of cash equity order flow. More specifically, the Exchange's share of executed volume of equity trades in Tapes A, B and C securities is less than 12%.¹⁰

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow or discontinue or reduce use of certain categories of products, in response to fee changes.

Moreover, in the current competitive market environment, market participants also have a choice of where to become members.

Proposed Rule Change

The Exchange proposes to introduce a \$200 per month fee for registered brokers or dealers that qualify to become Limited Underwriting Members pursuant to Rule 310—Equities.¹¹ The proposed fee would begin the month in which a Limited Underwriting Member's application is approved. The proposed fee would be available to all applicants approved as Limited Underwriting Members on an equal and non-discriminatory basis. The proposed fee is also less than that of the other national securities exchange that offers a limited underwriter membership.¹² Limited Underwriting Members would

equities/market share. See generally <https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html>.

⁸ See FINRA ATS Transparency Data, available at <https://otctransparency.finra.org/otctransparency/AtsIssueData>. A list of alternative trading systems registered with the Commission is available at <https://www.sec.gov/foia/docs/atstlist.htm>.

⁹ See Cboe Global Markets U.S. Equities Market Volume Summary, available at https://markets.cboe.com/us/equities/market_share/.

¹⁰ See *id.*

¹¹ A Limited Underwriting Member is a type of non-trading Exchange membership solely for the limited purpose of acting as a principal underwriter of an underwritten public offering in connection with which a company seeks to list on the Exchange. Any registered broker or dealer with a disciplinary history satisfactory to the Exchange can become a Limited Underwriting Member, except such registered brokers or dealers as are excluded under Rule 342(e) (Association of Members, Member Organizations, and Persons Associated With Member Organizations) of the Office Rules. A Limited Underwriting Member is subject to Exchange jurisdiction solely for purposes of Rule 310—Equities and the rules enumerated in subsection (c)(1) thereof.

¹² The proposed fee equals \$2,400 annually. Nasdaq Limited Underwriting Members are subject to an annual membership fee of \$5,000 plus a \$2,000 application fee. See Nasdaq Equity Rule 7, Section 10(a).

not be subject to any other Exchange fees.

The proposed change is not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁴ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market where market participants have, among other things, a choice of where to become members. Considering the competitive environment in which the Exchange currently operates, the Exchange believes that there is value in attracting additional brokers or dealers to act as principal underwriters of an underwritten public offering on the Exchange and that the proposed fee is reasonable. As noted above, the proposed fee is less than that of the other national securities exchange that offers a limited underwriter membership.¹⁵ The Exchange also believes that the proposed fee is reasonable because Limited Underwriting Members would not be subject to any other Exchange fees.

The Proposed Fee Is Equitably Allocated and Not Unfairly Discriminatory

The Exchange believes that the proposed fee equitably allocates fees and credits among market participants because all market participants that participate on the Exchange as Limited Underwriting Members would qualify for the same proposed fee on an equal basis. Similarly, the proposed fee is equitable and not unfairly discriminatory because it will apply uniformly to all member organizations that are Limited Underwriting Members, and all similarly situated member organizations will be subject to the same fee. Further, the Exchange believes that the proposed fee is reasonable and

equitable because Limited Underwriting Members would not be subject to any other Exchange fees.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,¹⁶ the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition. The proposed change is designed to attract additional members to the Exchange. The proposed fee change will not impact intramarket competition because it will apply to all similarly situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As noted, the proposal would apply to all similarly situated member organizations that are Limited Underwriting Members on the same and equal terms, who would be subject to the same fee on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange's proposed membership fee will be lower than the cost of a comparable membership on another exchange as described above and may stimulate intermarket competition by attracting interested participants to become Limited Underwriting Members on the Exchange. The Exchange operates in a highly competitive market in which market participants can readily choose to become members of another exchange if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees and credits in response, and because market participants may readily select membership on a competitor over the Exchange, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(4) & (5).

¹⁵ See note 11, *supra*.

¹⁶ 15 U.S.C. 78f(b)(8).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) ¹⁷ of the Act and subparagraph (f)(2) of Rule 19b-4 ¹⁸ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) ¹⁹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-48 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-NYSEAMER-2025-48. 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-NYSEAMER-2025-48 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2025-15737 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103715; File No. SR-CboeBYX-2025-025]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Market Data Report

August 14, 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 August 5, 2025, Cboe BYX Exchange, Inc. (the "Exchange" or "BYX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 Rule 11.22 (Data Products) to adopt an additional report as part of the existing Cboe Timestamping Service reports.

The text of the proposed rule change is available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/BYX/) and at the Exchange's Office of the Secretary.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.22 (Data Products) to adopt an additional report as part of the existing Cboe Timestamping Service reports. The Cboe Timestamping Service reports provide timestamp information for orders and cancels for market participants. More specifically, the Cboe Timestamping Service reports provide various timestamps relating to the message lifecycle throughout the exchange system. The first report that is currently offered—the Missed Liquidity Report—covers order messages and the second report—Cancels Report³—covers cancel messages.

The Exchange now proposes to introduce the All Cancel Report which is intended to supplement the existing Missed Cancels Report⁴ by offering a comprehensive view of cancel behavior and messaging activity. In comparison to the existing Missed Cancels Report, the All Cancels Report will include all cancel-related messages sent by the subscriber, irrespective of whether the cancel attempt was successful or associated with a trade event.

These reports are optional products that will be available to all subscribers⁵ and subscribers may opt to choose multiple reports, one report, or neither

³ In connection with the offering of this new report, the Exchange proposes to modify the title of the current Cancels Report to Missed Cancels Report in order to provide clarity between the existing Cancels Report, and the new proposed All Cancels Report.

⁴ *Id.*

⁵ The Exchange notes that it is introducing a clarifying edit to the existing rule to include Sponsored Participants in connection with its recent filing (SR-CboeBYX-2025-022), noting that a Sponsored Participant may now directly subscribe and be charged the corresponding fees accordingly (in contrast to the Member previously subscribing and passing along such data to the Sponsored Participant).

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(2).

¹⁹ 15 U.S.C. 78s(b)(2)(B).

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

report. Corresponding fees will be assessed based on the number of reports selected.⁶

The Exchange notes that the data included in the proposed reports will be based only on the data of the market participant that opts to subscribe to the reports (“Recipient Firm”) and will not include information related to any firm other than the Recipient Firm. The Exchange will restrict all other market participants from receiving another market participant’s data. Additionally, the proposed report does not include real-time market data. Rather, the proposed report will contain historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis.

Currently, the Exchange provides the Missed Liquidity and Missed Cancel Reports and now proposes to introduce the All Cancell Report in response to demand for additional data concerning the timeliness of all cancel-related messages sent by the subscriber, irrespective of whether the cancel attempt was successful or associated with a trade event. The Exchange believes the additional data points outlined below may help subscribing firms gain a better understanding about their interactions with the Exchange. The Exchange believes these reports will provide subscribing firms with an opportunity to learn more about better opportunities to improve order cancel success. The proposed report will also increase transparency and democratize information so that all subscribing firms that subscribe to the report have access to the same information on an equal basis.

The current Missed Cancell Report provides liquidity response time details for orders that rest on the book where the subscribing firm receiving the report attempted to cancel that resting order or any other resting order within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the order that executed against the resting order and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the order that executed against the resting order. For example, if a market participant sends in a cancel message, but an order resting on the Exchange order book was executed prior to the system processing the cancel message, the Missed Cancell Report can assist the market participant in determining by how much time that

order missed being canceled instead of executing.⁷

In contrast, the proposed All Cancell Report provides a comprehensive view of cancel behavior and messaging activity when the subscriber is the originator of the cancel-related message.⁸ It is particularly useful for analyzing cancel patterns across all market scenarios, including those where no trade occurred. Cancel, cancel rejected, or purge/mass cancel records for the subscriber are included, regardless of their timing or relation to a trade.

The All Cancell Report will include the following data elements for cancels: (1) Message Type;⁹ (2) Date; (3) Firm ID; (4) Session Sub ID; (5) Client Identifier;¹⁰ (6) Cboe Order ID;¹¹ (7) Symbol; (8) Exchange System Timestamps;¹² (9) Matching Unit number;¹³ (10) Queued;¹⁴ and (11) Port Type.¹⁵

The All Cancell Report will enable subscribing market participants to have a deeper analysis of order management behavior across all market scenarios,

⁷ For example, Participant A submits an order that is posted to the Exchange’s Book and Participant B at some point thereafter submits a marketable order to execute against Participant A’s resting order. Within 500 microseconds of submission of Participant B’s order, Participant A sends a cancel message to cancel its resting order. Because Participant B’s order is processed at the Matching Engine by the Exchange before Participant A’s cancel message, Participant B’s order executes against Participant A’s resting order. The proposed Report would provide Participant A the data points necessary for that firm to calculate by how much time they missed canceling its resting order.

⁸ The report shall not include any trade records or aggressor information.

⁹ Represents if it was a cancel, mass cancel or purge, a cancel rejected, or a quote update cancel.

¹⁰ The unique CIOrdID or MassCancelID assigned by the client.

¹¹ The Cboe Order ID is a unique reference number assigned by the Exchange.

¹² Includes Network Discovery Time (which is a network hardware switch timestamp taken at the network capture point); Order Handler NIC Timestamp (which is a hardware timestamp that represents when a BOE order handler server NIC observed the message); Order Handler Received Timestamp (which is software timestamp that represents when the FIX or BOE order handler has begun processing the order after the socket read); Order Handler Send Timestamp (which represents when the FIX or BOE order handler has finished processing the order and begun sending to the matching engine); Matching Engine NIC Timestamp (which is a hardware timestamp that represents when the target matching engine server NIC observed the message); and Matching Engine Transaction Timestamp (which is a software timestamp that represents when the matching engine has started processing an event).

¹³ Represents the matching unit number.

¹⁴ Flag to indicate whether a message was delayed due to message in flight limits (*i.e.*, a limit on the total number of messages in flight between an order handler and a matching engine).

¹⁵ Refers to the port type used by the session to send the applicable message.

even when no trade occurs. By highlighting all cancel attempts (successful or not), the All Cancell Report helps firms identify patterns, refine strategies to improve cancel efficiency, and better manage risk and exposure.

The Exchange notes the data information contained within the proposed All Cancell Report is similar to data fields that are included in the existing Missed Cancell Report.¹⁶

Implementation

The Exchange will announce via Exchange Notice the implementation date of the proposed rule change. While the Exchange notes that it proposes to introduce this report on August 25, 2025, this date may be subject to change.

2. Statutory Basis

The Exchange believes that the proposed All Cancell Report is consistent with Section 6(b) of the Act,¹⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁸ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by market participants and Section 6(b)(8) of the Act, which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.¹⁹ This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional All Cancell Report to those interested in paying to receive this report.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects

¹⁶ See *e.g.*, Securities Exchange Act Release No. 100798 (August 21, 2024), 89 FR 68660 (August 27, 2024) (SR-CboeBYX-2024-030) adopting the Missed Cancell Report and Missed Liquidity Report.

¹⁷ 15 U.S.C. 78f.

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78f(b)(8).

⁶ The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the All Cancell Report.

investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed report. The report will allow subscribing firms to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions. It also promotes just and equitable principles of trade because it would provide latency information in a systematized way and standardized format to any subscribing firm that chooses to subscribe to the proposed report. As discussed, the proposed report is also not real-time market data products, but rather provide only historical trading data for the previous trading day, generally on a T+1 basis. In addition, the data in the reports would be specific to the Recipient Firm's messages.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed reports are the sort of market data product that the Commission envisioned when it adopted Regulation NMS.

The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

"[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data."²⁰

By removing "unnecessary regulatory restrictions" on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative

history. This proposed addition to the Cboe Timestamping Service (*i.e.*, the All Cancels Reports) provides investors with a new option for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.²¹

The proposed report is designed for subscribing firms that are interested in gaining insight into latency in connection with their respective cancel messages. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants regarding their trading activity on the Exchange. More specifically, the proposed report provides greater visibility of cancel behavior and messaging activity—particularly for analyzing cancel patterns across all market scenarios, including those where no trade occurred.

As mentioned above, the previously adopted Missed Cancels Report contains similar trading related data that has been reviewed and approved by the Commission.²² Specifically, the data points within the reports are identical, with the exception that the Missed Cancels Report also contains the following data points as these are all only applicable when there is a trade record: Execution ID, Trade Condition and Aggressor Order Type.

The Exchange proposes to provide the reports on a voluntary basis and no firm will be required to subscribe to this proposed report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a firm elects to receive, this report. It is entirely a business decision of each firm to subscribe to this report. The Exchange proposes to offer the report as a convenience to firm to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A firm that chooses to subscribe to the reports may discontinue receiving either report at any time if that firm determines that the information contained in the All Cancels Report is no longer useful.

In summary, the proposed report will help to protect a free and open market

by providing additional historical data (offered on an optional basis) to the marketplace and by providing investors with greater choices. Additionally, the proposal would not permit unfair discrimination because the proposed reports will be available to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed All Cancels Report will enhance competition by providing a new option for receiving market data to market participants. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its existing product offerings, which may lead other exchanges who currently offer similar products to do the same.²³

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed report, and the Exchange is not required to make this report available to investors. Rather, the Exchange is voluntarily making these reports available, as requested by subscribing firms, and subscribing firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be

²³ MIAx Emerald offers a Liquidity Taker Event Report, analogous to the Exchange's Missed Liquidity Report under its Cboe Timestamping Services. See MIAx Emerald Rule 531. Although not clearly defined, the Exchange believes that MIAx Emerald's Liquidity Taker Event Report also provides information relating to cancel messages. Particularly, MIAx Emerald Liquidity Taker Event Report provides, among other things, data relating to the "type of each response submitted by the Recipient Member." See MIAx Emerald Rule 5.31(a)(iii)(C). MIAx Emerald's technical specifications outline the various types of available liquidity messages including, Simple Mass Quote Cancel Request and Mass Liquidity Cancel Request. See MIAx Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 4.1 (Liquidity Messages), available at: https://www.miaxglobal.com/sites/default/files/job-files/MIAx_Express_Interface_MEI_v2.2a.pdf. The Exchange also believes that providing the same data points for cancel messages as the data provided for orders messages is of no materials consequence as the Missed Cancels Report serves a similar purpose as the Missed Liquidity Report—providing Members additional information to better understand the efficacy of their incoming orders and cancel messages.

²⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) ("Regulation NMS Adopting Release").

²¹ See Regulation NMS Adopting Release, *supra*, at 37503.

²² See *supra* note 18. [sic]

valuable or may decline to purchase such data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act²⁴ and Rule 19b-4(f)(6)²⁵ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²⁶ and Rule 19b-4(f)(6)²⁷ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)²⁸ normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b-4(f)(6)(iii)²⁹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may introduce this new report by August 25, 2025. The Exchange states that the proposed report does not present any substantive issues not already considered by the Commission. The proposed report includes data fields that are already included in the previously established Missed Cancels Report. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day

operative delay and designates the proposed rule change as operative upon filing.³⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBYX-2025-025 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-CboeBYX-2025-025. 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-CboeBYX-2025-025 and should be submitted on or before September 9, 2025.

³⁰ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025-15730 Filed 8-18-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103707; File No. SR-CboeEDGA-2025-025]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New Market Data Report

August 14, 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 August 5, 2025, Cboe EDGA Exchange, Inc. (the "Exchange" or "EDGA") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 Rule 13.8 (EDGA Book Feeds) to adopt an additional report as part of the existing Cboe Timestamping Service reports.

The text of the proposed rule change is available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/edga/) and at the Exchange's Office of the Secretary.

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

²⁴ 15 U.S.C. 78s(b)(3)(A).

²⁵ 17 CFR 240.19b-4(f)(6).

²⁶ 15 U.S.C. 78s(b)(3)(A).

²⁷ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁸ *Id.*

²⁹ 17 CFR 240.19b-4(f)(6)(iii).

³¹ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 13.8 (EDGA Book Feeds) to adopt an additional report as part of the existing Cboe Timestamping Service reports. The Cboe Timestamping Service reports provide timestamp information for orders and cancels for market participants. More specifically, the Cboe Timestamping Service reports provide various timestamps relating to the message lifecycle throughout the exchange system. The first report that is currently offered—the Missed Liquidity Report—covers order messages and the second report—Cancels Report³—covers cancel messages.

The Exchange now proposes to introduce the All Cancel Report which is intended to supplement the existing Missed Cancels Report⁴ by offering a comprehensive view of cancel behavior and messaging activity. In comparison to the existing Missed Cancels Report, the All Cancels Report will include all cancel-related messages sent by the subscriber, irrespective of whether the cancel attempt was successful or associated with a trade event.

These reports are optional products that will be available to all subscribers⁵ and subscribers may opt to choose multiple reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.⁶

The Exchange notes that the data included in the proposed report will be based only on the data of the market participant that opts to subscribe to the report (“Recipient Firm”) and will not include information related to any firm other than the Recipient Firm. The Exchange will restrict all other market participants from receiving another

market participant’s data. Additionally, the proposed report does not include real-time market data. Rather, the proposed report will contain historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis.

Currently, the Exchange provides the Missed Liquidity and Missed Cancel Reports and now proposes to introduce the All Cancels Report in response to demand for additional data concerning the timeliness of all cancel-related messages sent by the subscriber, irrespective of whether the cancel attempt was successful or associated with a trade event. The Exchange believes the additional data points outlined below may help subscribing firms gain a better understanding about their interactions with the Exchange. The Exchange believes these reports will provide subscribing firms with an opportunity to learn more about better opportunities to improve order cancel success. The proposed report will also increase transparency and democratize information so that all subscribing firms that subscribe to the report have access to the same information on an equal basis.

The current Missed Cancels Report provides liquidity response time details for orders that rest on the book where the subscribing firm receiving the report attempted to cancel that resting order or any other resting order within an Exchange-determined amount of time (not to exceed 1 millisecond) after receipt of the order that executed against the resting order and within an Exchange-determined amount of time (not to exceed 100 microseconds) before receipt of the order that executed against the resting order. For example, if a market participant sends in a cancel message, but an order resting on the Exchange order book was executed prior to the system processing the cancel message, the Missed Cancels Report can assist the market participant in determining by how much time that order missed being canceled instead of executing.⁷

In contrast, the proposed All Cancels Report provides a comprehensive view

of cancel behavior and messaging activity when the subscriber is the originator of the cancel-related message.⁸ It is particularly useful for analyzing cancel patterns across all market scenarios, including those where no trade occurred. Cancel, cancel rejected, or purge/mass cancel records for the subscriber are included, regardless of their timing or relation to a trade.

The All Cancels Report will include the following data elements for cancels: (1) Message Type;⁹ (2) Date; (3) Firm ID; (4) Session Sub ID; (5) Client Identifier;¹⁰ (6) Cboe Order ID;¹¹ (7) Symbol; (8) Exchange System Timestamps;¹² (9) Matching Unit number;¹³ (10) Queued;¹⁴ and (11) Port Type.¹⁵

The All Cancels Report will enable subscribing market participants to have a deeper analysis of order management behavior across all market scenarios, even when no trade occurs. By highlighting all cancel attempts (successful or not), the All Cancels Report helps firms identify patterns, refine strategies to improve cancel efficiency, and better manage risk and exposure.

The Exchange notes the data information contained within the proposed All Cancels Report is similar to data fields that are included in the existing Missed Cancels Report.¹⁶

⁸ The report shall not include any trade records or aggressor information.

⁹ Represents if it was a cancel, mass cancel or purge, a cancel rejected, or a quote update cancel.

¹⁰ The unique CIOID or MassCancelID assigned by the client.

¹¹ The Cboe Order ID is a unique reference number assigned by the Exchange.

¹² Includes Network Discovery Time (which is a network hardware switch timestamp taken at the network capture point); Order Handler NIC Timestamp (which is a hardware timestamp that represents when a BOE order handler server NIC observed the message); Order Handler Received Timestamp (which is software timestamp that represents when the FIX or BOE order handler has begun processing the order after the socket read); Order Handler Send Timestamp (which represents when the FIX or BOE order handler has finished processing the order and begun sending to the matching engine); Matching Engine NIC Timestamp (which is a hardware timestamp that represents when the target matching engine server NIC observed the message); and Matching Engine Transaction Timestamp (which is a software timestamp that represents when the matching engine has started processing an event).

¹³ Represents the matching unit number.

¹⁴ Flag to indicate whether a message was delayed due to message in flight limits (*i.e.*, a limit on the total number of messages in flight between an order handler and a matching engine).

¹⁵ Refers to the port type used by the session to send the applicable message.

¹⁶ See *e.g.* Securities Exchange Act Release No. 100803 (August 22, 2024), 89 FR 68948 (August 28, 2024) (SR-CboeEDGA-2024-034) adopting the Missed Cancels Report and Missed Liquidity Report.

³ In connection with the offering of this new report, the Exchange proposes to modify the title of the current Cancels Report to Missed Cancels Report in order to provide clarity between the existing Cancels Report, and the new proposed All Cancels Report.

⁴ Id.

⁵ The Exchange notes that it is introducing a clarifying edit to the existing rule to include Sponsored Participants in connection with its recent filing (SR-CboeEDGA-2025-022), noting that a Sponsored Participant may now directly subscribe and be charged the corresponding fees accordingly (in contrast to the Member previously subscribing and passing along such data to the Sponsored Participant).

⁶ The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the All Cancels Report.

⁷ For example, Participant A submits an order that is posted to the Exchange’s Book and Participant B at some point thereafter submits a marketable order to execute against Participant A’s resting order. Within 500 microseconds of submission of Participant B’s order, Participant A sends a cancel message to cancel its resting order. Because Participant B’s order is processed at the Matching Engine by the Exchange before Participant A’s cancel message, Participant B’s order executes against Participant A’s resting order. The proposed Report would provide Participant A the data points necessary for that firm to calculate by how much time they missed canceling its resting order.

Implementation

The Exchange will announce via Exchange Notice the implementation date of the proposed rule change. While the Exchange notes that it proposes to introduce this report on August 25, 2025, this date may be subject to change.

2. Statutory Basis

The Exchange believes that the proposed All Cancels Report is consistent with Section 6(b) of the Act,¹⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁸ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers. The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by market participants and Section 6(b)(8) of the Act, which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.¹⁹ This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional All Cancels Report to those interested in paying to receive this report.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by potential purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the value-added information that is included in the proposed report. The report will allow subscribing firms to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions. It also promotes just and equitable principles of trade because it would provide latency information in a systematized way and

standardized format to any subscribing firm that chooses to subscribe to the proposed report. As discussed, the proposed report is also not real-time market data products, but rather provide only historical trading data for the previous trading day, generally on a T+1 basis. In addition, the data in the reports would be specific to the Recipient Firm's messages.

In adopting Regulation NMS, the Commission granted self-regulatory organizations ("SROs") and broker dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed reports are the sort of market data product that the Commission envisioned when it adopted Regulation NMS.

The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

"[E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data."²⁰

By removing "unnecessary regulatory restrictions" on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. This proposed addition to the Cboe Timestamping Service (*i.e.*, the All Cancels Reports) provides investors with a new option for receiving market data, which was a primary goal of the market data amendments adopted by Regulation NMS.²¹

The proposed report is designed for subscribing firms that are interested in gaining insight into latency in connection with their respective cancel messages. The Exchange believes that providing this optional data to interested market participants for a fee is consistent with facilitating

transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides additional information and insight to subscribing market participants regarding their trading activity on the Exchange. More specifically, the proposed report provides greater visibility of cancel behavior and messaging activity—particularly for analyzing cancel patterns across all market scenarios, including those where no trade occurred.

As mentioned above, the previously adopted Missed Cancels Report contains similar trading related data that has been reviewed and approved by the Commission.²² Specifically, the data points within the reports are identical, with the exception that the Missed Cancels Report also contains the following data points as these are all only applicable when there is a trade record: Execution ID, Trade Condition and Aggressor Order Type.

The Exchange proposes to provide the reports on a voluntary basis and no firm will be required to subscribe to this proposed report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a firm elects to receive, this report. It is entirely a business decision of each firm to subscribe to this report. The Exchange proposes to offer the report as a convenience to firm to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A firm that chooses to subscribe to the reports may discontinue receiving either report at any time if that firm determines that the information contained in the All Cancels Report is no longer useful.

In summary, the proposed report will help to protect a free and open market by providing additional historical data (offered on an optional basis) to the marketplace and by providing investors with greater choices. Additionally, the proposal would not permit unfair discrimination because the proposed reports will be available to all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed All

¹⁷ 15 U.S.C. 78f.

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78f(b)(8).

²⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) ("Regulation NMS Adopting Release").

²¹ See Regulation NMS Adopting Release, *supra*, at 37503.

²² See *supra* note 18. [sic]

Cancels Report will enhance competition by providing a new option for receiving market data to market participants. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its existing product offerings, which may lead other exchanges who currently offer similar products to do the same.²³

Additionally, the Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Market participants are not required to purchase the proposed report, and the Exchange is not required to make this report available to investors. Rather, the Exchange is voluntarily making these reports available, as requested by subscribing firms, and subscribing firms may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act²⁴ and Rule 19b–

4(f)(6)²⁵ thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²⁶ and Rule 19b–4(f)(6)²⁷ thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)²⁸ normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)²⁹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may introduce this new report by August 25, 2025. The Exchange states that the proposed report does not present any substantive issues not already considered by the Commission. The proposed report includes data fields that are already included in the previously established Missed Cancels Report. For these reasons, and because the proposed rule change does not raise any new or novel regulatory issues, the Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.³⁰

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–CboeEDGA–2025–025 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–CboeEDGA–2025–025. 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–CboeEDGA–2025–025 and should be submitted on or before September 9, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–15739 Filed 8–18–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21238 and #21239; MISSOURI Disaster Number MO–20024]

Administrative Declaration of a Disaster for the State of Missouri

AGENCY: U.S. Small Business Administration.

²³ MIAx Emerald offers a Liquidity Taker Event Report, analogous to the Exchange's Missed Liquidity Report under its Cboe Timestamping Services. See MIAx Emerald Rule 531. Although not clearly defined, the Exchange believes that MIAx Emerald's Liquidity Taker Event Report also provides information relating to cancel messages. Particularly, MIAx Emerald Liquidity Taker Event Report provides, among other things, data relating to the "type of each response submitted by the Recipient Member." See MIAx Emerald Rule 5.31(a)(iii)(C). MIAx Emerald's technical specifications outline the various types of available liquidity messages including, Simple Mass Quote Cancel Request and Mass Liquidity Cancel Request. See MIAx Express Interface for Quoting and Trading Options, MEI Interface Specification, Section 4.1 (Liquidity Messages), available at: https://www.miaxglobal.com/sites/default/files/job-files/MIAx_Express_Interface_MEI_v2.2a.pdf. The Exchange also believes that providing the same data points for cancel messages as the data provided for orders messages is of no materials consequence as the Missed Cancels Report serves a similar purpose as the Missed Liquidity Report—providing Members additional information to better understand the efficacy of their incoming orders and cancel messages.

²⁴ 15 U.S.C. 78s(b)(3)(A).

²⁵ 17 CFR 240.19b–4(f)(6).

²⁶ 15 U.S.C. 78s(b)(3)(A).

²⁷ 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

²⁸ *Id.*

²⁹ 17 CFR 240.19b–4(f)(6)(iii).

³⁰ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See U.S.C. 78c(f).

³¹ 17 CFR 200.30–3(a)(12), (59).

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Missouri dated August 13, 2025.

Incident: Severe Storms, Straight Line Winds, Heavy Rains, Large Hail, Flooding and Flash Flooding.

DATES: Issued on August 13, 2025.

Incident Period: July 26, 2025 through July 27, 2025.

Physical Loan Application Deadline Date: October 14, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: May 13, 2026.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at disastercustomerservice@sba.gov or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Lincoln.

Contiguous Counties:

Missouri: Montgomery, Pike, St.

Charles, Warren.

Illinois: Calhoun.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000

	Percent
Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 212386 and for economic injury is 212390.

The States which received an EIDL Declaration are Illinois, Missouri.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery and Resilience.

[FR Doc. 2025-15788 Filed 8-18-25; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION**Reporting and Recordkeeping Requirements Under OMB Review**

AGENCY: U.S. Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before September 18, 2025.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Small Business Administration"; "Currently Under Review," then select the "Only Show ICR for Public Comment" checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: Shay Meinzer, Lead Program Evaluator, shay.meinzer@sba.gov, (202) 539-1429 or Shauniece Carter, Interim Agency Clearance Officer, shauniece.carter@sba.gov, (202) 205-6536.

SUPPLEMENTARY INFORMATION: This Information Collection Request extends the SBA's generic clearance to conduct formative studies that inform evaluation, research, and evidence-

building activities. Under this generic clearance, the SBA plans to engage in a variety of formative and exploratory data collections with SBA grantees, program and potential program providers and participants, researchers, practitioners, and other stakeholders to fulfill the following goals:

- maintain a rigorous and relevant evaluation and research agenda,
- inform the development of SBA's future evidence-building activities,
- inform the delivery of targeted assistance and workflows related to processes,
- inform the development and refinement of recordkeeping and communication systems,
- plan for the provision of programmatic or evidence-capacity-related training or technical assistance,
- obtain grantee or stakeholder input on the development or refinement of program logic models, evaluations, and performance measures, and
- test activities to strengthen programs in preparation for summative evaluations.

The SBA's formative studies will collect data using well-established methodologies, including but not limited to questionnaires and surveys, semi-structured small group discussions or focus groups, observation, interviews, cognitive interviews and user testing. To minimize the burden of information collections approved under this clearance, the SBA will collect information electronically and/or use online collaboration tools, as appropriate, ask for readily available information, and use short, easy-to-complete information collection instruments when possible.

Conducting formative evaluation, research, and evidence-building activities will help the SBA better understand emerging needs and issues, identify evidence gaps, and ensure that SBA leadership and program offices have current data and information to implement SBA programs and initiatives successfully. The data from formative studies will be used to improve internal decision-making and inform future studies but will not be highly systematic nor intended to be statistically representative. Findings from these formative studies will not be generalized to the broader population and are not intended to produce influential information that is expected to have a genuinely clear and substantial impact on major policy decisions. Information gathered may inform future evaluation, research, and evidence-building, which could inform future influential public policy decisions.

The primary purpose of data collected under this generic ICR is not for publication. However, because the formative data collection efforts are intended to inform SBA's decision-making related to evidence-building and programmatic activities, the findings may be incorporated into documents and presentations available to the public. Such documents may include design and method documents, process or journey maps, conceptual frameworks or logic models, background materials for technical workgroups, informational presentations, technical assistance plans, and evaluation or research reports. Shared findings will include a discussion of the limitations regarding generalizability and intended use, and when necessary, results will be labeled as formative or exploratory.

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245–0425.

Title: Generic Clearance for Formative Data Collections for Evaluation, Research, and Evidence-Building.

Description of Respondents: The populations to be studied include SBA grantees, program and potential program providers and participants, researchers, practitioners, and other stakeholder groups involved in SBA programs, experts in fields pertaining to SBA evaluation and research, or others involved in conducting SBA evaluation, research, or evidence-building projects.

SBA Form Number: None.

Estimated Number of Respondents: 5,040.

Estimated Annual Responses: 5,040.

Estimated Annual Hour Burden: 2,343.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2025–15722 Filed 8–18–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12796]

Bureau of Political-Military Affairs; Statutory Debarment Under the Arms Export Control Act and the International Traffic in Arms Regulations

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has imposed statutory debarment under the International Traffic in Arms Regulations (ITAR) on persons convicted of violating, or conspiracy to violate, the Arms Export Control Act (AECA).

DATES: Debarment imposed as of August 19, 2025.

FOR FURTHER INFORMATION CONTACT: Jae E. Shin, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State: shinje@state.gov, (202) 632–2107.

SUPPLEMENTARY INFORMATION: Section 38(g)(4) of the AECA, 22 U.S.C. 2778(g)(4), restricts the Department of State from issuing licenses for the export of defense articles or defense services where the applicant, or any party to the export, has been convicted of violating the AECA or certain other statutes, enumerated in section 38(g)(1) of the AECA, subject to a narrowly defined statutory exception. This provision establishes a presumption of denial for licenses or other approvals involving such persons. The Department refers to this restriction as a limitation on “export privileges” and implements this presumption of denial through section 127.11 of the ITAR.

In addition, section 127.7(b) of the ITAR provides for “statutory debarment” of any person who has been convicted of violating or conspiring to violate the AECA. Under this policy, persons subject to statutory debarment are prohibited from participating directly or indirectly in any activities that are regulated by the ITAR. Statutory debarment is based solely upon conviction in a criminal proceeding, conducted by a United States court, and as such the administrative debarment procedures outlined in part 128 of the ITAR are not applicable.

It is the policy of the Department of State that statutory debarment as described in section 127.7(b) of the ITAR lasts for a three-year period following the date of conviction and to prohibit that person from participating directly or indirectly in any activities that are regulated by the ITAR. Reinstatement from the policy of

statutory debarment is not automatic, and in all cases the debarred person must submit a request to the Department of State and be approved for reinstatement from statutory debarment before engaging in any activities subject to the ITAR.

Department of State policy permits debarred persons to apply to the Director, Office of Defense Trade Controls Compliance, for reinstatement beginning one year after the date of the statutory debarment. In response to a request for reinstatement from statutory debarment, the Department may determine either to rescind only the statutory debarment pursuant to section 127.7(b), or to both rescind the statutory debarment pursuant to section 127.7(b) of the ITAR and reinstate export privileges as described in section 127.11 of the ITAR. See 84 FR 7,411 (March 4, 2019) for discussion of the Department's policy regarding actions to both rescind the statutory debarment and reinstate export privileges. The reinstatement of export privileges can be made only after the statutory requirements of section 38(g)(4) of the AECA have been satisfied.

Certain exceptions, known as transaction exceptions, may be made to this debarment determination on a case-by-case basis. However, such an exception may be granted only after a full review of all circumstances, paying particular attention to the following factors: whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with the foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and that do not conflict with law enforcement concerns. Even if exceptions are granted, the debarment continues until subsequent reinstatement from statutory debarment.

Pursuant to section 38(g)(4) of the AECA and section 127.7(b) and (c)(1) of the ITAR, the following persons, having been convicted in a U.S. District Court, are denied export privileges and are statutorily debarred as of the date of this notice (Name; Date of Judgment; Judicial District; Case No.; Month/Year of Birth):

Aldalawi, Rawnd Khaleel; January 11, 2019; Western District of Washington; 2:18-cr-00025; April 1988.

Chan, Lionel; June 1, 2021; District of Massachusetts; 1:19-cr-10064; August 1983.

Cox, Michael; May 27, 2021; Western District of Pennsylvania; 2:18-cr-00050; May 1975.

Duroseau, Jacques Yves Sebastien; March 2, 2021; Eastern District of North Carolina; 4:20-cr-3; May 1986.

Garza-Solis, Jacobo Javier; November 4, 2020; Southern District of Texas; 7:17-cr-00360; December 1996.

Issa, Jean Youssef; December 20, 2023; Northern District of Ohio; 1:16-cr-00102; June 1974.

Koyshman, Josef; February 7, 2020; District of Columbia; 1:19-cr-00267; June 1967.

Kuznetsov, Vladimir; May 1, 2024; Eastern District of New York; 1:21-cr-00099; October 1961.

Man, Cho Yan Nathan; a.k.a Nathan Man; May 19, 2020; District of Columbia; 1:19-cr-00218; December 1985.

Palomares, Jr., Rafael; May 13, 2021; District of Arizona; 2:19-cr-00089; July 1989.

Radzi, Muhammad Mohd; June 1, 2021; District of Massachusetts; 1:19-cr-10064; June 1993.

Rhoomes, Jermaine Craig; a.k.a. Rhoomas, Jermain; a.k.a. Rhooms, Jermaine; a.k.a. Hall, Craig; a.k.a. Hall, Kreig; a.k.a. Cow; February 5, 2020; Middle District of Florida; 8:19-cr-00078; April 1973.

Rincon-Aviles, Gardenia Marlene; December 16, 2024; District of Arizona; 4:18-cr-01141; July 1986.

Schultz, Korbein; April 28, 2025; Middle District of Tennessee; 3:24-cr-00056; May 1999.

Senbol, Yuksel; October 31, 2024; Middle District of Florida; 8:23-cr-00384; May 1987.

Shifrin, Elena; a.k.a. Belov, Alexander; a.k.a. Ivanov, Lena; a.k.a. Gohkman, Elena; a.k.a. Elena Leonidovna Shifrin; July 23, 2024; Central District of California; 2:21-cr-00259; February 1962.

Stashchyshyn, Michael; July 20, 2021; Western District of Pennsylvania; 2:18-cr-00050; July 1962.

At the end of the three-year period following the date of this notice, the above-named persons remain debarred unless a request for reinstatement from statutory debarment is approved by the Department of State.

Pursuant to section 120.1(c) of the ITAR, debarred persons are generally ineligible to participate in activities regulated under the ITAR. Also, under section 127.1(d) of the ITAR, any person who has knowledge that another person is ineligible pursuant to section 120.1(c)(2) of the ITAR may not, without disclosure to and written approval from the Directorate of Defense Trade Controls, participate, directly or

indirectly, in any ITAR-controlled transaction where such ineligible person may obtain benefit therefrom or have a direct or indirect interest therein.

This notice is provided for purposes of making the public aware that the persons listed above are prohibited from participating directly or indirectly in activities regulated by the ITAR, including any brokering activities and any export from or temporary import into the United States of defense articles, technical data, or defense services in all situations covered by the ITAR. Specific case information may be obtained from the Office of the Clerk for the U.S. District Courts mentioned above and by citing the court case number where provided.

Brent T. Christensen,

Senior Official Performing the Duties of the Under Secretary for Arms Control and International Security, Department of State.
[FR Doc. 2025-15725 Filed 8-18-25; 8:45 am]

BILLING CODE 4710-25-P

DEPARTMENT OF STATE

[Public Notice 12777]

60-Day Notice of Proposed Information Collection: Law Enforcement Officers Safety Act (LEOSA) Photographic Identification Card Application

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *October 20, 2025*.

ADDRESSES:

You may submit comments by any of the following methods:

- **Web:** Persons with access to the internet may comment on this notice by going to www.Regulations.gov. You can search for the document by entering "Docket Number: DOS-2025-0104" in the Search field. Then click the "Comment Now" button and complete the comment form.
- **Email:** TaylorJE@state.gov.
- **Regular Mail:** Send written comments to: DS/DO/DFP/SSD, SA-9

2025 E Street NW, Washington, DC 20522.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument, and supporting documents, to Jason Taylor, SA-9 2025 E Street NW, Washington, DC 20588, who may be reached on 202-472-8801 or at TaylorJE@state.gov.

SUPPLEMENTARY INFORMATION:

- **Title of Information Collection:** LEOSA Photographic Identification Card Application.
- **OMB Control Number:** 1405-0245.
- **Type of Request:** Revision of a currently approved collection.
- **Originating Office:** Diplomatic Security, Domestic Operations, Security Support Division (DS/DO/DFP/SSD).
- **Form Number:** DS-7809.
- **Respondents:** Current and former Diplomatic Security Service special agents.
- **Estimated Number of Respondents:** 90.
- **Estimated Number of Responses:** 90.
- **Average Time per Response:** 1 hour.
- **Total Estimated Burden Time:** 90 hours.
- **Frequency:** Once per application.
- **Obligation to Respond:** Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This information is being collected in response to the Department's

requirements under the Law Enforcement Officers Safety Act of 2004 (LEOSA), as amended and codified at 18 U.S.C. 926C, which exempts a “qualified retired law enforcement officer” carrying a LEOSA photographic identification card from most state and local laws prohibiting the carriage of concealed firearms, subject to certain restrictions and exceptions.

Methodology

Applicants will fill out the application form either electronically or by hand and submit via email or mail.

Julia P. Sweeney,

Deputy Assistant Secretary, Domestic Operations/Diplomatic Security, Department of State.

[FR Doc. 2025–15779 Filed 8–18–25; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF STATE

[Public Notice: 12786]

60-Day Notice of Proposed Information Collection: Eligibility Questionnaire for HAVANA Act Payments

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to October 20, 2025.

ADDRESSES:

You may submit comments by any of the following methods:

- **Web:** Persons with access to the internet may comment on this notice by going to www.Regulations.gov. You can search for the document by entering “Docket Number: DOS–2025–0137” in the Search field. Then click the “Comment Now” button and complete the comment form.

- **Email:** HAProcessing@state.gov.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests

for copies of the proposed collection instrument and supporting documents, to the Employee Assistance Branch, who may be reached at HAProcessing@state.gov.

SUPPLEMENTARY INFORMATION:

- **Title of Information Collection:** Eligibility Questionnaire for HAVANA Act Payments
- **OMB Control Number:** 1405–0250
- **Type of Request:** Extension of a Currently Approved Collection
- **Originating Office:** PERT, Office of Employee Relations, Employee Benefits and Assistance Division, Employee Assistance Branch (PERT/ER/EBA/EA)
- **Form Number:** DS–4316
- **Respondents:** Department of State employees, former employees, and their dependents, and the qualified physicians whom they have consulted.
- **Estimated Number of Respondents:** 30
- **Estimated Number of Responses:** 30
- **Average Time per Response:** 30 minutes
- **Total Estimated Burden Time:** 15 hours
- **Frequency:** On occasion
- **Obligation to Respond:** Required to Obtain or Retain a Benefit

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

On October 8, 2021, the “Helping American Victims Affected by Neurological Attacks” (HAVANA) Act of 2021 (Pub. L. 117–46) was signed into law. In this statute, Congress authorized federal agencies to make payments to affected current employees, former employees, and their dependents for qualifying injuries to the brain. The DS–

4316 provides the required medical substantiation for claims filed pursuant to the HAVANA Act and the Department’s rule (22 CFR part 135).

Methodology

An individual wishing to make a claim under the HAVANA Act IFR will fill out the “Patient Demographics” portion of the DS–4316, and provide it to a U.S. board certified physician as defined in the Department rules. The physician will complete the form after examining the individual and reviewing their records and will fax or email the completed form to the Department.

Andrew Flashberg,

Acting Employee Relations Office Director, Bureau of Personnel and Training, U.S. Department of State.

[FR Doc. 2025–15801 Filed 8–18–25; 8:45 am]

BILLING CODE 4710–10–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1344X]

Colorado Pacific Rio Grande Railroad LLC—Abandonment Exemption—in Rio Grande County, Colo.

Colorado Pacific Rio Grande Railroad LLC (CXRG) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon an approximately 26.55-mile segment of its Alamosa Subdivision between milepost 272.75, near Monte Vista, Colo., and milepost 299.3, near Derrick, Colo., both in Rio Grande County, Colo. (the Line).¹ The Line traverses U.S. Postal Service Zip Codes 81154, 81132, and 81144.

CXRG has certified that: (1) no local traffic has moved over the Line for at least two years; (2) no overhead traffic could be or was previously handled on the Line; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government on behalf of such user) regarding cessation of service over the Line is pending with either the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the past two years; and (4) the requirements at 49 CFR 1105.7(b) and

¹ CXRG initially submitted its verified notice on July 1, 2025. On July 15, 2025, CXRG filed a motion asking the Board to hold the proceeding in abeyance so that it could correct certain errors concerning the description of the Line. CXRG’s request was granted on July 16, 2025. On July 22, 2025, CXRG submitted an updated verified notice. It then supplemented that notice on July 30, 2025, due to an error concerning the description of the Line in the newspaper. See 49 CFR 1105.12. The abeyance is lifted, and July 30, 2025, will be considered the filing date of the verified notice.

1105.8(c) (notice of environmental and historic reports), 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,² this exemption will be effective on September 18, 2025, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,³ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/railbanking requests under 49 CFR 1152.29 must be filed by August 29, 2025.⁴ Petitions to reopen and requests for public use conditions under 49 CFR 1152.28 must be filed September 8, 2025.

All pleadings, referring to Docket No. AB 1344X, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on CXRG's representative, Thomas W. Wilcox, Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington, DC 20006.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CXRG has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft

EA) by August 22, 2025. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245. Comments on environmental or historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/railbanking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CXRG shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CXRG's filing of a notice of consummation by August 19, 2026, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: August 12, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Regena Smith-Bernard,
Clearance Clerk.

[FR Doc. 2025-15714 Filed 8-18-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Membership in the National Parks Overflights Advisory Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Selection to and Solicitation of Applications for the National Park Overflights Advisory Group.

SUMMARY: By **Federal Register** notice on February 14, 2025, the Federal Aviation Administration (FAA) and the National Park Service (NPS), invited interested persons to apply to fill two vacancies on the National Parks Overflights Advisory Group (NPOAG): one position representing general aviation and one position representing Native American tribes. This notice informs the public of the selection made for the vacancy representing general aviation. The position representing Native American tribes was not filled. This notice also invites interested persons to apply to fill four vacancies on the National Parks Overflights Advisory Group (NPOAG). The openings are for a representative of

Native American tribes, a representative of air tour operators, and two representatives of environmental concerns.

DATES: Persons interested in these membership openings will need to apply by October 3, 2025.

FOR FURTHER INFORMATION CONTACT: Sandi Fox, Environmental Protection Specialist, FAA Office of Environment and Energy, 400 N 8th St., Suite 750, Richmond, VA 23219, telephone: (202) 267-0928, email: sandra.y.fox@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106-181, and subsequently amended in the FAA Modernization and Reform Act of 2012. The Act required the establishment of the advisory group within one year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of representatives of general aviation, commercial air tour operators, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

In accordance with the Act, the advisory group provides "advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title (the Act) and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands."

Selections: Murray Huling was selected to fill the vacancy for general aviation. The three-year term will commence on the publication date of this **Federal Register** notice.

II. Membership

The current NPOAG is made up of one member representing general aviation, three members representing commercial air tour operators, four

² Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

³ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁴ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

members representing environmental concerns, and two members representing Native American tribes. Members serve three-year terms.

III. Solicitation for Membership

To retain balance within the NPOAG, the FAA and NPS are seeking candidates interested in filling four vacancies: one representing Native American tribes, one representing the commercial air tour industry, and two representing environmental interests, one of which will be available on September 13, 2025, when the current term expires. The other three vacancies are available now. The FAA and NPS invite persons interested in these openings on the NPOAG to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Requests to serve on the NPOAG must be made in writing and postmarked or emailed on or before October 3, 2025. Any request to fill one of these seats must describe the requestor's affiliation with commercial air tour operators, environmental concerns, or federally recognized Native American tribes, as appropriate. The request should also explain what expertise the requestor would bring to the NPOAG as related to issues and concerns with aircraft flights over national parks or tribal lands. The term of service for NPOAG members is 3 years. Members may re-apply for another term.

On August 13, 2014, the Office of Management and Budget issued revised guidance regarding the prohibition against appointing or not reappointing federally registered lobbyists to serve on advisory committees (79 **Federal Register** 47482). Therefore, before appointing an applicant to serve on the NPOAG, the FAA and NPS will require the prospective candidate to certify that they are not a federally registered lobbyist.

Dated: August 14, 2025.

Sandra Fox,

Environmental Protection Specialist.

[FR Doc. 2025-15718 Filed 8-18-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2025-1734]

Notice of Intent To Designate as Abandoned John Benham Supplemental Type Certificate No. SA3866SW

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to designate as abandoned; request for comments.

SUMMARY: This notice announces the FAA's intent to designate John Benham Supplemental Type Certificate (STC) No. SA3866SW 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 John Benham concerning the STC. This action is intended to enhance aviation safety.

DATES: The FAA must receive all comments by February 17, 2026.

ADDRESSES: You may send comments on this notice by any of the following methods:

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

- **Mail:** JoAnn Murphy, AIR-761, FAA, Central Certification Branch, 2300 East Devon Avenue, Room 107, Des Plaines, IL 60018.

- **Email:** 9-AVS-CCB-Correspondence@faa.gov. Include "Docket No. FAA-2025-1734" 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: JoAnn Murphy, Program Support Specialist, Central Certification Branch, FAA; telephone: (847) 294-7358; email: 9-AVS-CCB-Correspondence@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-2025-1734" 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 as abandoned John Benham STC No. SA3866SW and subsequently release the related engineering data. John Benham STC No. SA3866SW is for a modified door latch, in Cessna Aircraft Model 170, 170A, and 170B airplanes.

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 49 U.S.C. 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 10, 2025, the FAA sent a registered letter to John Benham at his last known address: 659 Madrona Road, Pipe Creek, TX 78063. The letter was returned, unable to be forwarded. The letter informed John Benham that the FAA had received a request for engineering data related to STC No. SA3866SW and was conducting a due diligence search to determine whether the STC was inactive and may be considered abandoned. The letter further requested John Benham to respond in writing within 60 days and state whether he is the holder of the STC.

Information Requested

If you are the owner or heir or a transferee of STC No. SA3866SW or have any knowledge regarding who may now hold STC No. SA3866SW, please contact JoAnn Murphy as described in this notice under **FOR FURTHER INFORMATION CONTACT** or using a method described under **ADDRESSES**. If you are the heir of the owner, or the owner by transfer, of STC No. SA3866SW, 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 February 17, 2026, the FAA will consider STC No. SA3866SW 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 August 12, 2025.

Steven W. Thompson,

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

[FR Doc. 2025-15723 Filed 8-18-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2010-0072]

Capital Metropolitan Transportation Authority's Request To Amend Its Positive Train Control Safety Plan and Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on August 7, 2025, Capital Metropolitan Transportation Authority (CMTY) submitted a request for amendment (RFA) to its FRA-Approved Positive Train Control Safety Plan (PTCSP). As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by September 8, 2025. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA-2010-0072. For convenience, all active PTC dockets are hyperlinked on FRA's website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train

Control, and Crossings Division, telephone: 816-516-7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) Section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on August 7, 2025, CMTY submitted an RFA to its PTCSP for its Enhanced Automatic Train Control, which seeks FRA's approval to increase the overspeed warning point for CMTY's diesel multiple units and update certain cab signal rates. That RFA is available in Docket No. FRA-2010-0072.

Interested parties are invited to comment on CMTY's RFA to its PTCSP by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. See 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing

proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2025-15789 Filed 8-18-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA-2025-0069]

Request for Information Concerning the Capital Investment Grants Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Request for information.

SUMMARY: The Federal Transit Administration (FTA) is seeking suggestions from all transit stakeholders (transit authorities, planning officials, States, cities, the private sector, and the public) on ways to streamline and enhance the Capital Investment Grants (CIG) Police Guidance while increasing the accountability of project sponsors and ensuring federal investment in the most successful projects.

DATES: Comments must be received on or before September 18, 2025. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments to DOT docket number FTA-2025-0069 by any of the following methods:

Federal eRulemaking Portal: Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.

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

Hand Delivery or Courier: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 202-493-2251.

Instructions: You must include the agency name (Federal Transit Administration) and docket number (FTA-2025-0069) for this notice at the beginning of your comments. You must submit two copies of your comments if you submit them by mail. If you wish to receive confirmation FTA received your comments, you must include a

self-addressed, stamped postcard. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties submitting comments may wish to consider using an express mail firm to ensure prompt filing of any submissions not filed electronically or by hand.

All comments received will be posted, without charge and including any personal information provided, to <http://www.regulations.gov>, where they will be available to internet users. You may review DOT's complete Privacy Act Statement published in the

Federal Register on April 11, 2000, at 65 FR 19477. For access to the docket and to read background documents and comments received, go to <http://www.regulations.gov> at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Management Facility, West Building, Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Ferroni, FTA Office of Planning and Environment at mark.ferroni@dot.gov, or 202.366.3233.

SUPPLEMENTARY INFORMATION:

Background

FTA seeks feedback from interested parties, on ways to streamline and enhance the CIG Policy Guidance, last published in December 2024, (<https://www.transit.dot.gov/funding/grants/grant-programs/capital-investments/2024-cig-policy-guidance>)—specifically, ways to increase the accountability of project sponsors and ensuring federal investment in the most successful projects. FTA seeks comment on project rating and evaluation criteria and the CIG process, to inform development of a potential future comprehensive update to the CIG policy guidance FTA would propose for public comment.

FTA requests commenters refrain from providing feedback requiring a statutory change to implement, as FTA does not have authority or discretion to change statutory requirements. Respondents may respond to any question and do not need to respond to all questions. FTA looks forward to receiving feedback from all interested parties.

Economic Development Criterion (New Starts, Small Starts, and Core Capacity Projects) and Land Use Criterion (New Starts and Small Starts Projects)

Currently, FTA evaluates the Economic Development criterion for

New Starts, Small Starts, and Core Capacity projects based on the extent to which a proposed project is likely to induce additional transit-supportive development in the future. The evaluation examines: (1) Supportive zoning in station areas, including zoning for universal design; (2) Performance and impacts of transit-supportive plans and policies (e.g., growth management, transit-supportive corridor policies, tools to implement transit-supportive plans and policies, and potential impact of the transit project on station area development); and (3) Tools to maintain or increase the share of affordable housing in station areas (e.g., evaluation of affordable housing needs and supply specific to station areas, plans and policies to preserve and increase affordable housing, adopted financing tools and strategies to preserve and increase affordable housing, and developer activity to preserve and increase affordable housing).

FTA currently evaluates the Land Use criterion for New Starts and Small Starts projects by examining what exists in the project corridor today. The evaluation examines the average existing population density across all station areas in the project corridor, total existing employment served by the project, the proportion of existing legally binding affordability restricted (LBAR) housing within a ½ mile of station areas to the proportion of LBAR housing in the counties through which the project travels, the level of community risk based on certain census data characteristics, and access to essential services.

FTA seeks feedback from interested parties on the following questions:

1. Should FTA consider under the Economic Development and/or Land Use criterion ways to further capture population growth? If so, why and how?
2. Should FTA consider under the Economic Development and/or Land Use criterion ways to further capture transit-oriented development? If so, why and how?
3. Should FTA consider under the Economic Development and/or Land Use criterion ways to capture opportunity zones as defined by the U.S. Department of Housing and Urban Development? If so, why and how?

CIG Process (New Starts, Small Starts and Core Capacity Projects)

To receive discretionary funding under the CIG program, an applicant must complete the multi-year, multi-step process outlined at 49 U.S.C. 5309 for the proposed major transit capital project.

The law establishes three categories of projects eligible under the CIG program, referred to as New Starts, Small Starts, and Core Capacity projects. The law specifies project justification and local financial commitment evaluation criteria FTA must use to develop a project rating on a five-point scale from low to high (49 U.S.C. 5309(d), (e), and (h)). A project must receive a Medium or better overall rating to advance to the Engineering phase (for New Starts and Core Capacity projects) and to receive a construction grant award (for all three types of projects). Each project type has a unique set of requirements and evaluation criteria in law, although many similarities exist among them.

4. How should FTA streamline and/or simplify the CIG process, consistent with statutory requirements? Including:

- a. Potential revisions to the factors and weighting FTA uses to evaluate the statutorily required project justification and local financial commitment criteria; and
- b. Potential revisions and/or expansion to the project justification warrants process.

Merits of CIG Projects

FTA is required to evaluate and rate the merits of proposed CIG projects. Part of this process is to evaluate the reliability and accuracy of the predictions for anticipated project ridership and related impacts made by project sponsors. The CIG ratings process uses projections made from travel forecasts to evaluate four of the six project justification measures, including: mobility improvements, cost-effectiveness, congestion relief, and environmental benefits. The travel forecasting process is dependent on accurately isolating how the CIG project will change the customer experience of travelers in the project corridor.

In 2013, FTA released the Simplified Trips on Project Software (STOPS) program as a streamlined travel forecasting methodology. FTA has worked diligently to calibrate and validate this model based on actual project experience obtained through FTA's Information Collection and Analysis Plan (previously known as Before and After study). This work has demonstrated when given actual, as-built project service attributes, STOPS will generate an acceptably accurate ridership forecast in a variety of contexts for all fixed-guideway modes.

FTA's Information Collection and Analysis Plan analyzes predicted and actual outcomes for completed CIG projects in five topic areas, including: capital-costs, operating and maintenance costs, physical scope,

service, and ridership. When the CIG project choice and operating assumptions are inaccurate, it directly translates to inaccurate or distorted estimates of project ridership and benefits from a Federal investment.

5. How could FTA work with potential project sponsors to improve the rightsizing of projects and accuracy of operating plans developed to prepare the ridership projections for CIG projects?

Marcus J. Molinaro,
Administrator.

[FR Doc. 2025–15795 Filed 8–18–25; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA–2025–0068]

Notice of Availability of Proposed Policy Guidance for the Capital Investment Grants Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of availability of proposed policy guidance for the Capital Investment Grants program.

SUMMARY: The Federal Transit Administration (FTA) is making available the agency's proposed policy guidance for the Capital Investment Grants (CIG) program. These revisions are intended to address certain Executive Orders signed by the President in early 2025 and DOT Order 2100.7, "*Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities*." The proposed guidance has been placed in the docket and posted on the FTA website.

DATES: Comments must be received on or before September 2, 2025. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments to DOT docket number FTA–2025–0068 by any of the following methods:

Federal eRulemaking Portal: Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.

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

Hand Delivery or Courier: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140,

Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 202–493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and docket number (FTA–2025–0068) for this notice at the beginning of your comments. You must submit two copies of your comments if you submit them by mail. If you wish to receive confirmation FTA received your comments, you must include a self-addressed, stamped postcard. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties submitting comments may wish to consider using an express mail firm to ensure prompt filing of any submissions not filed electronically or by hand.

All comments received will be posted, without charge and including any personal information provided, to <https://www.regulations.gov>, where they will be available to internet users. You may review DOT's complete Privacy Act Statement published in the

Federal Register on April 11, 2000, at 65 FR 19477. For access to the docket and to read background documents and comments received, go to <https://www.regulations.gov> at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Management Facility, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Ferroni, FTA Office of Planning and Environment at mark.ferroni@dot.gov, or 202.366.3233

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to 49 U.S.C. 5309(g)(5), FTA is required to publish policy guidance on the discretionary Capital Investment Grants (CIG) program when the agency makes significant changes to the CIG review and evaluation process and criteria. FTA must consider certain project justification criteria pursuant to 49 U.S.C. 5309(d)(2)(A)(iii), (e)(2)(A)(iv), and (h)(4). The policy guidance FTA issues for the CIG program complements the FTA regulations governing the CIG program, codified at 49 CFR part 611. The FTA regulations governing the CIG program set forth the process grant applicants must follow to be considered for discretionary funding and the procedures and criteria FTA uses to rate and evaluate projects to determine applicant eligibility. The policy

guidance provides a greater level of detail about the methods FTA uses and the sequential steps a sponsor must follow in developing a project.

FTA is seeking comment on a proposed reversion to previous methodology for evaluating the CIG environmental benefits criterion, as well as other technical changes to FTA's CIG Policy Guidance last issued in December 2024. (<https://www.transit.dot.gov/funding/grants/grant-programs/capital-investments/2024-cig-policy-guidance>). The proposed revisions address Executive Orders (E.O.) 14148, Initial Recissions of Harmful Executive Orders and Actions; E.O. 14154, Unleashing American Energy; and E.O. 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing, signed by the President in early 2025. Additional detail about these changes is provided below. The proposed guidance is available on the agency's public website at <http://www.transit.dot.gov>, and in the docket at <https://www.regulations.gov>. No other changes to the CIG policy guidance are proposed at this time. Instead, FTA intends to propose a more comprehensive update to the CIG policy guidance for notice and comment in the future.

II. Proposed Changes to the CIG Policy Guidance

Environmental Benefits

FTA is proposing to revise the methodology for evaluating the environmental benefits criterion of CIG projects. This methodology would utilize the Environmental Protection Agency (EPA) National Ambient Air Quality Standards (NAAQS) designation of the metropolitan area in which the project is located. Projects in metropolitan areas designated as "non-attainment" or "maintenance" areas for the transportation-related criteria pollutants, carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), or particulate matter (PM_{2.5}), would receive a High rating; projects located in "attainment" areas in all four criteria pollutants would receive a Medium rating. Project sponsors can determine the applicable EPA NAAQS designation through the most recent version of EPA's Green Book (<https://www.epa.gov/green-book>).

This proposal is similar to the environmental benefits methodology FTA utilized prior to 2013, which it adopted in accordance with the statutory notice and comment requirements under the Administrative Procedure Act (APA), codified at 5 U.S.C. 553. However, the pre-2013

methodology did not prescribe how projects located in “maintenance” areas would be rated. To address this gap, FTA’s proposal would specify that projects located in “maintenance” areas would receive a “High” rating. “Maintenance” areas are geographic areas designated previously as “nonattainment” for a particular pollutant that have since met air quality standards but are still subject to requirements in their Maintenance Plan and transportation conformity. Assigning a “High” rating to projects in maintenance areas for the transportation-related criteria pollutants would further the goals of the transportation conformity requirements under Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) to ensure Federally funded or approved public transportation activities are consistent with (“conform to”) the purpose of the State air quality implementation plan.

This proposed methodology would replace the complex and burdensome calculation of environmental benefits FTA has utilized since 2013, which uses vehicle miles traveled (VMT) to estimate each project’s effect on air quality, energy use, greenhouse gas emissions, and safety, and then monetizes those changes based on standard factors. When FTA adopted the VMT-based environmental benefits measure in 2013, FTA recognized it may be necessary in the future to update the methodology as new information and research became available. (78 FR 1992, at 2001). After several years of experience with the measure, FTA has determined the VMT-based calculation adds unnecessary burden and complexity to the evaluation process for project sponsors and FTA. This determination was also informed by several comments received on FTA’s April 2024 proposed CIG policy guidance (89 FR 24086). These comments requested FTA to simplify the environmental benefits calculation and consider replacing it with an automatic ratings process.

FTA has determined the change to the environmental benefits methodology would not have a substantial impact on overall project ratings. FTA believes the proposed change would achieve an appropriate balance between reducing regulatory burden and maintaining sufficient analytic rigor within the CIG project evaluation and rating process. FTA is proposing to remove references to the VMT-based calculation of environmental benefits, as well as related appendices and citations, throughout the CIG policy guidance. These are merely conforming changes.

In addition, FTA is proposing this change consistent with the direction in E.O. 14154, Unleashing American Energy, which was signed by the President on January 20, 2025; OIRA’s Guidance Implementing Section 6 of Executive Order 14154, Entitled “Unleashing American Energy,” which was signed on May 5, 2025 (OIRA’s Guidance); and DOT Order 2100.7, “Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities.” Under the current CIG policy guidance, FTA directs project sponsors to monetize the change in greenhouse gas emissions based on the mid-range estimate of the social cost of carbon from the Interagency Working Group (IWG) Technical Support Document of February 2021. Section 6(b) of E.O. 14154 withdraws the guidance issued by the IWG, including the Technical Support Document, as it is no longer representative of governmental policy. Section 6(c) of E.O. 14154 and DOT Order 2100.7 also state the “calculation of the ‘social cost of carbon’ is marked by logical deficiencies, a poor basis in empirical science, politicization, and the absence of a foundation in legislation.” Further, OIRA’s implementing guidance limits the social cost of carbon to uses where it is statutorily required and directs agencies to remove its consideration from discretionary regulatory language “as quickly as feasible.” Complying with E.O. 14145 and OIRA’s Guidance, and based on the aforementioned rationale, FTA is proposing to revise its approach to calculating the environmental benefits measure, as directed in the CIG Policy Guidance, to align with statutory requirements.

Access to Essential Services

With respect to the Land Use criterion, FTA is proposing to remove the requirement to analyze urgent care centers from the evaluation of access to essential services. FTA’s December 2024 CIG policy guidance instructs project sponsors to use data from the Department of Homeland Security’s (DHS) Homeland Infrastructure Foundational-Level Data (HIFLD) website to evaluate access to essential services, including data on urgent care centers. FTA has since learned the HIFLD website no longer provides data on urgent care centers, making it impossible for project sponsors to examine such data. Accordingly, FTA proposes to remove urgent care centers from the requirement. FTA is not proposing any other changes to the access to essential services requirement.

Other Changes

FTA is proposing other minor, technical changes to the CIG policy guidance to eliminate references to Executive Orders and other documents rescinded pursuant to E.O. 14148, Initial Rescissions of Harmful Executive Orders and Actions (January 20, 2025); E.O. 14154, Unleashing American Energy (January 20, 2025); and E.O. 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing.

Authority: 49 CFR 1.91.

Marcus J. Molinaro,

Administrator.

[FR Doc. 2025–15794 Filed 8–18–25; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number USCG–2005–22611]

Deepwater Port License: Amendment of the Neptune LNG LLC Deepwater Port License and Temporary Suspension of Operations at the Neptune LNG Deepwater Port

AGENCY: Maritime Administration, U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) provides notice of its decision to approve the request of Neptune LNG LLC (Neptune) to extend the suspension of port operations at the Neptune Deepwater Port (Neptune Port) and its amending of the Neptune Deepwater Port License (License) to that effect.

DATES: The suspension of operations at Neptune Port is extended until December 31, 2027.

ADDRESSES: DOT’s Docket Management Facility maintains the public docket for this project. The docket may be viewed electronically at <http://www.regulations.gov> under docket number USCG–2005–22611.

FOR FURTHER INFORMATION CONTACT: Linden Houston, Transportation Specialist, MARAD’s Office of Deepwater Port Licensing & Port Conveyance via telephone at (202) 366–4839 or email at Deepwater.Ports@dot.gov.

SUPPLEMENTARY INFORMATION: On December 12, 2024, MARAD received a written request from Neptune for authorization to extend the suspension of the Neptune Port operation, located approximately 22 miles northeast of Boston, Massachusetts. In the request, Neptune indicated that the continued

suspension of operations remains necessary as Neptune evaluates the decommissioning process. Neptune requested MARAD's authorization to formally extend the suspension of port operations until December 31, 2027.

Pursuant to 33 U.S.C. 1503(b)(2), the Secretary of Transportation (Secretary) may, on petition of a licensee, amend a deepwater port license issued under the Deepwater Port Act of 1974, as amended. By delegation of the Secretary, MARAD has determined that the amendment of the license is consistent with the requirements of 33 U.S.C. Chapter 29 and has authorized amendment of the license to provide an additional suspension of port operations. The amendment applies only to Articles 2, 6, and 19 of the license. All other terms, conditions, and obligations of the license will remain in effect during and after the suspension period. The suspension period will expire on December 31, 2027.

In order to resume operations prior to the expiration of the suspension period, Neptune must petition MARAD for approval to resume port operations. The petition must be submitted at least six months before the proposed restart date and certify that Neptune receives all applicable Federal and State permits, approvals, and authorizations. Should Neptune request an extension of the suspension period, such request must be submitted to MARAD no less than one hundred eighty calendar days before the expiration date of the suspension period. Thereafter, MARAD will evaluate, in consultation with the relevant Federal agencies, the appropriateness of such an extension. The final determination on any extension will be rendered by the Maritime Administrator or a designee acting on behalf of the Maritime Administrator.

Additional information pertaining to this public notice may be found in the public docket regarding the Neptune Deepwater Port License online at www.regulations.gov, under docket number USCG-2005-22611 (see **ADDRESSES**).

(Authority: 33 U.S.C. 1501, *et seq.*; 49 CFR 1.93(h))

By Order of the Maritime Administration.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.
[FR Doc. 2025-15808 Filed 8-18-25; 8:45 am]
BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Requesting Comments on Form 5306 Application for Approval of Prototype or Employer Sponsored Individual Retirement Account

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before October 20, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Include OMB Control No. 1545-0390 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620-2128.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Form 5306 Application for Approval of Prototype or Employer Sponsored Individual Retirement Account.

OMB Number: 1545-0390.

Form Number: 5306.

Abstract: This application is used by employers who want to establish an individual retirement account trust to be used by their employees. The application is also used by banks and insurance companies that want to establish approved prototype individual retirement accounts or annuities. The data collected is used to determine if the individual retirement account trust or annuity contract meets the requirements of Code section 408(a), 408(b), or 408(c) so that the IRS may issue an approval letter.

Current Actions: There is no change to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 600.

Estimated Time per Respondent: 13 hours, 44 minutes.

Estimated Total Annual Burden Hours: 8,244.

Dated: August 14, 2025.

Jason M. Schoonmaker,
Tax Analyst.

[FR Doc. 2025-15713 Filed 8-18-25; 8:45 am]

BILLING CODE 4830-01-P



FEDERAL REGISTER

Vol. 90

Tuesday,

No. 158

August 19, 2025

Part II

Department of Homeland Security

Federal Emergency Management Agency

Notices of Emergency and Major Disaster Declarations and Related
Amendments; Notice

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency**

[Docket ID FEMA–2025–0001]

Notices of Emergency and Major Disaster Declarations and Related Amendments**AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Notice.

SUMMARY: This is a notice of the Presidential declarations of emergencies and major disasters, and related determinations, declared under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act from October, 2024, to January, 2025.

DATES: These declarations and amendments were issued between October, 2024, and January, 2025.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (“Stafford Act”) authorizes the President to declare a major disaster or emergency for a State or Federally Recognized Tribe. A declaration of an emergency or major disaster generally contains the following elements: incident type; incident period; designation of affected geographical areas; designation of Stafford Act assistance programs authorized for the declaration; and Federal cost-share for the assistance programs. FEMA’s regulations require FEMA to publish certain declaration information in the **Federal Register**. This includes 44 CFR 206.40(b) (requiring the publication of the designated areas and eligible assistance) and 44 CFR 206.32 (requiring the publication of the incident period). In addition, FEMA publishes in the **Federal Register** notices for declarations that communicate all the required information both upon the initial declaration by the President, and when that information changes because a declaration is amended. Below are listed 75 Presidential declarations of emergencies and major disasters, and related amendments, declared under the Stafford Act from October, 2024, to January, 2025.

[Internal Agency Docket No. FEMA–3566–EM]

Mashpee Wampanoag Tribe; Amendment No. 2 to Notice of an Emergency Disaster Declaration

This notice amends the notice of a major disaster declaration for the Mashpee Wampanoag Tribe (FEMA–3566–EM), dated August 22, 2021, and related determinations. This amendment was issued December 23, 2024. Notice is hereby given that the incident period for this emergency is closed effective September 29, 2021.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3567–EM]

Vermont; Amendment No. 2 to Notice of an Emergency Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Vermont (FEMA–3567–EM), dated August 22, 2021, and related determinations. This amendment was issued December 23, 2024. Notice is hereby given that the incident period for this emergency is closed effective August 24, 2021.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3606–EM]

South Carolina; Amendment No. 2 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of South Carolina (FEMA–3606–EM), dated August 5, 2024, and related determinations. This change occurred on November 18, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency. This action terminates the appointment of Brett H. Howard as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3608–EM]

North Carolina; Amendment No. 4 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of North Carolina (FEMA–3608–EM), dated August 6, 2024, and related determinations. This change occurred on November 18, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency. This action terminates the appointment of E. Craig Levy Sr. as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant;

97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3608–EM]

North Carolina; Amendment No. 5 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of North Carolina (FEMA–3608–EM), dated August 6, 2024, and related determinations. This change occurred on December 12, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency. This action terminates the appointment of Thomas J. McCool as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3617–EM]

North Carolina; Amendment No. 1 to Notice of an Emergency Disaster Declaration

This notice amends the notice of an emergency declaration for the State of North Carolina (FEMA–3617–EM), dated September 26, 2024, and related determinations. This change occurred on September 28, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this

emergency. This action terminates the appointment of E. Craig Levy, Sr. as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3617–EM]

North Carolina; Amendment No. 2 to Notice of an Emergency Disaster Declaration

This notice amends the notice of an emergency declaration for the State of North Carolina (FEMA–3617–EM), dated September 26, 2024, and related determinations. This change occurred on December 12, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency. This action terminates the appointment of Thomas J. McCool as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3617–EM]

North Carolina; Amendment No. 3 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of

North Carolina (FEMA–3617–EM), dated September 26, 2024, and related determinations. This amendment was issued December 20, 2024. Notice is hereby given that the incident period for this emergency is closed effective December 18, 2024.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3619–EM]

South Carolina; Amendment No. 2 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of South Carolina (FEMA–3619–EM), dated September 26, 2024, and related determinations. This change occurred on November 18, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency. This action terminates the appointment of Brett H. Howard as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3623–EM]**Seminole Tribe of Florida; Emergency and Related Determinations**

This is a notice of the Presidential declaration of an emergency for the Seminole Tribe of Florida (FEMA–3623–EM), dated October 8, 2024, and related determinations. The declaration was issued October 8, 2024. Notice is hereby given that, in a letter dated October 8, 2024, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the lands associated with the Seminole Tribe of Florida resulting from Hurricane Milton beginning on October 5, 2024, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (“the Stafford Act”). Therefore, I declare that such an emergency exists for the Seminole Tribe of Florida.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Leda M. Khoury, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the Seminole Tribe of Florida have been designated as adversely affected by this declared emergency:

Emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program for the Seminole Tribe of Florida.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3623–EM]**Seminole Tribe of Florida; Amendment No. 1 to Notice of an Emergency Declaration**

This notice amends the notice of an emergency declaration for the Seminole Tribe of Florida (FEMA–3623–DR), dated October 8, 2024, and related determinations. This amendment was issued November 20, 2024. Notice is hereby given that the incident period for this emergency is closed effective November 2, 2024.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–3623–EM]**Seminole Tribe of Florida; Amendment No. 2 to Notice of an Emergency Declaration**

This notice amends the notice of an emergency declaration for the Seminole Tribe of Florida (FEMA–3623–EM), dated October 8, 2024, and related determinations. This change occurred on November 26, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, E. Craig Levy Sr., of FEMA is appointed to act as the Federal

Coordinating Officer for this emergency. This action terminates the appointment of Leda M. Khoury as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4720–DR]**Vermont; Amendment No. 11 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster for the State of Vermont (FEMA–4720–DR), dated July 14, 2023, and related determinations. This amendment was issued November 1, 2024. Notice is hereby given that, in a letter dated November 1, 2024, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the State of Vermont resulting from severe storms, flooding, landslides, and mudslides during the period of July 7 to July 21, 2023, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my declarations of July 14, 2023, July 17, 2023, and November 14, 2023, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs, except for assistance previously approved at 100 percent.

This adjustment to state and local cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments

under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for Other Needs Assistance (Section 408) and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

[Internal Agency Docket No. FEMA–4790–DR]

Mississippi; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Mississippi (FEMA–4790–DR), dated June 10, 2024, and related determinations. This change occurred on November 18, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, E. Craig Levy, Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Jeremy C. Slinker as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4738–DR]

Georgia; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4738–DR), dated September 7, 2023, and related determinations. This change occurred on October 14, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kevin A. Wallace, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Judy M. Kruger as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4783–DR]

West Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4783–DR), dated May 22, 2024, and related determinations. This change occurred on December 13, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Georgeta Dragoiu, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Jeffrey L. Jones as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant;

97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4774–DR]

Kansas; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4774–DR), dated April 28, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4778–DR]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4778–DR), dated May 3, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer

for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4786–DR]

Nebraska; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4786–DR), dated May 24, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4787–DR]

West Virginia; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State

of West Virginia (FEMA–4787–DR), dated May 24, 2024, and related determinations. This change occurred on December 13, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Georgeta Dragoiu, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Jeffrey L. Jones as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4800–DR]

Kansas; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4800–DR), dated July 15, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4803–DR]

Missouri; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4803–DR), dated July 23, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Glennie Burks, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4808–DR]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4808–DR), dated August 20, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling;

97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4811–DR]

Kansas; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4811–DR), dated August 20, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4822–DR]

Nebraska; Amendment No. 3 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4822–DR), dated September 24, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order

12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4824–DR]

Kansas; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4824–DR), dated September 24, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4827–DR]

North Carolina; Amendment No. 5 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4827–DR), dated September 28, 2024, and related determinations. This amendment was issued December 18, 2024. The notice of a major disaster declaration for the State of North Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Surry and Yadkin Counties for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4827–DR]

North Carolina; Amendment No. 6 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster for the State of North Carolina (FEMA–4827–DR), dated September 28, 2024, and related determinations. This amendment was issued December 6, 2024. Notice is hereby given that, in a letter dated December 6, 2024, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the State of North Carolina

resulting from Tropical Storm Helene beginning on September 25, 2024, and continuing, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my declarations of September 28, 2024, and October 2, 2024, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs, except assistance previously approved at 100 percent.

This adjustment to state and local cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Stafford Act specifically prohibits a similar adjustment for funds provided for Other Needs Assistance section 408 and the Hazard Mitigation Grant Program section 404. These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

[Internal Agency Docket No. FEMA–4827–DR]

North Carolina; Amendment No. 7 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4827–DR), dated September 28, 2024, and related determinations. This change occurred on December 12, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Thomas J. McCool as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA);

97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4827–DR]

North Carolina; Amendment No. 8 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4827–DR), dated September 28, 2024, and related determinations. This amendment was issued December 20, 2024. Notice is hereby given that the incident period for this disaster is closed effective December 18, 2024.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4828–DR]

Florida; Amendment No. 12 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4828–DR), dated September 28, 2024, and related determinations. This amendment was issued November 22, 2024. The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Clay County for Public Assistance. Hillsborough County for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4828–DR]

Florida; Amendment No. 13 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4828–DR), dated September 28, 2024, and related determinations. This amendment was issued December 8, 2024. Notice is hereby given that, in a letter dated December 8, 2024, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in the State of Florida resulting from Hurricane Helene during the period of September 23 to October 7, 2024, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my declarations of September 28, 2024, and October 2, 2024, to authorize Federal funds for debris removal and emergency protective measures, including direct Federal assistance, under the Public Assistance program at 100 percent of the total eligible costs for a period of 120 days of the State’s choosing within the first 180 days from the start of the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially

Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

[Internal Agency Docket No. FEMA–4829–DR]

South Carolina; Amendment No. 12 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations. This change occurred on November 18, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Brett H. Howard as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4829–DR]

South Carolina; Amendment No. 13 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations. This amendment was issued December 3, 2024. The notice of a major disaster declaration for the State of South Carolina is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Berkeley County for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4829–DR]

South Carolina; Amendment No. 14 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations. This amendment was issued December 6, 2024. Notice is hereby given that, in a letter dated September 6, 2024, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the State of South Carolina resulting from Hurricane Helene during the period of September 25 to October 7, 2024, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my declarations of September 29, 2024, and October 4, 2024, to authorize Federal funds for debris removal, including direct Federal assistance, under the Public Assistance program at 100 percent of the total eligible costs for a period of 120 days of the State’s choosing within the first 180 days from the start of the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals

and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

[Internal Agency Docket No. FEMA–4830–DR]

Georgia; Amendment No. 12 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4830–DR), dated September 30, 2024, and related determinations. This amendment was issued December 6, 2024. Notice is hereby given that, in a letter dated December 6, 2024, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the State of Georgia resulting from Hurricane Helene during the period of September 24 to October 30, 2024, is of sufficient severity and magnitude that special cost-sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my declarations of September 30, 2024, and October 2, 2024, to authorize Federal funds for debris removal and emergency protective measures, including direct Federal assistance, under the Public Assistance program at 100 percent of the total eligible costs for a period of 120 days of the State’s choosing within the first 180 days from the start of the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

[Internal Agency Docket No. FEMA–4831–DR]**Virginia; Amendment No. 8 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024, and related determinations. This amendment was issued December 3, 2024. The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 1, 2024.

Roanoke County for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4831–DR]**Virginia; Amendment No. 9 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024, and related determinations. This amendment was issued December 6, 2024. Notice is hereby given that, in a letter dated December 6, 2024, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia resulting from Tropical Storm Helene during the period of September 25 to October 3, 2024, is of sufficient severity and magnitude that special cost sharing

arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my declarations of October 1, 2024, and October 4, 2024, to authorize Federal funds for debris removal, including direct Federal assistance, under the Public Assistance program at 100 percent of the total eligible costs for a period of 120 days of the Commonwealth’s choosing within the first 180 days from the start of the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

[Internal Agency Docket No. FEMA–4831–DR]**Virginia; Amendment No. 10 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024, and related determinations. This change occurred on December 16, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jeffrey L. Jones, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Timothy S. Pheil as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4832–DR]**Tennessee; Amendment No. 5 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4832–DR), dated October 2, 2024, and related determinations. This amendment was issued December 6, 2024. Notice is hereby given that, in a letter dated December 6, 2024, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in the State of Tennessee resulting from Tropical Storm Helene during the period of September 26 to September 30, 2024, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my October 2, 2024, declaration to authorize Federal funds for debris removal and emergency protective measures, including direct Federal assistance, under the Public Assistance program at 100 percent of the total eligible costs for a period of 120 days of the State’s choosing within the first 180 days from the start of the incident period.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4833–DR]**San Carlos Apache Tribe; Amendment No. 1 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the San Carlos Apache Tribe (FEMA–4833–DR), dated October 4, 2024, and related

determinations. This change occurred on December 13, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Curtis Brown, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Benigno Bern Ruiz as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4834–DR]

Florida; Amendment No. 6 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4834–DR), dated October 11, 2024, and related determinations. This amendment was issued December 8, 2024. Notice is hereby given that, in a letter dated December 8, 2024, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in the State of Florida resulting from Hurricane Milton during the period of October 5 to November 2, 2024, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my declaration of October 11, 2024, to authorize Federal funds for debris removal and emergency protective measures, including direct Federal assistance, under the Public Assistance program at 100 percent of the total eligible

costs for a period of 120 days of the State’s choosing within the first 180 days from the start of the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

[Internal Agency Docket No. FEMA–4835–DR]

South Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4835–DR), dated September 29, 2024, and related determinations. This amendment was issued November 20, 2024. The notice of a major disaster declaration for the State of South Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Beaufort and Florence Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4835–DR]

South Carolina; Amendment No. 2 to Notice of an Emergency Declaration

This notice amends the notice of an emergency declaration for the State of South Carolina (FEMA–4835–DR), dated September 29, 2024, and related determinations. This change occurred

on November 18, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Brett H. Howard as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4837–DR]

North Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4837–DR), dated October 19, 2024, and related determinations. This amendment was issued November 26, 2024. The notice of a major disaster declaration for the State of North Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 19, 2024.

Dare and Stokes Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4837-DR]**North Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA-4837-DR), dated October 19, 2024, and related determinations. This change occurred on November 18, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of E. Craig Levy Sr. as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4837-DR]**North Carolina; Amendment No. 3 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA-4837-DR), dated October 19, 2024, and related determinations. This change occurred on December 12, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Thomas J. McCool as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant;

97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4838-DR]**Nebraska; Amendment No. 1 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA-4838-DR), dated October 21, 2024, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4840-DR]**Havasupai Tribe; Major Disaster and Related Determinations**

This is a notice of the Presidential declaration of a major disaster for the Havasupai Tribe (FEMA-4840-DR), dated October 25, 2024, and related determinations. The declaration was issued October 25, 2024. Notice is hereby given that, in a letter dated October 25, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the Havasupai Tribe resulting from flooding during the period of August 22 to August 23, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the Havasupai Tribe.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation for the Havasupai Tribe. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Benigno Bern Ruiz, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Havasupai Tribe for Individual Assistance.

The Havasupai Tribe for Public Assistance.

The Havasupai Tribe is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—

Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4840–DR]

Havasupai Tribe; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Havasupai Tribe (FEMA–4840–DR), dated October 25, 2024, and related determinations. This amendment was issued December 9, 2024. The notice of a major disaster declaration for the Havasupai Tribe is hereby amended to include all Individual Assistance programs for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 25, 2024.

The Havasupai Tribe for the Crisis Counseling Program, Disaster Unemployment Assistance, Disaster Case Management, and Disaster Legal Services (already designated for the Individuals and Households Program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4840–DR]

Havasupai Tribe; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Havasupai Tribe (FEMA–4840–DR), dated October 25, 2024, and related determinations. This change occurred on December 13, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Curtis Brown, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Benigno Bern Ruiz as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4841–DR]

Virgin Islands; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the territory of the U.S. Virgin Islands (FEMA–4841–DR), dated October 25, 2024, and related determinations. The declaration was issued October 25, 2024. Notice is hereby given that, in a letter dated October 25, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the territory of the U.S. Virgin Islands resulting from Tropical Storm Ernesto during the period of August 13 to August 16, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the territory of the U.S. Virgin Islands.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation throughout the territory. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lai Sun Yee, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the territory of the U.S. Virgin Islands have been designated as adversely affected by this major disaster:

The islands of St. Croix, St. John, St. Thomas, and Water Island for Public Assistance.

All areas within the territory of the U.S. Virgin Islands are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4842–DR]

Cheyenne River Sioux Tribe; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Cheyenne River Sioux Tribe (FEMA–4842–DR), dated November 1, 2024, and related determinations. The declaration was issued November 1, 2024. Notice is hereby given that, in a letter dated November 1, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the Cheyenne River Sioux Tribe resulting from a severe storm, straight-line winds, and flooding during the period of July 13 to July 14, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the Cheyenne River Sioux Tribe.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation for the Cheyenne River Sioux Tribe. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA's Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Edwin J. Martin, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Cheyenne River Sioux Tribe for Individual Assistance.

The Cheyenne River Sioux Tribe for Public Assistance.

The Cheyenne River Sioux Tribe is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4843-DR]

New Mexico; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the

State of New Mexico (FEMA-4843-DR), dated November 1, 2024, and related determinations. The declaration was issued November 1, 2024. Notice is hereby given that, in a letter dated November 1, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage in certain areas of the State of New Mexico resulting from a severe storm and flooding during the period of October 19 to October 20, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists in the State of New Mexico.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA's Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, José M. Gil Montañez, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New Mexico have been designated as adversely affected by this major disaster:

Chaves County for Individual Assistance. Chaves County for Public Assistance.

All areas within the State of New Mexico are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA-4844-DR]

Seminole Tribe of Florida; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Seminole Tribe of Florida (FEMA-4844-DR), dated November 5, 2024, and related determinations. The declaration was issued November 5, 2024. Notice is hereby given that, in a letter dated November 5, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"), as follows:

I have determined that the damage to the lands associated with the Seminole Tribe of Florida resulting from Hurricane Milton beginning on October 5, 2024, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the "Stafford Act"). Therefore, I declare that such a major disaster exists for the Seminole Tribe of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, including direct Federal assistance, and Hazard Mitigation for the Seminole Tribe of Florida.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA's Public Assistance Mitigation Cost Share Incentives Policy. For a 90-day period of the Tribe's choosing within the first 120 days from the

start of the incident period, you are authorized to fund assistance for debris removal and emergency protective measures, including direct Federal assistance, at 100 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Leda M. Khoury, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Seminole Tribe of Florida have been designated as adversely affected by this major disaster:

Individual Assistance for the Seminole Tribe of Florida.

Public Assistance for the Seminole Tribe of Florida.

All areas within the Seminole Tribe of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4844–DR]

Seminole Tribe of Florida; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Seminole Tribe of Florida (FEMA–4844–DR), dated November 5, 2024, and related determinations. This amendment was issued November 20, 2024. Notice is hereby given that the incident period for this disaster is closed effective November 2, 2024.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4844–DR]

Seminole Tribe of Florida; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Seminole Tribe of Florida (FEMA–4844–DR), dated November 5, 2024, and related determinations. This change occurred on November 26, 2024. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, E. Craig Levy Sr., of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Leda M. Khoury as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4845–DR]

Wyoming; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of Wyoming (FEMA–4845–DR), dated November 13, 2024, and related determinations. The declaration was issued November 13, 2024. Notice is hereby given that, in a letter dated

November 13, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Wyoming resulting from wildfires during the period of August 21 to August 31, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Wyoming.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Dolph A. Diemont, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Wyoming have been designated as adversely affected by this major disaster:

Campbell and Johnson Counties for Public Assistance.

All areas within the State of Wyoming are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036,

Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4846–DR]

Alaska; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4846–DR), dated November 13, 2024, and related determinations. The declaration was issued November 13, 2024. Notice is hereby given that, in a letter dated November 13, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from landslides on August 25, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Alaska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Alaska have been designated as adversely affected by this major disaster:

The Ketchikan Gateway Borough for Public Assistance.

All areas within the State of Alaska are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4847–DR]

Crow Tribe of Montana; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Crow Tribe of Montana (FEMA–4847–DR), dated November 14, 2024, and related determinations. The declaration was issued November 14, 2024. Notice is hereby given that, in a letter dated November 14, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the Crow Tribe of Montana resulting from a severe storm and straight-line winds on August 6, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the Crow Tribe of Montana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation for the Crow Tribe of Montana. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for

a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, James R. Stephenson, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Crow Tribe of Montana for Individual Assistance.

The Crow Tribe of Montana is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4848–DR]

Kentucky; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4848–DR), dated November 26, 2024, and related determinations. The declaration was issued November 26, 2024. Notice is hereby given that, in a letter dated November 26, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky resulting from the remnants of Hurricane Helene during the period of September 27 to September 30, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as

you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the Commonwealth. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA's Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mary Hernandez-Marrero, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this major disaster:

Anderson, Bath, Bell, Bourbon, Bracken, Breathitt, Carter, Clark, Clay, Elliott, Estill, Fleming, Greenup, Harlan, Harrison, Jackson, Johnson, Lawrence, Lee, Letcher, Lewis, Magoffin, Menifee, Montgomery, Morgan, Nicholas, Owsley, Powell, Robertson, Rockcastle, Rowan, Washington, and Wolfe Counties for Public Assistance.

All areas within the Commonwealth of Kentucky are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4848–DR]

Kentucky; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–

4848–DR), dated November 26, 2024, and related determinations. This amendment was issued December 30, 2024. The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of November 26, 2024.

Franklin County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4849–DR]

Confederated Tribes of the Colville Reservation; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Confederated Tribes of the Colville Reservation (FEMA–4849–DR), dated November 26, 2024, and related determinations. The declaration was issued November 26, 2024. Notice is hereby given that, in a letter dated November 26, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the Confederated Tribes of the Colville Reservation resulting from wildfires during the period of July 17 to August 21, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the Confederated Tribes of the Colville Reservation.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation for the Confederated Tribes of the Colville

Reservation. Direct Federal assistance is authorized. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA's Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Yolanda J. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Confederated Tribes of the Colville Reservation for Public Assistance.

The Confederated Tribes of the Colville Reservation is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4850–DR]

Puerto Rico; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA–4850–DR), dated November 27, 2024, and related determinations. The declaration was issued November 27, 2024. Notice is hereby given that, in a letter dated November 27, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico resulting from Tropical Storm Ernesto during the period of August 13 to August 16, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the Commonwealth of Puerto Rico.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the Commonwealth. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David Miller, Jr., of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Puerto Rico have been designated as adversely affected by this major disaster:

Aguas Buenas, Aibonito, Añasco, Barranquitas, Canóvanas, Ceiba, Coamo, Comerío, Corozal, Hormigueros, Jayuya, Las Marías, Loíza, Manatí, Maricao, Maunabo, Mayagüez, Naguabo, Orocovis, San Lorenzo, San Sebastián, Santa Isabel, Vega Alta, Vieques, Villalba, and Yabucoa Municipalities for Public Assistance.

All areas within the Commonwealth of Puerto Rico are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals

and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4851–DR]

West Virginia; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4851–DR), dated December 9, 2024, and related determinations. The declaration was issued December 9, 2024. Notice is hereby given that, in a letter dated December 9, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from Post-Tropical Storm Helene during the period of September 25 to September 28, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated area and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Georgeta Dragoui, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of West Virginia have been designated as adversely affected by this major disaster:

Mercer County for Individual Assistance.

All areas within the State of West Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4852–DR]

North Dakota; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA–4852–DR), dated December 24, 2024, and related determinations. The declaration was issued December 24, 2024. Notice is hereby given that, in a letter dated December 24, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from wildfires and straight-line winds during the period of October 5 to October 6, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved

assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Robert Little III, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Dakota have been designated as adversely affected by this major disaster:

McKenzie and Williams Counties for Public Assistance.

All areas within the State of North Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4853–DR]

Native Village of Kipnuk; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Native Village of Kipnuk (FEMA–4853–DR), dated January 1, 2025, and related determinations. The declaration was issued January 1, 2025. Notice is hereby given that, in a letter dated January 1, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the Native Village of Kipnuk resulting from a severe storm and flooding during the period of August 16 to August 18, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the Native Village of Kipnuk.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as

you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation for the Native Village of Kipnuk. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy and projects that meet the mitigation incentive criteria in FEMA’s Tribal Declarations Interim Guidance.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Native Village of Kipnuk for Public Assistance.

The Native Village of Kipnuk is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4854–DR]

Oregon; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of Oregon (FEMA–4854–DR), dated January 1, 2025, and related determinations. The declaration was issued January 1, 2025. Notice is hereby given that, in a letter dated January 1, 2025, the President issued a major disaster declaration under the authority

of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Oregon resulting from wildfires during the period of July 10 to August 23, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Oregon.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Yolanda J. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oregon have been designated as adversely affected by this major disaster:

Gilliam, Grant, Umatilla, Wasco, and Wheeler Counties for Public Assistance.

All areas within the State of Oregon are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4855–DR]**Missouri; Major Disaster and Related Determinations**

This is a notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–4855–DR), dated January 1, 2025, and related determinations. The declaration was issued January 1, 2025. Notice is hereby given that, in a letter dated January 1, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of Missouri resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of November 3 to November 9, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of Missouri.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Andrew P. Meyer, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Missouri have been designated as adversely affected by this major disaster:

Carter, Crawford, Dent, Douglas, Howell, Oregon, Ozark, Phelps, Pulaski, Reynolds, Shannon, Texas, Washington, and Wright Counties for Public Assistance.

All areas within the State of Missouri are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4855–DR]**Missouri; Amendment No. 1 to Notice of a Major Disaster Declaration**

This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4855–DR), dated January 1, 2025, and related determinations. This change occurred on January 6, 2025. The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Glennie Burks, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster. This action terminates the appointment of Andrew P. Meyer as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4856–DR]**California; Major Disaster and Related Determinations**

This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA–4856–DR), dated January 8, 2025, and related determinations. The declaration was issued January 8, 2025. Notice is hereby given that, in a letter dated January 8,

2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of California resulting from wildfires and straight-line winds beginning on January 7, 2025, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation, and Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Curtis Brown, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of California have been designated as adversely affected by this major disaster:

Los Angeles County for Individual Assistance.

Los Angeles County for debris removal and emergency protective measures (Categories A

and B), including direct Federal assistance, under the Public Assistance program.

All areas within the State of California are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4856–DR]

California; Amendment No. 1 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster for the State of California (FEMA–4856–DR), dated January 8, 2025, and related determinations. This amendment was issued January 13, 2025. Notice is hereby given that, in a letter dated January 13, 2025, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the State of California resulting from wildfires and straight-line winds beginning on January 7, 2025, and continuing, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”).

Therefore, I amend my declaration of January 8, 2025, to authorize Federal funds for debris removal and emergency protective measures, including direct Federal assistance, under the Public Assistance program at 100 percent of the total eligible costs for a period of 180 days of the State’s choosing within the first 270 days from the start of the incident period. The State must make this selection within 270 days from the start of the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030,

Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

[Internal Agency Docket No. FEMA–4856–DR]

California; Amendment No. 2 to Notice of a Major Disaster Declaration

This notice amends the notice of a major disaster declaration for the State of California (FEMA–4856–DR), dated January 8, 2025, and related determinations. This amendment was issued January 15, 2025. The notice of a major disaster declaration for the State of California is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 8, 2025.

Los Angeles County for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4857–DR]

Native Village of Kwigillingok; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the Native Village of Kwigillingok (FEMA–4857–DR), dated January 10, 2025, and related determinations. The declaration was issued January 10, 2025. Notice is hereby given that, in a letter dated

January 10, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage to the lands associated with the Native Village of Kwigillingok resulting from a severe storm and flooding during the period of August 15 to August 18, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”). Therefore, I declare that such a major disaster exists for the Native Village of Kwigillingok.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation for the Native Village of Kwigillingok. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy and projects that meet the mitigation incentive criteria in FEMA’s Tribal Declarations Interim Guidance.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lance E. Davis, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Native Village of Kwigillingok for Public Assistance.

The Native Village of Kwigillingok is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals

and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

[Internal Agency Docket No. FEMA–4858–DR]

South Carolina; Major Disaster and Related Determinations

This is a notice of the Presidential declaration of a major disaster for the State of South Carolina (FEMA–4858–DR), dated January 10, 2025, and related determinations. The declaration was issued January 10, 2025. Notice is hereby given that, in a letter dated January 10, 2025, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford Act”), as follows:

I have determined that the damage in certain areas of the State of South Carolina resulting from severe storms and flooding during the period of November 6 to November 14, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the “Stafford

Act”). Therefore, I declare that such a major disaster exists in the State of South Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage in FEMA’s Public Assistance Mitigation Cost Share Incentives Policy.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brian F. Schiller, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of South Carolina have been designated as adversely affected by this major disaster:

Bamberg, Calhoun, and Orangeburg Counties for Public Assistance.

All areas within the State of South Carolina are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

(Authority: 42 U.S.C. 5121 *et seq.*)

Joseph N. Mazzara,

Acting General Counsel, U.S. Department of Homeland Security.

[FR Doc. 2025–15716 Filed 8–18–25; 8:45 am]

BILLING CODE 9111–23–P



FEDERAL REGISTER

Vol. 90

Tuesday,

No. 158

August 19, 2025

Part III

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 the Interstate Bridge Replacement Project on Interstate 5 Between Portland, Oregon and Vancouver, WA; Proposed Rule

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 217****[Docket No. 250814–0142]****RIN 0648–BN34****Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Interstate Bridge Replacement Project on Interstate 5 Between Portland, Oregon and Vancouver, WA**

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

ACTION: Proposed rule; request for comments.

SUMMARY: Interstate Bridge Replacement Program (IBRP) applied for authorization to take small numbers of marine mammals incidental to the Interstate Bridge Replacement Project (IBR) on Interstate 5 (I–5) between Portland, Oregon, and Vancouver, Washington over the course of 5 years from the date of issuance. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is proposing 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's responses to public comments will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than September 18, 2025.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0273>. You may submit comments on this document, identified by NOAA–NMFS–2025–0273, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and type NOAA–NMFS–2025–0273 in the Search box (note: copying and pasting the FDMS Docket Number directly from this document may not yield search results). Click on the “Comment” icon, complete

the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to: Permits and Conservation Division, Office of Protected Resources, 1315 East-West Highway, F/PR1 Room 13805, Silver Spring, MD 20910.

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).

Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-interstate-bridge-replacement-programs-interstate-bridge>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Cara Hotchkin, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:**Purpose of Regulatory Action**

These proposed regulations, 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 the IBR project, including impact and vibratory pile driving.

NMFS received an application from the IBRP requesting 5-year regulations and a letter of authorization issued thereunder to take individuals of three species, comprising three stocks of marine mammals by Level A harassment and Level B harassment incidental to the IBRP's activities. No serious injury or mortality is anticipated or proposed for authorization. Please see Background below for definitions of harassment.

The proposed regulations include mitigation, monitoring, and reporting requirements. These requirements, which were proposed by IBRP, are expected to minimize the number and/or intensity of incidents of marine mammal take, as well as to provide information to better understand the impacts of the action and document

compliance. IBRP has agreed that all of the mitigation measures are practicable. As required by the MMPA, NMFS concurred that these measures are sufficient to achieve the least practicable adverse impact on the affected marine mammal species or stocks and their habitat.

Legal Authority for the Proposed Action

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1371(a)(5)(A)) directs the Secretary of Commerce 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 for up to 5 years if, after notice and public comment, the agency makes certain findings and promulgates regulations that set forth permissible methods of taking pursuant to that activity and other means of effecting the “least practicable adverse impact” on the affected species or stocks and their habitat (see the discussion below in the Proposed Mitigation section), as well as monitoring and reporting requirements. Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I provide the legal basis for issuing this proposed rule containing 5-year regulations and for any subsequent letters of authorization (LOAs).

Summary of Major Provisions Within the Proposed Rule

Following is a summary of the major provisions of this proposed rule regarding the IBRP's activities. These measures include:

- Prescribing permissible methods of taking of small numbers of marine mammals by Level A harassment and/or Level B harassment incidental to the IBR project;
- Required monitoring of the construction areas to detect the presence of marine mammals before beginning construction activities;
- Establishment of shutdown zones;
- Bubble curtains required for impact driving of steel piles except as necessary to verify bubble curtain effectiveness during hydroacoustic monitoring;
- 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;
- Submittal of monitoring reports including a summary of marine mammal species and behavioral observations, construction shutdowns or delays, and construction work completed; and

- Hydroacoustic monitoring to verify effectiveness of noise attenuation devices and sound source level assumptions for modeling.

Through adaptive management, the proposed regulations would allow NMFS Office of Protected Resources to modify (e.g., remove, revise, or add to) the existing mitigation, monitoring, or reporting measures summarized above and required by the LOA.

Background

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 and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

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

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of incidental take regulations and an LOA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in

Categorical Exclusion B4 (ITAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed LOA qualifies to be categorically excluded from further NEPA review.

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).

Summary of Request

On July 18, 2024, NMFS received application from the IBRP requesting authorization for take of marine mammals incidental to construction activities related to the IBR project on I–5 between Portland, OR and Vancouver, WA. After the IBRP responded to our questions on October 12, 2024, and January 14, 2025, we determined the application was adequate and complete on January 16, 2025. We published a notice of receipt (NOR) in the **Federal Register** on March 13, 2025 (90 FR 11950, March 13, 2025) and received 38 comments. Of these, 37 were opposed to the IBR project; most suggested an alternative project design unrelated to IBRP’s request for incidental take authorization. Commenters additionally expressed concern about the cost of the project and described potential issues with the IBRP’s supplemental environmental impact statement. One comment letter expressed support for the IBR project and the potential associated increases in employment and training opportunities for ironworkers. NMFS determined that these comments did not provide information relevant to our decision under the MMPA.

The requested regulations would be valid for 5 years, from September 15, 2027, through September 14, 2032. The IBRP plans to conduct necessary work,

including pile driving (impact and vibratory) and rotary drilling, to construct replacement bridges for the I–5 roadway over the Columbia River and North Portland Harbor. The proposed action may incidentally expose marine mammals occurring in the vicinity to elevated levels of underwater sound, thereby resulting in incidental take by Level A and Level B harassment. Therefore, the IBRP requests authorization to incidentally take harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), and Steller sea lions (*Eumetopias jubatus*). Neither IBRP nor NMFS expect serious injury or mortality to result from this activity.

These proposed incidental take regulations would cover 5 years of a larger project for which IBRP intends to request take authorization for subsequent facets of the project. The larger 9- to 15-year project involves full construction of new bridges over both the Columbia River and the North Portland Harbor, and the demolition and removal of the existing bridges.

Description of Proposed Activity

Overview

The IBR project would improve I–5 corridor mobility by addressing present and future travel demand and mobility needs in the project area. The project consists of multiple components and interchanges, extending from approximately Columbia Boulevard in the south to State Route (SR) 500 in the north; one component of the project is to replace the existing bridges over the Columbia River and North Portland Harbor to accommodate increasing travel demand and congestion, improve safety related to traffic accidents, and reduce vulnerability to seismic events. The existing bridges do not meet current seismic standards, and are vulnerable to failure in an earthquake. The IBR project is anticipated to take approximately 9 to 15 years to complete, and would require in-water work in up to 9 construction seasons. If promulgated, the regulations would be effective for the first 5 construction years (2027–2032). IBRP anticipates requesting additional, future incidental take authorizations as necessary in association with subsequent years of construction.

Exact project sequencing is still in development; however, it is currently anticipated that work to be conducted during the first 5 years of the IBR project would include construction of the new Columbia River Bridge and associated approaches, and the transit bridge crossing the North Portland Harbor. In-water pile driving for the first 5

construction years would include both impact and vibratory driving of temporary steel pipe (24-inch (in) (0.61 meters (m)) and 48-in (1.2 m) diameter) and steel sheet piles. Permanent bridge foundations would be constructed using 10-foot (ft) (3-m) diameter steel casings installed with an oscillator, analogous to a rotary drill. Impact driving would be conducted primarily with the use of a bubble curtain, with a minimal amount of unattenuated driving to confirm bubble curtain effectiveness. (Note that IBRP’s plans to use bubble curtains are primarily related to concerns regarding

potential effects to fishes, but would also be protective to marine mammals.) In-water pile driving associated with the project would include installation and potential removal of approximately 1,560 temporary steel pipe piles, and 1,500 linear ft (457 m) of steel sheet piles over the 5-year period.

Dates and Duration

IBRP anticipates that in-water construction activities associated with this project would begin on September 15, 2027, and extend through September 14, 2032. In-water pile installation for

the first 5 years of the IBR project is expected to occur on approximately 1,725 non-consecutive days. While the exact project design and sequence of construction are not yet finalized, project elements and estimated durations are shown in table 1. Construction timing, sequencing, and duration are dependent on funding, design assumptions, contractor schedules and equipment, and weather, among other factors. The duration estimates shown are based on the best available information at the time of publication.

TABLE 1—PROJECT ELEMENTS, LOCATIONS AND ESTIMATED DURATIONS FOR THE IBR PROJECT

Project element	Estimated duration	Element location	Notes
Columbia River bridges	4 to 7 years	In-water	Construction is likely to begin with the main river bridges. General sequence will include initial preparation and installation of foundation piles, shaft caps, pier columns, superstructure, and deck.
North Portland Harbor bridges ...	4 to 10 years	In-water	Construction duration for North Portland Harbor bridges is expected to be similar to the duration for Hayden Island Interchange construction. The existing North Portland Harbor bridge will be demolished in phases to accommodate traffic during construction of the new bridges.
Hayden Island interchange	4 to 10 years	Land-based	Interchange construction duration will not necessarily entail continuous active construction. Hayden Island work could be broken into several contracts, which could spread work over a longer duration.
Marine Drive interchange	4 to 6 years	Land-based	Construction will need to be coordinated with construction of the North Portland Harbor bridges.
SR 14 interchange	4 to 6 years	Land-based	Interchange will be partially constructed before any traffic could be transferred to the new Columbia River bridges.
Demolition of the existing Interstate Bridge.	1.5 to 3 years	In-water	Demolition of the existing Interstate Bridge could begin only after traffic is rerouted to the new Columbia River bridges.
Three interchanges north of SR 14.	3 to 4 years for all three.	Land-based	Construction of these interchanges could be independent from each other and from construction of the Program components to the south.
Light-rail	4 to 6 years	Over-water	The light-rail crossing will be built with the Columbia River bridges. This phase includes all the infrastructure associated with LRT (e.g., overhead catenary system, tracks, stations, and park and rides).

Impact driving would be restricted to an in-water work window between September 15 and April 15 of each year. This window was determined via coordination with state (Oregon Department of Fish and Wildlife [ODFW] and Washington Department of Fish and Wildlife [WDFW]) and Federal (U.S. Army Corps of Engineers [USACE], Federal Highway Administration, Federal Transit Administration, and NMFS) agencies,

Tribal parties, and public input to reduce potential impacts to Endangered Species Act (ESA)-listed fishes. Vibratory pile driving would occur year-round.

Specific Geographic Region

The IBR project will replace the bridge spans across the Columbia River and North Portland Harbor and the associated highway interchanges on an approximately 5-mile (mi) (8 kilometer [km]) stretch of I–5 between Portland,

OR and Vancouver, WA (figure 1). In-water work will occur in the subset of the project area between the north bank of the Columbia River in Washington and the south shore of the North Portland Harbor in Oregon, between river miles 106 and 107. The widths of the Columbia River and North Portland Harbor at this location are approximately 0.5 mi (841 m) and 0.18 mi (295 m), respectively.

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Figure 1—Overview of IBR Project Location Along I-5 Between Portland, OR and Vancouver, WA

Detailed Description of the Specified Activity

The IBRP proposes to replace the existing I-5 crossings of the Columbia River and North Portland Harbor and associated interchanges to improve safety and traffic flow, and to reduce seismic vulnerabilities. A previous

iteration of this project, called the Columbia River Crossing (CRC) project, was considered between 2005 and 2013 (77 FR 23548, April 19, 2012) and discontinued in 2014. The IBRP is a bi-state governmental committee formed in 2019 dedicated to improving the I-5 corridor between Washington and Oregon; it is made up of representatives from both the Washington and Oregon Departments of Transportation, in collaboration with representatives from eight partner agencies. The IBRP

utilized the results of the CRC analyses to inform project planning, design, and preconstruction activities for this project. The IBR project is expected to take approximately 9 to 15 years, with up to 9 in-water construction seasons.

The IBR project consists of the basic elements shown in table 1. In-water work would include the construction of two new spans across the Columbia River (northbound and southbound) and six new spans across the North Portland Harbor (one for light rail, one for local

traffic and pedestrians, and four for I-5 vehicle traffic), and the demolition of the existing bridge spans. Demolition would occur after the new spans are operational. Land-based work would consist of six redesigned interchanges (at Hayden Island, Marine Drive, SR-14, and three locations north of SR-14). Of these components, only the in-water work on the new and existing bridge spans would have the potential to impact marine mammals.

Land-based work related to the IBR project includes roadway improvements, light rail track work, and construction staging sites. Roadway improvements include updates to seven interchanges along a 5-mi (8-km) segment of I-5 between Victory Boulevard in Portland and SR 500 in Vancouver. These improvements also include some reconfiguration of adjacent local streets to complement the new interchange designs, as well as new facilities for bicyclists and pedestrians. Temporary earthwork, drainage, surfacing, and paving activities would be required, utilities may need to be relocated, drainage appurtenances put in place, and access to and from the freeway rerouted to accommodate the new roadway or interchange. Permanent work would proceed once traffic has been relocated to temporary facilities, if necessary.

Construction of the various components of the light rail system generally would include mobilization and site reparation; grading and excavation; installation of underground utilities and signal tie-ins; construction of systems foundations; installation of overhead catenaries; concrete surface work; and finish work and landscaping. This work would also require construction of an overhead catenary system over the guideway to provide electrical power to the trains.

Staging of construction materials and equipment arriving by truck or rail would be either within the limits of the project site or in approved off-site locations. IBRP anticipates that larger construction materials will arrive at the site by barge (addressed in in-water work, below). Materials and equipment delivered by barge may be offloaded to upland staging areas or may be temporarily staged on barges. Two potential major staging areas have been identified and are shown on figure 1-2 of the IBRP's application. The first site is the vacant 5.6-acre (0.023 km²) former Thunderbird Hotel site on Hayden Island. The second is a former rest-area site east of I-5 north of McLoughlin Boulevard that is currently used as auxiliary parking for the Clark College Athletic Annex. Following construction,

the staging sites could be converted for other uses. Key considerations for staging sites include: (1) size and capacity to provide for heavy machinery and material storage; (2) waterfront access for barges (either a slip or a dock capable of handling heavy equipment and material); and (3) roadway or rail access for landside transportation of materials by truck or train.

Further detail on land-based project elements is available in the IBRP's LOA application. These project elements would occur on land and would not have the potential to impact marine mammals; thus they are not discussed further in this notice.

In-water work would occur during the construction and demolition of new and existing bridge spans. While the final design and configuration of the new bridge spans is not yet available, three configurations for the new Columbia River bridge spans are under consideration: double-deck truss bridges with fixed spans, single-level bridges with fixed spans, and single-level bridges with movable spans over the primary navigation channel. The fixed-span bridges would provide up to 116 ft (35.4 m) of vertical navigation clearance, and the movable spans would provide at least 178 ft (54.3 m) of vertical navigation clearance depending on the movable-span type (such as lift or double leaf bascule). Since the project design is not finalized, the descriptions of construction means and methods are intended to be inclusive of all of the proposed design options. Where specific quantities or impacts differ between the various design options, the description reflects the design option with the greatest impact, or the largest quantities.

Temporary Work Structures

The proposed action would require the installation of several temporary in-water and overwater structures, both during new bridge construction and existing bridge demolition, to facilitate equipment access, materials delivery and debris removal. These structures would likely include a variety of temporary work platforms, bridges and piers, temporary isolation/confinement systems, barges, and temporary piles associated with these structures. Temporary work structures would be designed by the contractor after a contract is awarded, but prior to construction. For this reason, the exact size, quantity, type, and configuration of temporary work structures are unknown. The proposed action is designed based on reasonable assumptions, and typical construction practices, and is intended to represent a reasonable and realistic scenario.

Columbia River Bridge Spans

Construction of the Columbia River and North Portland Harbor bridges would require a combination of temporary work bridges, platforms, and piers (see figures 1-3 and 1-4 of the IBRP's LOA application for further details). For purposes of this discussion, work bridges are structures that have a point of connection with, and that can be accessed from, the adjacent land, whereas work platforms and piers are stand-alone structures that are accessed via barges. Temporary work bridges, platforms, and piers would be supported by a combination of 24-in (0.61 m) and 48-in (1.2 m) diameter hollow, steel pipe piles. All temporary structures would be fully removed prior to project completion. Bridge decking would be removed using appropriate containment measures, and temporary piles would be removed with a vibratory hammer or via direct pulling.

Table 2 shows the estimated number of temporary structures and pilings anticipated for the 9 in-water construction seasons; table 3 shows the temporary structures and pilings anticipated for the first 5 years which would be covered under these proposed regulations. Work is anticipated to begin first on the Columbia River bridge spans. In total, IBRP estimates that the temporary work bridges, platforms, and piers for construction of the Columbia River bridge would require up to 764, 24-in diameter piles, and approximately 447, 48-in diameter piles. These structures would temporarily displace approximately 8,017 square feet (sq ft) (744.8 square meters (m²)) of benthic habitat and would temporarily shade approximately 184,187 sq ft (17,111.5 m²) of water surface within the Columbia River. However, not all of these temporary structures would be in place at the same time, as construction would progress in a sequenced fashion and temporary work structures would be removed prior to project completion. IBRP estimates that a given temporary bridge, platform, or pier could be in place for up to approximately 500 days each.

A temporary suspended shaft cap isolation system would be constructed on top of permanent drilled shafts to avoid the need for cofferdams and permanent concrete seals on the bottom of the riverbed. The suspended shaft cap isolation system would be in place at each of the four piers (three through six) for up to approximately 120 days. This system would not involve temporary piles and is therefore not discussed further in this analysis.

TABLE 2—TEMPORARY IN-WATER AND OVERWATER COMPONENTS FOR COLUMBIA AND NORTH PORTLAND HARBOR BRIDGE SPANS FOR THE 9 YEARS OF THE IBR PROJECT

Temporary in-water and overwater work elements	Approximate quantity	
	Columbia River	North Portland Harbor
Work Platforms/Bridges/Piers and Associated Piles.	2 work bridges; 4 work platforms; 2 piers; 764 (24-inch) piles; 447 (48-inch) piles.	8 work bridges; 912 (24-inch) piles; 208 (48-inch) piles.
Other Temporary Piles	100 (24-inch) piles	100 (24-inch) piles.
Suspended Shaft Cap Isolation System	4.	
Sheet Pile Cofferdams (Construction)	2.	
Sheet Pile Cofferdams (Demolition)	9.	
Drilled Shaft Isolation Casings		52.
Barges and Barge Mooring Piles (Construction)	12 barges; 160 (24-inch) mooring piles	6 barges; 216 (24-inch) mooring piles.
Barges and Barge Mooring Piles (Demolition) ...	6 barges; 304 (24-inch) mooring piles	6 barges; 100 (24-inch) mooring piles.
Total	1,328 (24-inch) 447 (48-inch)	1,328 (24-inch) 208 (48-inch).

TABLE 3—TEMPORARY PILES ANTICIPATED FOR THE FIRST 5 YEARS OF THE IBR PROJECT

Project elements	Approximate quantities			
	Number of structures	24-inch piles	48-inch piles	Steel sheet piles (lineal ft)
Work Platforms/Bridges/Piers and Associated Piles.	4 work bridges; 4 work platforms; 2 piers;	840	460	.....
Other Temporary Piles	N/A	100	.....	.....
Sheet Pile Cofferdams (Construction)	2 cofferdams .....	.....	.....	1,500
Barges and Barge Mooring Piles (Construction).	12 barges	160	.....	.....
Total Temporary .....	.....	1,100	460	1,500

In the Columbia River, temporary piles would also be installed as part of sheet pile cofferdams, barge moorings, and other temporary supports. Sheet pile cofferdams would be used to isolate certain in-water work areas from active flow during construction. It is assumed that two cofferdams would be required for the construction of nearshore piers two and seven in the Columbia River. The shallow water depth at these piers renders other methodologies less feasible. Sheet pile cofferdams may also be required during demolition of the nine existing bridge piers, but demolition is not anticipated to occur during the first five construction seasons.

The two cofferdams used would be constructed of steel sheet piles and would temporarily affect a combined area of approximately 25,095 sq ft (2,331 m²) of benthic habitat. Piles would be installed and removed with a vibratory hammer, which would be operated from temporary work bridges or barges. Installation is expected to take approximately 10 to 15 days. Once sheet piles are installed, a permanent concrete seal would be installed at the base of each cofferdam, and they would be dewatered. Once construction of the pier is complete, sheet piles would be removed with a vibratory hammer, but

the concrete seals would remain. Each cofferdam would be in place for a maximum of 500 calendar days. It is anticipated that these cofferdams would not be installed at the same time. However, the specific sequencing of installation and removal will be dependent upon contractor means and methods, and other scheduling factors.

Piles would also be installed to support stationary barges that would be used as platforms to conduct work activities within the Columbia River. Although multiple barges would be in use over the course of construction, there would likely be a maximum of up to 12 stationary barges operating in the Columbia River at one time. Because of wind, current, and wave action, temporary mooring piles will likely be installed for some of these barges to anchor in place. For purposes of this analysis, IBRP estimates that up to 160 temporary mooring piles (18- to 24-inch diameter steel pipe piles) would be installed within the Columbia River, and that a given barge will be present in a given location for up to approximately 120 days each, on average.

Additional temporary piles would likely be necessary throughout construction for a variety of purposes, including supporting falsework and

formwork, pile templates, reaction piles, and other non-load-bearing purposes. These piles would be 24-in diameter, open-ended steel pipes and would be installed and removed solely with a vibratory pile driver. These temporary piles would be fully removed prior to project completion. IBRP estimates that approximately 100 such piles may be required over the duration of construction in the Columbia River. These piles will temporarily displace approximately 628 sq ft (58.3 m²) of benthic habitat and will be in place for up to approximately 150 days each.

North Portland Harbor Bridge Spans

If the final project sequencing changes, it is possible that work could begin with the North Portland Harbor bridges. In total, IBRP estimates that approximately 912, 24-in diameter piles, and approximately 208, 48-in diameter piles would be required for the temporary work bridges in North Portland Harbor. These structures would temporarily displace approximately 5,479 sq ft (509 m²) of benthic habitat, and temporarily shade approximately 208,000 sq ft (19,323 m²) of water surface within North Portland Harbor. Typically, only two of these temporary work bridges would be in place at any one time, though a

contractor could potentially install a greater number of work bridges. No more than approximately 100,000 sq ft (9,290.3 m²) of temporary work bridge would be installed at any given time. Each temporary bridge in North Portland Harbor could be in place for up to approximately 850 days each.

In the North Portland Harbor, temporary piles would also be installed to support barge moorings and other temporary supports. In addition, temporary 19-ft diameter hollow steel casings will be installed to isolate in-water work areas in which the permanent drilled shafts for the bridge foundations can be constructed. These casings are required in North Portland Harbor only due to the specific design requirements of these drilled shafts and the way they attach to the columns.

Construction within North Portland Harbor would most likely occur from temporary work bridges, and barges are not expected to be used extensively during construction or demolition within North Portland Harbor. However, a contractor may elect to use barges, and barges would also likely be used for delivery of materials. It is anticipated that up to six barges may be present at a given time within North Portland Harbor during construction and demolition. Construction barges may require up to 216 temporary mooring piles (18- to 24-in diameter steel pipe piles), and barges used during demolition may require up to 100 such temporary mooring piles. These barges would be in place for up to approximately 50 days each.

Construction in the North Portland Harbor may also require additional temporary piles as described for the Columbia River. These piles would be 24-in diameter, open-ended steel pipes

and would be installed and removed solely with a vibratory pile driver. These temporary piles would be fully removed prior to project completion. IBRP estimates that approximately 100 such piles may be required over the duration of construction in the North Portland Harbor. These piles will temporarily displace approximately 628 sq ft (58.3 m²) of benthic habitat and will be in place for up to approximately 150 days each.

Permanent Bridge Structures

As described previously, the first five years of construction would likely include construction of the Columbia River Bridge spans. However, if construction schedules shift, it is possible that work could begin in the North Portland Harbor as well. Thus, both project components are described below.

Columbia River Bridge Spans

The proposed replacement bridges over the Columbia River would consist of a steel or concrete superstructure constructed on top of a series of pier complexes, supported on foundations consisting of 10-foot-diameter drilled shafts with concrete shaft caps. Six of these pier complexes would be located below the Ordinary High-Water Mark (OHWM) of the Columbia River. In the double-decked bridge configuration that is proposed under IBRP's "Modified Locally Preferred Alternative" (LPA), each pier set would require approximately 12 drilled shafts with a single shaft cap measuring approximately 50 by 170 ft (15 by 52 m) at the water line.

The single-level bridge configurations would require the same number of piers as the Modified LPA (six in-water piers

per bridge and two upland piers per bridge); however, each pier would require more drilled shafts (16 drilled shafts per in-water pier, and 96 total in-water drilled shafts), and longer shaft caps (approximately 230 ft (70 m) in length) compared to the Modified LPA configuration.

The single-level bridges with movable-span configuration would require the largest foundations of the three options. The foundations for piers two, three, four, and seven would be the same as the single-level fixed-span configuration. The foundations for piers 5 and 6, which would support the towers for the lift span, would require 22 drilled shafts each, and a continuous shaft cap measuring approximately 50 by 312 ft (15 by 95 m) at the water line.

Accounting for all potential design options under consideration, IBRP's proposed action may require up to 108 drilled shafts to support the in-water foundations for the Columbia River bridges (table 4) to accommodate the single-level bridge with a movable-span-design option. The foundations for nearshore piers two and seven would be constructed within dewatered sheet pile cofferdams. The concrete seals that would be placed to allow the cofferdam to be dewatered and isolated would remain when the cofferdams are removed, and represent a permanent benthic impact. In total, the foundations for the Columbia River bridges would permanently displace approximately 33,577 sq ft (3,119 m²) of benthic habitat. Approximately 13,804 sq ft (1,282 m²) of this permanent impact will occur in shallow water habitat (less than 20 ft (6.1 m) deep). All other pier foundations associated with the Columbia River bridges would be located in deep-water areas.

TABLE 4—PERMANENT IN-WATER AND OVERWATER COMPONENTS FOR THE COLUMBIA RIVER BRIDGE SPANS FOR THE 9 YEARS OF THE IBR PROJECT

Existing/ proposed	Permanent in-water and over-water work elements	Approximate quantity	Benthic impact (sf)
Proposed Bridges	Drilled Shafts (10-foot diameter) ^a	108	8,482
	Cofferdam Concrete Seals ^a	2	25,095
	Shaft Caps ^a	6	0
	Replacement Bridges Overwater Deck (total) ^b	2 spans	0
Existing Bridges (To be removed)	Existing Bridge Foundations	9 foundations; 2,664 timber piles	– 33,289
	Existing Bridge Deck (total)	2 existing spans	0
Net Change			+288

^a Single-level bridge with movable-span configuration.
^b Single-level bridge with two-auxiliary-lane design option.
Key: sf = square feet.

The specific means and methods of construction, including sequencing, will be developed by the contractors that are awarded the contract for construction. A contractor may sequence the construction in a way that may not

conform exactly to the conceptual sequence. However, all work will be conducted consistent with the avoidance and minimization measures described in section 11 of IBRP's application, and consistent with the permits that are ultimately issued for IBRP's proposed action.

Depending upon which pier is being constructed, in-water and over-water construction will likely occur according to the following general sequence.

- Mobilization, staging, and installation of Best Management Practices (BMPs).
- Install and dewater temporary cofferdam (piers two and seven only).
- Install temporary piles for barge mooring.
- Install temporary work bridges, platforms, and/or piers (including associated piles).
- Install drilled shafts for each pier.
- Install shaft cap isolation system (piers three through six only)
- Install shaft caps at the water level.
- Remove cofferdam (piers two and seven only), or shaft cap isolation system (piers three through six).
- Construct columns on the shaft caps.
- Construct bridge superstructure.
- Connect superstructure spans with mid-span closures.
- Remove all temporary work platforms, bridges, piers and associated piles.

One or more of the activities identified above may be occurring at more than one pier complex at a time, as the construction sequence progresses.

The piers supporting the Columbia River bridge would be supported on foundations of 10-foot (3.33-m) diameter drilled shafts. Construction of these drilled shaft foundations requires installing a permanent 10-foot diameter steel casing to a specified depth to the top of the competent geological layer known as the Troutdale Formation. The top layer of river substrate is composed of loose to very dense alluvium (primarily sand and some fines), beneath which is approximately 20 ft (6.1 m) of dense gravel, underlain by the Troutdale Formation.

Installation of drilled shafts would be conducted by first placing steel casing on the bottom of the river channel with a crane. The top of the casing would be above the waterline to provide containment during construction. The drilled shaft casing would be installed with an oscillator which would be operated from a work bridge or platform. As the shaft casing is being advanced, sand and substrate would be removed from inside the casing using an auger and clamshell. Drilled shaft

casings would be advanced through primarily sandy substrates, and not socketed into solid rock. If occasional obstructions such as large boulders are encountered, these may be broken up with a drop chisel or similar equipment, but no activities that would constitute down-the-hole (DTH) drilling would be conducted. Equipment may be operated from a work bridge or platform, or may also be operated from a barge. Excavated soils would be temporarily placed onto a barge with appropriate containment, and ultimately taken to an approved upland site for disposal. No contaminated sediments have been documented at the project site, but if contaminated sediments are encountered, they would be managed and disposed of at a facility permitted for handling such materials.

Once the interior of a given drilled shaft casing has been excavated to the design depth (design depth would depend on design and would vary for each shaft), a steel reinforcement cage would be installed within the casing, and the shaft would be filled with concrete. Concrete would most likely be transported to the site via trucks, and pump trucks would be operated from the decks of temporary bridges, platforms, or from barges. Concrete would be installed via a tremie method. The interior of the casing would either be dewatered prior to concrete installation, or the rising water would be collected off the surface of the concrete as the pour elevation increases. Water collected in this manner would be pumped into tanks, treated to meet state water quality standards, and disposed of at an approved location. Water levels within the temporary casing would be maintained at a lower elevation than the surrounding river surface elevation to maintain negative pressure. Once the concrete is installed, it would be left to cure. Once cured, the casing would be permanent and left in place to support the shaft cap isolation system.

Once the drilled shafts are installed, a concrete shaft cap would be constructed atop the shafts at the waterline, and the concrete pier and superstructure would be installed atop the pile cap. The means and methods for the construction of the shaft caps would vary depending upon the pier being constructed.

Construction of the shaft caps for piers two and seven would occur within dewatered work areas within sheet pile cofferdams described above. Construction of these shaft caps would occur primarily from the temporary work bridges but would likely be supported by one or more work barges

and material barges. Construction of the shaft caps for piers three through six would occur within a suspended shaft cap isolation system, as described previously. Construction of these shaft caps would occur primarily from temporary work platforms and would likely be supported by one or more work barges and material barges.

Once the foundations and shaft caps have been installed, the superstructure of the bridge will be constructed and installed. The superstructure will consist of both precast and cast-in-place concrete segments. Additional finish work will also be conducted, including surfacing, paving, and installation of other finish features, such as striping and signage.

Work on the superstructure may be conducted from the bridge deck, from the deck of temporary work platforms and bridges, and/or from barges. Construction of the superstructure would require cranes, work barges, and material barges in the river year-round. Construction of the superstructure, including cast-in-place concrete work, would occur either above the OHWM elevation or within isolated work areas below the OHWM (within sealed forms, cofferdams, or drilled shaft casings); therefore, this work would be fully isolated from the river.

North Portland Harbor Bridge Spans

As with the Columbia River bridges, the general sequence of construction of the North Portland Harbor bridges is expected to proceed in a manner comparable to that which was developed for the CRC project (75 FR78228, December 15, 2010). However, the specific means and methods of construction, including sequencing, would be developed by the contractors that are awarded the contract for construction. At each pier, construction would likely occur according to the following general sequence.

- Mobilization, staging, and installation of BMPs.
- Conduct debris removal as necessary to install temporary piles, isolation casings, or drilled shafts.
- Install temporary piles for barge mooring.
- Install temporary work bridges and associated piles.
- Install and dewater temporary isolation casing.
- Install drilled shaft.
- Construct columns on the drilled shafts.
- Remove temporary isolation casing.
- Construct a cap or crossbeam on top of the columns at pier location.
- Erect bridge girders on the caps or crossbeams.

- Place the bridge deck on the girders.
 - Remove all temporary work bridges, isolation casings, and barge mooring piles.
- One or more of the activities identified above may be occurring at
- more than one pier at a time, as the construction sequence progresses.

TABLE 5—PERMANENT IN-WATER AND OVERWATER COMPONENTS FOR THE NORTH PORTLAND HARBOR BRIDGE SPANS FOR THE 9 YEARS OF THE IBR PROJECT

Existing/ proposed	Permanent in-water and over-water work elements	Approximate quantity	Benthic impact (sf)
Proposed Bridges	Drilled Shafts (10-foot diameter)	52	4,804
	Isolation Casing Seal (19-ft diameter) ...	52	10,659
	Shaft Caps	0	0
	Replacement Bridges Overwater Deck (total).	6 Structures	0
Existing Bridges (To be removed)	Existing Bridge Foundations	18	– 12,204
	Existing Bridge Deck (total)	1 Existing Structure	0
Net Change .....	.....	.....	2,539

Key: sf = square feet.

Table 5 shows the permanent elements to be installed over the duration of the IBR project in the North Portland Harbor. Installation of drilled shafts for the North Portland Harbor bridges would be conducted in a manner similar to that described for the Columbia River bridges, with two exceptions. In North Portland Harbor, drilled shafts would be installed within a temporary drilled shaft isolation casing approximately 19-ft (6.33-m) in diameter. Temporary isolation casings would be placed on the river bottom and then either pushed into the substrate approximately 5 to 10 ft (1.5 to 3 m) with weighted equipment, or with a vibratory hammer. Once installed, a permanent concrete seal would be cast-in-place at the base, which would allow them to be dewatered. The top of the seal would be established at a depth 3 ft (1 m) below the mudline.

Once a given temporary isolation casing has been installed, sealed, and dewatered, a single 10-ft diameter permanent drilled shaft casing would then be installed with an oscillator through the concrete seal. Once the permanent casing has been installed to design depth, steel reinforcement would be installed within the casing, and the shaft would be filled with concrete in a manner similar to that described for the Columbia River bridges. Once this process is complete, the temporary isolation casing would be removed, but the permanent concrete seal would remain.

The other difference in the construction of the foundations for the North Portland Harbor bridges is that no shaft caps would be constructed on the piers for the North Portland Harbor bridges. Once a given drilled shaft has

been completed and structurally approved, cast-in-place columns would be installed directly on top of each drilled shaft.

Pile Installation Methods

Table 6 shows estimated number of piles, duration, and installation methods for the first 5 years of the IBR project. Installation of temporary pipe and sheet piles would be conducted with a vibratory hammer to the extent practicable. Removal of temporary piles may be via direct pull or vibratory hammer. Vibratory pile driving and removal activities are proposed to occur year-round with the possibility of up to two hammers operating simultaneously. Because temporary piles would be installed and removed throughout the duration of construction, IBRP estimates that vibratory installation and extraction of 24- and 48-in pipe piles could be conducted on up to approximately 250 days in each year, which translates to approximately 1,250 days during the initial 5-year period that would be covered under the proposed Incidental Take Regulations, and approximately 2,250 (nonconsecutive) days over the course of the anticipated 9-years of in-water construction.

Piles for non-load-bearing structures (e.g. falsework, battered piles, pile templates, barge mooring piles) would be installed and removed solely with a vibratory hammer. These piles would be vibrated into the sediment until refusal or specified elevation. Load-bearing temporary piles (such as those that would be used on the temporary work bridges and platforms) would also be installed to the extent practicable with a vibratory hammer before being finished and/or proofed, as necessary, with an impact hammer. Up to two

vibratory pile-driving rigs could be in operation on a given day. The contractor may elect to have both a vibratory and impact pile-driving rig in operation simultaneously. At this rate of production, with two vibratory pile-driving rigs in operation, it is anticipated that up to approximately 20 temporary, hollow steel pipe piles could be installed and/or removed on a given day. However, on an average day, there would likely be fewer piles driven.

Steel sheet piles for temporary cofferdams would be installed and removed solely with a vibratory hammer. Sheet piles for cofferdams would generally be vibrated approximately 50 ft (15.2 m) into the sediment. With two vibratory pile-driving rigs in operation, it is anticipated that up to approximately 50 linear ft (15.2 m) of sheet pile (or approximately twenty-five 2 ft-wide (0.6 m) sheet pile sections) could be installed and/or removed on a given day. IBRP estimates that vibratory installation or removal of sheet piles could be conducted on up to approximately 200 (nonconsecutive) days.

Temporary drilled shaft isolation casings would be placed on the river bottom with a crane, and then either pushed into the substrate approximately 5 to 10 ft (1.5 to 3 m) deep with weighted equipment or vibrated to this depth with a vibratory hammer. Installation and removal of these temporary casings is estimated to take between 30 and 60 minutes per casing. At this rate of production, it is anticipated that up to approximately four casings could be installed and/or removed on a given day. For purposes of this consultation, it is conservatively estimated that installation or removal of

these temporary isolation casings could be conducted on up to approximately 50 (nonconsecutive) days.

An impact pile driver would be required to complete the installation of load-bearing temporary piles and, and/or to proof these piles to verify load-bearing capacity. Impact pile driving

would be limited to the in-water work window between September 15 and April 15 of each year. During construction up to two impact pile drivers may operate simultaneously in close proximity to one another. IBRP estimates that some amount of impact pile driving in the Columbia River or

North Portland Harbor would occur on approximately 445 days during the initial 5-year period, and on approximately 735 days over the course of the approximately nine seasons of in-water work to construct the new bridges and demolish the existing bridges.

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Table 6 – Pile Driving duration, strikes, and estimated number of days for the first 5 years of IBR construction

		Time to drive (min)	# Strikes per pile	Piles per day*	Total days (5 years)	Total piles (5 years)	Year	# Days per year
Vibratory pile driving								
24-in and 48-in steel pipe	Installation / extraction	5 - 30	-	20	1,250	1,300	1	300
							2	
24-in steel sheet	Installation / extraction	10 - 60	-	25	200	750	3	
							4	
Isolation casings	Installation/ extraction	30 - 60	-	4	50	52	5	
Impact pile driving								
24-in and 48-in steel pipe	Installation (attenuated)	30 - 45	300	6	445	3,311	1	120
							2	100
							3	75
							4	75
							5	75
	Test (unattenuated)	10	75	1	30	30	1	10
							2	5
							3	5
							4	5
							5	5

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An impact pile driver would be required to complete the installation of load-bearing temporary piles and, and/or to proof these piles to verify load-bearing capacity. IBRP estimates that a total of approximately 3,311 temporary piles would be installed and removed during the 9-year construction of the Columbia River and North Portland Harbor bridges. These piles would be staged throughout the in-water construction and demolition periods, and it is assumed that between 100 and 400 temporary piles may be in the water at any given time. An average of six

temporary, load-bearing piles could be installed per day using up to two impact drivers at the same time.

Rotary Drilling for Shafts

The 10-foot-diameter, hollow steel casings for the permanent drilled shafts would be installed with an oscillator, which would be operated from a temporary work bridge or platform. A total of 160 such casings would be required (108 for the Columbia River bridge, and 52 for the North Portland Harbor bridges). The amount of time that an oscillator would be operated to

install a given permanent shaft casing would vary depending on the design depth of each shaft, its location, and other factors. IBRP estimates that it would take up to 5 days to completely install a typical 10-ft diameter casing. Some casings may be able to be installed more quickly, and others may proceed more slowly. Oscillation of permanent drilled shaft casings could be conducted on up to approximately 800 (nonconsecutive) days. Rotary drilling is not expected to produce sound that is likely to result in incidental take of marine mammals due to the relatively

low source levels, position of the sound source in the sediment layers and associated higher transmission loss, and the industrial nature of the project location. Drilling is not addressed further in this proposed rule.

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>).

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 7 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. Pacific and Alaska SARs. All values presented in table 7 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 7—SPECIES WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	MMPA stock	ESA/ MMPA status; strategic (Y/N) ¹	Stock abundance N _{best} , (CV, N _{min} , most recent abundance survey) ²	PBR	Annual M/SI ³
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	<i>Zalophus californianus</i>	U.S	- , - , N	257,606 (N/A, 233,515, 2014)	14,011	>321
Steller sea lion	<i>Eumetopias jubatus</i>	Eastern	- , - , N	36,308 (N/A, 36,308, 2022). ⁴	2,178	93.2
Family Phocidae (earless seals):						
Harbor seal	<i>Phoca vitulina</i>	OR/WA Coastal	- , - , N	22,549 (UND, 19,561, 2022). ⁵	⁶ UND	10.6

¹ ESA status: endangered (E), threatened (T)/MMPA status: depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

² NMFS marine mammal SARs online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable (N/A).

³ 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.

⁴ Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the United States only.

⁵ Most recent SAR does not include an abundance estimate for this stock. These data are for the Washington coast and thus underestimate the size of the OR/WA Coastal stock; estimates are from Pearson *et al.* 2024.

⁶ UND means undetermined.

As indicated above, all 3 species in table 7 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. In addition to what is included in sections 3 and 4 of the IBRP's application (<https://www.fisheries.noaa.gov/action/incidental-take-authorization-interstate-bridge-replacement-programs-interstate-bridge>), the SARs (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>), and NMFS' website, we provide further detail below informing the baseline for species likely to be found in the project area (e.g., information regarding current UMEs and known important habitat

areas, such as biologically important areas (BIAs; <https://oceannoise.noaa.gov/biologically-important-areas>) (Calambokidis *et al.*, 2024)).

California Sea Lion

California sea lions are the most frequently sighted sea lion found in Washington coastal waters and use haulout sites along the outer coast, the Strait of Juan de Fuca, and in the Puget Sound. California sea lions have been observed in increasing numbers farther up the Columbia River since the 1980s, first to the Astoria area, and then to the Cowlitz River and Bonneville Dam (WDFW, 2020). However, the number of

California sea lions observed at Bonneville Dam has been in decline, ranging from 149 individuals in 2016 to 24 individuals in 2021, including no observations of California sea lions during fall and winter of 2019 to 2020 (van der Leeuw and Tidwell, 2022). No California sea lions were observed at Bonneville Dam during fall 2023 monitoring efforts between July 25 and December 31. During spring 2024, this species was sighted beginning on March 2 and were last seen on May 31. Peak California sea lion abundance at the dam was 40 individuals on March 13, 2024; average abundance was approximately 4 individuals during this counting period (Clark *et al.*, 2024).

Steller Sea Lion

Steller sea lions that occur in the Lower Columbia River, including the project vicinity, are members of the eastern distinct population segment (DPS), ranging from Southeast Alaska to central California, including Washington (Jeffries *et al.*, 2000; Scordino, 2006; NMFS, 2013). In Washington, Steller sea lions occur mainly along the outer coast from the Columbia River to Cape Flattery (Jeffries *et al.*, 2000). Smaller numbers use the Strait of Juan de Fuca, San Juan Islands, and Puget Sound south to about the Nisqually River mouth in Thurston and Pierce counties (Wiles, 2015). The eastern DPS of Steller sea lions has historically bred on rookeries located in Southeast Alaska, British Columbia, Oregon, and California. However, within the last several years, a new rookery has become established on the outer Washington coast at the Carroll Island and Sea Lion Rock complex (Muto *et al.*, 2019).

Similar to California sea lions, Steller sea lions have also been observed at the base of Bonneville Dam in recent years, feeding on white sturgeon (*Acipenser transmontanus*) and salmonids (WDFW, 2020). However, Steller sea lions were not observed entering the Columbia River in significant numbers until the 1980s and they were not observed at the dam until after 2003. In 2023, Steller sea lions were observed beginning on July 25 and were seen through December 31; average abundance was approximately 5 sea lions per day, and the peak abundance was 21 individuals on August 29, 2023. In the spring of 2024, Steller sea lions were sighted from January 3 through May 21, with an average abundance of approximately 7 individuals per day. Peak abundance for

this species during this count period was 38 animals on May 1, 2024 (Clark *et al.*, 2024).

Harbor Seal

Harbor seals are the most common, widely distributed marine mammal found in Washington marine waters and are frequently observed in the nearshore marine environment. The Oregon/Washington Coastal Stock was most recently estimated at 24,732 harbor seals in 1999. More recent abundance data is not available and there is no current estimate of abundance for this stock (Carretta *et al.*, 2022). Harbor seals use hundreds of sites to rest or haul out along coastal and inland waters, including intertidal sand bars and mudflats in estuaries; intertidal rocks and reefs; sandy, cobble, and rocky beaches; islands; and log booms, docks, and floats in all marine areas of the state (Jeffries *et al.*, 2003).

Harbor seals in this population are typically non-migratory and reside year-round in the Columbia River, and generally remain in the same area throughout the year for breeding and feeding. Pupping seasons in coastal estuaries vary geographically; in the Columbia River, Willapa Bay, and Grays Harbor, pups are born from mid-April through June (Jeffries *et al.*, 2003). Harbor seals in the Columbia River do exhibit some seasonal movement upriver, including into or through the project area of ensonification, to follow winter and spring runs of Pacific eulachon (*Thaleichthys pacificus*) and outmigrating juvenile salmon (*Oncorhynchus* spp.), and they are observed regularly in portions of the Columbia River including the action area. Within the lower Columbia River, they tend to congregate to feed at the mouths of tributary rivers, including the

Cowlitz and Kalama rivers (River Miles 68 and 73, respectively). WDFW's atlas of seal and sea lion haulout sites (Jeffries *et al.*, 2000) identifies shoals near the confluence of the Cowlitz and Columbia Rivers located approximately 38 mi (61 km) upstream of the project site as a documented haulout for harbor seals.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the approximately 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 8. Of the species potentially present in the action area, California and Steller sea lions are otariid pinnipeds, and harbor seals are phocid pinnipeds.

TABLE 8—MARINE MAMMAL HEARING GROUPS (NMFS, 2024)

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

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

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

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine

mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken

by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Acoustic effects on marine mammals during the specified activity are expected to potentially occur from impact and vibratory pile installation and removal. The effects of underwater noise from IBRP's proposed activities have the potential to result in Level B harassment of marine mammals in the action area and, for some individuals as a result of certain activities, Level A harassment.

The proposed activities would result in the construction of new bridge spans across the Columbia River and North Portland Harbor. There are a variety of types and degrees of effects to marine mammals, prey species, and habitat that could occur as a result of the IBRP project. Below we provide a brief description of the types of sound sources that would be generated by the project, the general impacts from these types of activities, and an analysis of the anticipated impacts on marine mammals from the project, with consideration of the proposed mitigation measures.

The project location is within the Columbia River and North Portland Harbor, adjacent to existing bridges, marinas, and vessel transit channels. While there are limited existing data on the current sound levels, the site is a high-use area with regular vessel traffic, industrial waterfronts, and vehicle noise. Marine mammals passing through the area would potentially be exposed to the existing background conditions at any time, and to pile driving sounds when construction activities are ongoing.

Description of Sound Sources for the Specified Activities

Activities associated with the project that have the potential to incidentally take marine mammals through exposure to sound would include attenuated and unattenuated impact pile driving, vibratory pile installation, and vibratory pile extraction.

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 substrate. Vibratory hammers typically produce less sound (*i.e.*, lower levels) than impact hammers. Peak sound pressure levels (SPLs) may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.*, 2009; California Department of Transportation (CALTRANS), 2015, 2020). Sounds produced by vibratory hammers are non-impulsive; compared to sounds produced by impact hammers, the rise time is slower, reducing the probability and severity of injury, and the sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.*, 2005).

The likely or possible impacts of the IBRP's proposed activities 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, given there are no known pinniped haul-out sites in the vicinity of the project site, visual and other non-acoustic stressors would be limited, and any impacts to marine mammals are expected to primarily be acoustic in nature.

Potential Effects of Underwater Sound on Marine Mammals

The introduction of anthropogenic noise into the aquatic environment from impact and vibratory pile driving is the primary means by which marine mammals may be harassed from the IBRP's specified activity. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life from none or minor to potentially severe responses depending on received levels, duration of exposure, behavioral context, and various other factors. Broadly, underwater sound from active acoustic sources, such as those in the Project, can potentially result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.*, 1995; Gordon *et al.*, 2003; Nowacek *et al.*, 2007; Southall *et al.*, 2007; Götz *et al.*, 2009).

We describe the more severe effects of certain non-auditory physical or physiological effects only briefly as we do not expect that use of pile driving

hammers (impact and vibratory) are reasonably likely to result in such effects (see below for further discussion). Potential effects from impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.*, 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.*, change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.*, 2006; Southall *et al.*, 2007; Zimmer and Tyack, 2007; Tal *et al.*, 2015). The project activities considered here do not involve the use of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.*, 2007, 2019). Exposure to anthropogenic noise has the potential to result in auditory threshold shifts and behavioral reactions (*e.g.*, avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). It can also lead to non-observable physiological responses, such as an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions, such as communication and predator and prey detection.

The degree of effect of an acoustic exposure on marine mammals is dependent on several factors, including, but not limited to, sound type (*e.g.*, impulsive vs. non-impulsive), signal characteristics, the species, age and sex class (*e.g.*, adult male vs. mom with calf), duration of exposure, the distance between the noise source and the animal, received levels, behavioral state at time of exposure, and previous history with exposure (Wartzok *et al.*, 2004; Southall *et al.*, 2007). In general, sudden, high-intensity sounds can cause hearing loss as can longer exposures to lower-intensity sounds. Moreover, any temporary or permanent loss of hearing, if it occurs at all, will occur almost exclusively for noise within an animal's hearing range. We describe below the specific manifestations of acoustic effects that may occur based on the activities proposed by IBRP.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur in relation to distance from a source and assuming that the signal is within an animal's hearing range. First (at the greatest distance) is the area within which the acoustic signal would be audible (potentially perceived) to the animal but not strong enough to elicit any overt behavioral or physiological response. The next zone (closer to the receiving animal) corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. The third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.*, when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

Below, we provide additional detail regarding potential impacts on marine mammals and their habitat from noise in general, starting with hearing impairment, as well as from the specific activities IBRP plans to conduct, to the degree it is available.

Hearing Threshold Shifts. NMFS defines a noise-induced threshold shift (TS) as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018, 2024). The amount of threshold shift is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018, 2024) there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.*, impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.*, spectral content), the hearing frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.*, how 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). NMFS (2024) defines AUD INJ as damage to the inner ear that can result in destruction

of tissue, such as the loss of cochlear neuron synapses or auditory neuropathy (Houser 2021; Finneran 2024). AUD INJ may or may not result in a permanent threshold shift (PTS). PTS is subsequently defined 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 some level of hearing loss at the relevant frequencies; typically animals with PTS or other AUD INJ 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 AUD INJ onset (see Ward *et al.*, 1958, 1959; Ward, 1960; Kryter *et al.*, 1966; Miller, 1974; Ahroon *et al.*, 1996; Henderson *et al.*, 2008). AUD INJ levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (*Phoca vitulina*) (Kastak *et al.*, 2008), there are no empirical data measuring AUD INJ in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing AUD INJ are not typically pursued or authorized (NMFS, 2024).

Temporary Threshold Shift (TTS). TTS is a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024), and is not considered an AUD INJ. Based on data from marine mammal TTS measurements (see Southall *et al.*, 2007, 2019), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Finneran *et al.*, 2000, 2002; Schlundt *et al.*, 2000). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with the 24-hour cumulative sound exposure level (SEL₂₄) in an accelerating fashion: at low exposures with lower SEL₂₄, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL₂₄, the growth curves become steeper and approach linear relationships with the sound exposure level (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 more impactful (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 severe 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) (Finneran 2015). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*), bearded seals (*Erignathus barbatus*) and California sea lions (Kastak *et al.*, 1999, 2007; Kastelein *et al.*, 2019b, 2019c, 2021, 2022a, 2022b; Reichmuth *et al.*, 2019; Sills *et al.*, 2020). 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 below the region of best sensitivity for a species or hearing group are less hazardous than those near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies,

onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.*, a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.*, 2019a, 2019c). Note that in general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015). In addition, TTS can accumulate across multiple exposures, but the resulting TTS will be less than the TTS from a single, continuous exposure with the same SEL (Mooney *et al.*, 2009; Finneran *et al.*, 2010; Kastelein *et al.*, 2014, 2015). This means that TTS predictions based on the total, SEL₂₄ will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources.

Relationships between TTS and AUD INJ thresholds have not been studied in marine mammals, and there are no measured PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. AUD INJ typically occurs at exposure levels at least several dB above that inducing mild TTS (*e.g.*, a 40-dB threshold shift approximates AUD INJ onset (Kryter *et al.*, 1966; Miller, 1974), while a 6-dB threshold shift approximates TTS onset (Southall *et al.*, 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the AUD INJ 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 AUD INJ 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 AUD INJ as compared with TTS, it is considerably less likely that AUD INJ could occur.

Behavioral Effects. Exposure to noise also has the potential to behaviorally disturb marine mammals to a level that rises to the definition of harassment under the MMPA. Generally speaking, NMFS considers a behavioral disturbance that rises to the level of harassment under the MMPA a non-minor response—in other words, not every response qualifies as behavioral disturbance, and for responses that do, those of a higher level, or accrued across a longer duration, have the potential to affect foraging, reproduction, or survival. Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.*, minor

or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses may include changing durations of surfacing and dives, changing direction and/or speed; reducing/increasing vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); eliciting a visible startle response or aggressive behavior (such as tail/fin slapping or jaw clapping); and avoidance of areas where sound sources are located. In addition, pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006).

Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.*, species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.*, Richardson *et al.*, 1995; Wartzok *et al.*, 2004; Southall *et al.*, 2007, 2019; Weilgart, 2007; Archer *et al.*, 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.*, 2012), and can vary depending on characteristics associated with the sound source (*e.g.*, whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see appendices B and C of Southall *et al.* (2007) and Gomez *et al.* (2016) for reviews of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.*, 2004). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a “progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,” rather than as, more generally, moderation in response to human disturbance (Bejder *et al.*, 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent

responses, often in the form of avoidance, at a lower level of exposure.

As noted above, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.*, 1995; Wartzok *et al.*, 2004; National Research Council (NRC), 2005). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.*, 1997; Finneran *et al.*, 2003). Observed responses of wild marine mammals to loud pulsed sound sources (*e.g.*, seismic airguns) have been varied but often consist of avoidance behavior or other behavioral changes (Richardson *et al.*, 1995; Morton and Symonds, 2002; Nowacek *et al.*, 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal (*e.g.*, Erbe *et al.*, 2019). If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. If a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.*, Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Avoidance and displacement—Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.*, Frankel and Clark, 2000; Costa *et al.*, 2003; Ng and Leung, 2003; Nowacek *et al.*, 2004; Goldbogen *et al.*, 2013a, 2013b, Blair *et al.*, 2016). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.*, foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic

sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (e.g., bubble nets or sediment plumes), or changes in dive behavior. Acoustic and movement bio-logging tools also have been used in some cases to infer responses to anthropogenic noise. For example, Blair *et al.* (2015) reported significant effects on humpback whale (*Megaptera novaeangliae*) foraging behavior in Stellwagen Bank in response to ship noise including slower descent rates, and fewer side-rolling events per dive with increasing ship noise. In addition, Wisniewska *et al.* (2018) reported that tagged harbor porpoises demonstrated fewer prey capture attempts when encountering occasional high-noise levels resulting from vessel noise as well as more vigorous fluking, interrupted foraging, and cessation of echolocation signals observed in response to some high-noise vessel passes. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (e.g., Croll *et al.*, 2001; Nowacek *et al.*, 2004; Madsen *et al.*, 2006; Yazvenko *et al.*, 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Respiration rates vary naturally with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (e.g., Kastelein *et al.*, 2001; 2005; 2006; Gailey *et al.*, 2007). For example, harbor porpoise respiration rates increased in response to pile driving sounds at and above a received broadband SPL of 136 dB (zero-peak SPL: 151 dB re 1 μ Pa; SEL of a single

strike (SEL_{ss}): 127 dB re 1 μ Pa²-s) (Kastelein *et al.*, 2013).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.*, 1995). For example, gray whales (*Eschrichtius robustus*) are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.*, 1984). Harbor porpoises, Atlantic white-sided dolphins (*Lagenorhynchus actus*), and minke whales have demonstrated avoidance in response to vessels during line transect surveys (Palka and Hammond, 2001). In addition, beluga whales (*Delphinapterus leucas*) in the St. Lawrence Estuary in Canada have been reported to increase levels of avoidance with increased boat presence by way of increased dive durations and swim speeds, decreased surfacing intervals, and by bunching together into groups (Blane and Jackson, 1994). Avoidance may be short-term, with animals returning to the area once the noise has ceased (e.g., Bowles *et al.*, 1994; Goold, 1996; Stone *et al.*, 2000; Morton and Symonds, 2002; Gailey *et al.*, 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (e.g., Blackwell *et al.*, 2004; Bejder *et al.*, 2006; Teilmann *et al.*, 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (e.g., directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996; Bowers *et al.*, 2018). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (England *et al.*, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in

costs related to diversion of focus and attention (*i.e.*, when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fishes and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (e.g., Beauchamp and Livoreil, 1997; Fritz *et al.*, 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (e.g., decline in body condition) and subsequent reduction in reproductive success, survival, or both (e.g., Harrington and Veitch, 1992; Daan *et al.*, 1996; Bradshaw *et al.*, 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a 5-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.*, 2007). Consequently, a behavioral response lasting less than 1 day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.*, 2007). Note that there is a difference between multi-day substantive (*i.e.*, meaningful) behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Physiological stress responses. An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (e.g., Selye, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a

significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (e.g., Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.*, 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and “distress” is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (e.g., Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005; Ayres *et al.*, 2012; Yang *et al.*, 2022). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.*, 2002b) and, more rarely, studied in wild populations (e.g., Romano *et al.*, 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. 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. Yang *et al.* (2022) studied behavioral and physiological responses in captive bottlenose dolphins exposed to playbacks of “pile-driving-like” impulsive sounds, finding significant changes in cortisol and other

physiological indicators but only minor behavioral changes. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as “distress.” In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2005), however distress is an unlikely result of this project based on observations of marine mammals during previous, similar construction projects.

Vocalizations and Auditory Masking. Since many marine mammals rely on sound to find prey, moderate social interactions, and facilitate mating (Tyack, 2008), noise from anthropogenic sound sources can interfere with these functions, but only if the noise spectrum overlaps with the hearing sensitivity of the receiving marine mammal (Southall *et al.*, 2007; Clark *et al.*, 2009; Hatch *et al.*, 2012). Chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.*, 2009). Acoustic masking is when other noises such as from human sources interfere with an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (e.g., those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.*, 1995; Erbe *et al.*, 2016). Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (e.g., signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (e.g., sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions (Hotchkiss and Parks, 2013).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle

response. For example, in the presence of potentially masking signals, humpback whales and killer whales (*Orcinus orca*) have been observed to increase the length of their songs (Miller *et al.*, 2000; Fristrup *et al.*, 2003) or vocalizations (Foote *et al.*, 2004), respectively, while North Atlantic right whales (*Eubalaena glacialis*) have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.*, 2007). Fin whales (*Balaenoptera physalus*) have also been documented lowering the bandwidth, peak frequency, and center frequency of their vocalizations under increased levels of background noise from large vessels (Castellote *et al.*, 2012). Other alterations to communication signals have also been observed. For example, gray whales, in response to playback experiments exposing them to vessel noise, have been observed increasing their vocalization rate and producing louder signals at times of increased outboard engine noise (Dahlheim and Castellote, 2016). Alternatively, in some cases, animals may cease sound production during production of aversive signals (Bowles *et al.*, 1994; Wisniewska *et al.*, 2018).

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is human-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect (though not necessarily one that would be associated with harassment).

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (e.g., Clark *et al.*, 2009) and may result in energetic or other

costs as animals change their vocalization behavior (e.g., Miller *et al.*, 2000; Foote *et al.*, 2004; Parks *et al.*, 2007; Di Iorio and Clark, 2010; Holt *et al.*, 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.*, 1995), through amplitude modulation of the signal, or through other compensatory behaviors, including modifications of the acoustic properties of the signal or the signaling behavior (Hotchkiss and Parks, 2013). Masking can be tested directly in captive species (e.g., Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (e.g., Branstetter *et al.*, 2013).

Masking occurs in the frequency band that the animals utilize, and is more likely to occur in the presence of broadband, relatively continuous noise sources such as vibratory pile driving. The energy distribution of vibratory pile driving sound covers a broad frequency spectrum, and is anticipated to be within the audible range of marine mammals present in the proposed action area. Since noises generated from the proposed construction activities are mostly concentrated at low frequencies (<2 kHz), these activities likely have less effect on mid-frequency sounds produced by marine mammals. However, lower frequency noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. Low-frequency noise may also affect communication signals when they occur near the frequency band for noise and thus reduce the communication space of animals (e.g., Clark *et al.*, 2009) and cause increased stress levels (e.g., Holt *et al.*, 2009). Unlike TS, masking, which can occur over large temporal and spatial scales, can potentially affect the species at population, community, or even ecosystem levels, in addition to individual levels. Masking affects both senders and receivers of the signals, and at higher levels for longer durations, could have long-term chronic effects on marine mammal species and populations. However, the noise generated by the IBRP's proposed activities will only occur intermittently in a relatively small area focused around the proposed construction site. While the project duration is expected to be long-term, marine mammal presence at the project site is transitory, as individuals move up and down the river

following migratory prey. Individuals are not known or expected to spend more than a few days per year at the project site. Thus, while the IBRP's proposed activities may mask some acoustic signals that are relevant to the daily behavior of marine mammals, the short-term duration and limited areas affected make it very unlikely that the fitness of individual marine mammals would be impacted.

While in some cases marine mammals have exhibited little to no obviously detectable response to certain common or routine industrialized activities (Cornick *et al.*, 2011; Horley and Larson, 2023), it is possible some animals may at times be exposed to received levels of sound above the AUD INJ and Level B harassment thresholds during the proposed project. This potential exposure in combination with the nature of planned activity (e.g., vibratory pile driving, impact pile driving) means it is possible that take by Level A and Level B harassment could occur over the total estimated period of activities; therefore, NMFS in response to the IBRP's IHA application proposes to authorize take by Level A and Level B harassment from the IBRP's proposed construction activities.

Airborne Acoustic Effects. Pinnipeds that occur near the project site could be exposed to airborne sounds associated with construction activities that have the potential to cause behavioral harassment, depending on their distance from these activities. Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above airborne acoustic harassment criteria. Although pinnipeds are known to haul-out regularly on man-made objects, we believe that incidents of take resulting solely from airborne sound are unlikely due to the proximity between the proposed project area and the known haulout sites (e.g., Powerline Islands, approximately 13 mi (21 km) upriver).

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 flush from haulouts, temporarily abandon the area, and/or move further from the source. However, these animals would previously have been 'taken' because of

exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Additionally, there are no known pinniped haulouts in the IBR project vicinity, and all animals are expected to be in the water for the duration of their passage and potential exposures. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Potential Effects on Marine Mammal Habitat

The IBRP's proposed activities could have localized impacts on marine mammal habitat, including prey, by increasing in-water SPLs. Increased noise levels may affect acoustic habitat and adversely affect marine mammal prey in the vicinity of the project areas (see discussion below). Elevated levels of underwater noise would ensoundify the project areas where both fishes and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during the proposed construction activities; however, seals and sea lions in the area are typically transiting from the Pacific Ocean to haulouts and foraging areas upstream, and are not expected to spend more than a few days per year in the project area. Displacement due to noise is, therefore, expected to be temporary and is not expected to result in long-term effects to the individuals or populations.

The total area likely impacted by the IBRP's activities is relatively small compared to the available habitat in the Columbia River and nearby waterways. Avoidance by potential prey (i.e., fish) of the immediate area due to increased noise is possible. The duration of fish and marine mammal avoidance of this area after construction 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.

The proposed project will occur in a relatively small portion of the Columbia River and North Portland Harbor adjacent to existing infrastructure. The habitat where the proposed project will occur is an area of high vessel traffic and no known consistent prey aggregations or haulouts, making it

relatively low quality habitat, which is typically used as a transit corridor between the Pacific Ocean and upstream haulouts and foraging sites. Temporary, intermittent, and short-term habitat alteration may result from increased noise levels during the proposed construction activities. Effects on marine mammals will be limited to temporary displacement from pile installation and removal noise, and effects on prey species will be similarly limited in time and space.

Water quality—Temporary and localized reduction in water quality will occur as a result of in-water construction activities. Most of this effect would occur during the installation and removal of piles when bottom sediments are disturbed. The installation and removal of piles would disturb bottom sediments and may cause a temporary increase in suspended sediment in the project area. During pile extraction, sediment attached to the pile moves vertically through the water column until gravitational forces cause it to slough off under its own weight. The small resulting sediment plume is expected to settle out of the water column within a few hours. Studies of the effects of turbid water on fish (marine mammal prey) suggest that concentrations of suspended sediment can reach thousands of milligrams per liter before an acute toxic reaction is expected (Burton, 1993).

Effects to turbidity and sedimentation are expected to be short-term, minor, and localized. Since the currents are so strong in the area, following the completion of sediment-disturbing activities, suspended sediments in the water column should dissipate and quickly return to background levels in all construction scenarios. Turbidity within the water column has the potential to reduce the level of oxygen in the water and irritate the gills of prey fish species in the proposed project area. However, turbidity plumes associated with the project would be temporary and localized, and fish in the proposed project area would be able to move away from and avoid the areas where plumes may occur. Therefore, it is expected that the impacts on prey fish species from turbidity, and therefore on marine mammals, would be minimal and temporary. In general, the area likely impacted by the proposed construction activities is relatively small compared to the available marine mammal habitat in the Columbia River and associated waterways.

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.

Fishes utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (e.g., Zelick *et al.*, 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.*, 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

Fish react to sounds 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 fishes (e.g., Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Several studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (e.g., Fewtrell and McCauley, 2012; Pearson *et al.*, 1992; Skalski *et al.*, 1992; Santulli *et al.*, 1999; Paxton *et al.*, 2017). However, some studies have shown no or slight reaction to impulse sounds (e.g., Peña *et al.*, 2013; Wardle *et al.*, 2001; Jorgenson and Gyselman, 2009; Cott *et al.*, 2012). More commonly, though, the impacts of noise on fishes are temporary.

SPLs of sufficient strength have been known to cause injury to fishes and fish mortality (summarized in Popper *et al.*, 2014). However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function

likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012b) showed that a TTS of 4 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 (Halvorsen *et al.*, 2012a; Casper *et al.*, 2013, 2017).

Fish populations in the proposed project area that serve as marine mammal prey could be temporarily affected by noise from pile installation and removal. The frequency range in which fishes generally perceive underwater sounds is 50 to 2,000 Hz, with peak sensitivities below 800 Hz (Popper and Hastings, 2009). Fish behavior or distribution may change, especially with strong and/or intermittent sounds that could harm fishes. High underwater SPLs have been documented to alter behavior, cause hearing loss, and injure or kill individual fish by causing serious internal injury (Hastings and Popper, 2005).

The greatest potential impact to marine mammal prey during construction would occur during impact pile driving. However, the duration of impact pile driving would be limited to the final stage of installation (“proofing”) after the pile has been driven as close as practicable to the design depth with a vibratory driver. Impact pile driving would only occur during the in-water work window (September 15 through April 15 yearly), avoiding work during times when fishes would be most vulnerable to effects of noise. Additionally, most impact driving would be accomplished using a noise-attenuation system (bubble curtain) designed to reduce the potentially injurious effects of impulsive noise on fishes. Vibratory pile driving could elicit behavioral reactions from fishes such as temporary avoidance of the area but is unlikely to cause injuries to fishes or have persistent effects on local fish populations. Construction also would have minimal permanent and temporary impacts on benthic invertebrate species, a marine mammal prey source. In addition, it should be noted that the area in question is low-quality habitat since it is already highly developed and experiences a high level of anthropogenic noise from normal operations and other vessel traffic.

Potential Effects on Foraging Habitat

The IBR project is not expected to result in any habitat related effects that could cause significant or long-term negative consequences for individual marine mammals or their populations, since installation and removal of in-water piles would be temporary and intermittent. The total area affected by pile installation and removal is a very small area compared to the foraging area available to marine mammals outside this project area. The Columbia River and North Portland Harbor waterways are not typical prey aggregation areas, are heavily used by humans, and have no valuable haulout areas for pinnipeds. Seals and sea lions in the area are typically transiting from the Pacific Ocean to haulouts and foraging areas upstream. The area impacted by the project is relatively small compared to the available habitat just outside the project area, and there are no areas of particular importance that would be impacted by this project. 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. As described in the preceding, the potential for the IBRP's construction to affect the availability of prey to marine mammals or to meaningfully impact the quality of physical or acoustic habitat is considered to be insignificant. Therefore, impacts of the project are not likely to have adverse effects on marine mammal foraging habitat in the proposed project area.

In summary, given the relatively small areas being affected, as well as the temporary and mostly transitory nature of the proposed construction activities, any adverse effects from the IBRP's activities on prey habitat or prey populations are 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 preliminarily conclude that impacts of the specified activities are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization under the regulations, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

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

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

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

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes the best available science indicates marine mammals will likely be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment). We note that the criteria for AUD INJ, as well as the names of two hearing groups, have been recently updated (NMFS 2024) as reflected below in the Level A harassment section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μ Pa)) for continuous (*e.g.*, vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, 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.

IBRP's proposed activity includes the use of continuous (vibratory) and impulsive (impact) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μ Pa 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), shown in table 9. IBRP's proposed activity includes the use of impulsive (impact) and non-impulsive (vibratory) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The

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

TABLE 9—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	Cell 4: $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	Cell 6: $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	Cell 8: $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	Cell 10: $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this Table, criteria are abbreviated to be more reflective of International Organization for Standardization 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 construction noise from the proposed project. Pile driving generates underwater noise that can potentially result in disturbance to marine mammals in the project area. The maximum (underwater) area ensonified is determined by the topography of the Columbia River and North Portland Harbor, including intersecting land masses that will reduce the overall area of potential impact.

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

The general formula for underwater TL is:

$$TL = B \times \log_{10} (R_1/R_2),$$

Where

TL = transmission loss in dB;

B = transmission loss coefficient; for practical spreading equals 15;

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

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

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6-dB reduction in sound level for each doubling of distance from the source ($20 \times \log_{10}[\text{range}]$). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the

water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source ($10 \times \log_{10}[\text{range}]$). A practical spreading value of 15 is often used under conditions, such as the project site, where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss is assumed here.

The intensity of pile driving sounds is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. In order to calculate the distances to the Level A harassment and the Level B harassment sound thresholds for the methods and piles being used in this project, NMFS used acoustic monitoring data from other locations to develop proxy source levels for the various pile types, sizes and methods (table 10). Generally, we choose source levels from similar pile types from locations (*e.g.*, geology, bathymetry) similar to the project.

TABLE 10—PROXY SOUND SOURCE LEVELS AND REFERENCES

Pile type and size	Attenuated or unattenuated ¹	Single or concurrent	Peak SPL (re 1 μPa)	RMS SPL (re 1 μPa)	SEL (re 1 μPa ^{2-s})	Reference for proxy source value
Impact						
24-in steel pipe	Unattenuated	Single	205	190	175	DEA (2011).
	Attenuated	Single	198	183	168	
		Concurrent ^{2 3}	198	186	168	
48-in steel pipe	Unattenuated	Single	214	201	184	
	Attenuated	Single	207	194	177	
		Concurrent ^{2 3}	207	197	177	
Vibratory ⁴						
24-in steel pipe	Unattenuated	Single		175		CALTRANS (2020).
		Concurrent ³ .....	.....	178		
48-in steel pipe	Unattenuated	Single .....	.....	175		
		Concurrent ³ .....	.....	178		
Steel sheet	Unattenuated	Single .....	.....	175		
		Concurrent ³ .....	.....	178		

¹ Bubble curtain effectiveness of 7 dB was assumed based on previous monitoring results from the Columbia River Crossing project.

² Concurrent impact driving of one 48-in and one 24-in steel pipe pile was conservatively analyzed as if two 48-in piles were driven concurrently.

³ Proxy values for single piles were added according to the rules of decibel addition to develop proxy levels for concurrent driving.

⁴ The proxy source level used for vibratory driving in this analysis is conservative; most source measurements for vibratory pile driving are at or below 170 dB RMS.

For this project, two hammers, including any combination of vibratory and impact hammers, may operate simultaneously. The calculated proxy source levels for the different potential concurrent pile driving scenarios are shown in table 10.

Two Impact Hammers

For simultaneous impact driving of two 48-in steel pipe piles (the most conservative scenario), the number of strikes per pile was doubled to estimate total sound exposure during simultaneous installation. While the likelihood of impact pile driving strikes completely overlapping in time is rare due to the intermittent nature and short duration of strikes, NMFS conservatively estimates that up to 20 percent of strikes may overlap completely in time. Therefore, to calculate Level B harassment isopleths for simultaneous impact pile driving, dB addition (if the difference between the two sound source levels is between 0 and 1 dB, 3 dB are added to the higher sound source level) was used to calculate the combined sound source level of 197 dB RMS.

One Impact Hammer, One Vibratory Hammer

To calculate Level B harassment isopleths for one impact and one vibratory hammer operating simultaneously, sources were treated as though they were non-overlapping and the isopleth associated with the individual source which results in the

largest Level B harassment isopleth was conservatively used for both sources to account for periods of overlapping activities.

Two Vibratory Hammers

To calculate Level B harassment isopleths for two simultaneous vibratory hammers, the NMFS User Spreadsheet tool was used with modified inputs to account for accumulation, weighting, and source overlap in space and time. Using the rules of dB addition (if the difference between the two sound source levels is between 0 and 1 dB, 3 dB are added to the higher sound source level), the combined sound source level for the simultaneous vibratory installation of any two piles is 178 dB RMS.

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 like pile driving, the optional user spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ. Inputs used in the optional user spreadsheet tool, and the resulting estimated isopleths, are reported below.

To calculate Level A harassment isopleths for two impact hammers operating simultaneously, the NMFS User Spreadsheet calculator was used with modified inputs to account for the total estimated number of strikes for all piles. For concurrent impact driving of two identical steel pipe piles (the most conservative scenario), the number of strikes per pile was doubled while holding the number of piles per day constant at one. The source level for two simultaneous impact hammers was not adjusted because for identical sources the accumulation of energy depends only on the total number of strikes, whether or not they overlap fully in time. Therefore, the source level used for two simultaneous impact hammers was 177 dB SEL_{ss} for 48-in piles, and 168 dB SEL_{ss} for two 24-in piles.

To calculate Level A harassment isopleths of one impact hammer and one vibratory hammer operating simultaneously, sources were treated as though they were non-overlapping and the isopleth associated with the individual source which resulted in the

largest Level A harassment isopleth was conservatively used for both sources to account for periods of overlapping activities.

To calculate Level A harassment isopleths of two vibratory hammers

operating simultaneously, the NMFS acoustic threshold calculator was used with modified inputs to account for accumulation, weighting, and source overlap in space and time. Using the rules of dB addition (NMFS, 2024; if the

difference between the two sound source levels is between 0 and 1 dB, 3 dB are added to the higher sound source level), the combined sound source level for the simultaneous vibratory installation of two piles is 178 dB RMS.

TABLE 11—NMFS USER SPREADSHEET INPUTS

Pile size and type	Spreadsheet tab used	Weighting factor adjustment (kHz)	Number of piles per day	Daily duration (minutes)	Number of strikes per pile	Maximum strikes per day
Impact Pile Installation						
24-in steel pipe (Unattenuated, single).	E.1. Impact pile driving.	2.0	1	10	75	75
24-in steel pipe (Attenuated, single) ..			3	.....	300	900
24-in and 24-in steel pipes (Attenuated, concurrent).			6	.....	300	1,800
48-in steel pipe (Unattenuated, single).			1	10	75	75
48-in steel pipe (Attenuated, single) ..			3	.....	300	900
48-in and 24-in or 48-in steel pipes (Attenuated, concurrent).			6	.....	300	1,800
Vibratory Pile Installation and Extraction						
24-in steel pipe (Unattenuated, single).	A.1. Vibratory pile driving.	2.5	.....	600	.....	.....
48-in steel pipe (Unattenuated, single).			.....	600	.....	.....
Steel sheet (Unattenuated, single) ....			.....	600	.....	.....
24-in and or 48-in and or sheet (Unattenuated, concurrent).			.....	600	.....	.....

TABLE 12—CALCULATED LEVEL A AND B HARASSMENT ISOPLETHS IN THE COLUMBIA RIVER

Pile size and type	Level A harassment zone (m/km ²)	Level B harassment zone (m/km ²)
	Phocids & Otarids ^a	
Impact Pile Installation—unattenuated		
24-in steel pipe (Unattenuated, single)	46	1,000
	>0.01	1.59
48-in steel pipe (Unattenuated, single)	183.3	5,412
	0.11	9.29
Impact Pile Installation—attenuated		
24-in steel pipe (Attenuated, single)	82.4	341
	0.02	0.37
24-in and 24-in steel pipes (Attenuated, concurrent)	130.8	541
	0.11	0.86
48-in steel pipe (Attenuated, single)	328	1,848
	0.34	3.12
48-in and 24-in or 48-in steel pipes (Attenuated, concurrent)	520.7	2,929
	0.83	4.82
Vibratory Pile Installation and Extraction		
24-in steel pipe (Unattenuated, single)	236.3	46,414
	0.18	^b 17.63
48-in steel pipe (Unattenuated, single) .....	.....	.....
Steel sheet (Unattenuated, single) .....	.....	.....
24-in and or 48-in and or sheet (Unattenuated, concurrent)	374.5	73,564
	0.58	^b 17.63

^a Level A harassment zones for phocids have been conservatively applied to both phocids and otariids in this analysis.

^b Level B harassment ensounded areas are limited by the river curvature and geography.

TABLE 13—CALCULATED LEVEL A AND B HARASSMENT ISOPLETHS IN THE NORTH PORTLAND HARBOR

Pile size and type	Level A harassment zone (m/km ²)	Level B harassment zone (m/km ²)
	Phocids & Otariids ^a	
Impact Pile Installation—unattenuated		
24-in steel pipe (Unattenuated, single)	46	1,000
	>0.01	0.6
48-in steel pipe (Unattenuated, single)	183.3	5,412
	0.09	2.26
Impact Pile Installation—attenuated		
24-in steel pipe (Attenuated, single)	82.4	341
	0.02	0.19
24-in and 24-in steel pipes (Attenuated, concurrent)	130.8	541
	0.07	0.34
48-in steel pipe (Attenuated, single)	328	1,848
	0.18	1.1
48-in and 24-in or 48-in steel pipes (Attenuated, concurrent)	520.7	2,929
	0.33	1.69
Vibratory Pile Installation and Extraction		
24-in steel pipe (Unattenuated, single)	236.3	46,414
	0.12	^b 2.25
48-in steel pipe (Unattenuated, single) .....	.....	.....
Steel sheet (Unattenuated, single) .....	.....	.....
24-in and or 48-in and or sheet (Unattenuated, concurrent)	374.5	73,564
	0.22	^b 2.25

^a Level A harassment zones for phocids have been conservatively applied to both phocids and otariids in this analysis.

^b Level B ensonified areas are limited by the harbor geography.

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. To ensure use of the best and most current marine mammal data, NMFS inquired about

current sightings data from the ODFW and the WDFW in October 2024. These agencies provided information about the relative use of haulout areas and seasonality of pinniped presence in the Columbia and Willamette Rivers. Specifically, they listed major haulouts at the mouth of the Cowlitz River and the city of Rainier docks (38 mi; 62 km

from the project site), and Bonneville Dam (37.5 mi; 60 km), with semi-regular haulouts at Coffin Rock (33 mi; 53 km), Powerline Islands (13 mi; 22 km), and Phoca Rock (25.5 mi; 41 km) (see figure 2). The peak seasonal presence noted was February through May, though sea lions are often present at Bonneville Dam in other months.



Figure 2—Pinniped Haulout Locations Along the Columbia River Between the Cowlitz/Kalama Rivers and Bonneville Dam

One of the best sources of current abundance data for California sea lions and Steller sea lions within the Columbia River is the most recent USACE report on pinniped presence and salmonid predation at Bonneville Dam, which reports data from pinniped monitoring conducted in 2022 (Tidwell *et al.*, 2023). These data provide the best estimate of the number of sea lions that transit the project site in a given year, as each sea lion that transits that project site is likely traveling to or from Bonneville Dam and, therefore, captured in the annual counts. Each animal counted at the dam would transit the project site twice in a given season. However, the USACE Bonneville Dam monitoring data likely underestimates the density of harbor seals that transit or

are present at the project site. Harbor seals are relatively more common in the lower reaches of the river but are only occasionally observed as far upriver as Bonneville Dam.

In November 2024, NMFS received unpublished 2021–2024 pinniped abundance monitoring data for the Lower Columbia and Willamette Rivers from ODFW in collaboration with the Columbia River Inter-Tribal Fish Commission (CRITFC), and 2021–2024 Bonneville Dam pinniped counts from the USACE. CRITFC data were taken via boat-based or aerial surveys of known pinniped haulouts along the Columbia and Willamette Rivers, and presented data on pinnipeds as a guild, not separated by species.

NMFS compiled these various datasets and analyzed sightings between the Bonneville Dam upriver of the project site, and Longview, WA, 46 mi (74 km) downriver. These data represent the anticipated average maximum

number of daily pinniped transits within the portion of the Columbia River at the bridge location for each month of the year. Table 14 shows average estimated monthly occurrence of pinnipeds in three regions: downstream (Longview, WA to the Willamette river); the project area (Willamette River/Portland area); and upstream (Portland to Bonneville Dam). Downstream sites had significantly more pinniped sightings than upstream sites. From these data, NMFS conservatively used the maximum of the project area and upstream estimates as a proxy for monthly pinniped occurrence (table 14). Data were further condensed to evaluate pinniped presence for the two key periods of interest (fall and spring migrations as defined at Bonneville Dam) for the purpose of estimating incidental take (September through April, and May through August).

TABLE 14—DAILY OCCURRENCE ESTIMATES BY MONTH FOR THE COLUMBIA RIVER BETWEEN LONGVIEW, WA AND THE BONNEVILLE DAM, AND MAXIMUM OCCURRENCES USED IN TAKE ESTIMATIONS

	Downstream (RM 66 to 110)	Project area (RM 110 to 115)	Upstream (RM 115 to 146) (Bonneville Dam)	Maximum occurrence (pinnipeds per day)	Seasonal occurrence (pinnipeds per day)
September	-	1	15	15	15.2
October	-	3.3	10	10	
November	-	1.6	16.5	16.5	

TABLE 14—DAILY OCCURRENCE ESTIMATES BY MONTH FOR THE COLUMBIA RIVER BETWEEN LONGVIEW, WA AND THE BONNEVILLE DAM, AND MAXIMUM OCCURRENCES USED IN TAKE ESTIMATIONS—Continued

	Downstream (RM 66 to 110)	Project area (RM 110 to 115)	Upstream (RM 115 to 146) (Bonneville Dam)	Maximum occurrence (pinnipeds per day)	Seasonal occurrence (pinnipeds per day)
December	3	5.9	11.85	11.9	6.7
January	81.4	4.4	2.15	4.4	
February	86.7	10.7	1.5	10.7	
March	207.5	3.4	9.65	9.7	
April	18.6	5.5	43.3	43.3	
May	4.3	4.8	14.7	14.7	
June	-	1	0	1	
July	-	-	1	1	
August	56	-	10	10	

Note: “-” means no sightings data were available for this region and month; RM means river mile.

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. The majority of the recent data obtained from ODFW and WDFW did not separate pinniped sightings by species.

Thus, NMFS calculated occurrence rates for all three expected pinniped species as a guild (table 14).

Not all animals passing through the IBR project area are expected to be exposed to noise levels equated with take by Level A or Level B harassment. IBRP proposed and NMFS concurs with the exposure estimates shown in table 15. Animals in the project area are

typically transiting through on their way to or from upriver haulouts and or foraging areas. While most of the activities will ensonify the full width of the river and or harbor, some animals will pass by the project site when no active pile driving is occurring, thus reducing the expected exposure percentages.

TABLE 15—EXPOSURE ESTIMATES BY ACTIVITY FOR TRANSITING PINNIPEDS

	Level A harassment		Level B harassment	
	Percentage (%)	Rationale	Percentage (%)	Rationale
Unattenuated impact pile installation.	5	• Very few days of activity per year. • Very short duration activity.	50	• Very few days of activity per year. • Very short duration activity.
Attenuated impact pile installation.	10	• Relatively short duration activity. • Ensonified area can be avoided by transiting pinnipeds in most pile driving scenarios.	50	• Relatively short duration activity. • Ensonified area cannot be avoided during activity.
Vibratory pile installation and extraction.	0	• Extended (~24 hours) exposure would be required to reach Level A harassment threshold; unlikely for transiting pinnipeds.	75	• Ensonified area cannot be avoided during activity.

The formula used for calculating estimated takes by both Level A and Level B harassment for each relevant activity is:

Incidental take estimate = number of days of Activity 1 × estimated number of animals per day × exposure

percentage (Level A or Level B) for activity 1.

Estimated take by Level A and Level B harassment proposed to be authorized for each year of the IBR project is shown in table 16. Because occurrence estimates are only available at the guild

level, take estimates are not calculated to the species level, and it is assumed that all takes could come from any of the three stocks. This results in an overestimate of the percentage of each stock taken.

TABLE 16—PROPOSED TAKE BY LEVEL A AND LEVEL B HARASSMENT FOR ALL PINNIPEDS OVER THE COURSE OF THE 5-YEAR LOA

Activity	Year	Level A	Level B	Total
Impact—Unattenuated	1	8	76	84
	2	4	38	42
	3	4	38	42
	4	4	38	42
	5	4	38	42
	5-Year Estimate	24	228	252
Impact—Attenuated	1	182	912	1,094
	2	152	760	912
	3	114	570	684
	4	114	570	684
	5	114	570	684
	5-Year Estimate	676	3,382	4,058
Vibratory	1	0	2,713	2,713
	2	0	2,713	2,713
	3	0	2,713	2,713
	4	0	2,713	2,713
	5	0	2,713	2,713
	5-Year Total	0	13,365	13,365
All Activities Totals				
	Maximum Annual	190	3,701	3,891
	5-Year Total	700	17,175	17,875

TABLE 17—PROPOSED TAKE ESTIMATES AND PERCENTAGE OF STOCKS TAKEN IN THE YEAR OF MAXIMUM ANNUAL TAKE

Species	Maximum annual estimated take			Percent of stock ^a (%)
	Level A	Level B	Total	
Harbor seal ^b	190	3,701	3,891	17.3
California sea lion.				1.5
Steller sea lion.				10.7

^a NMFS conservatively assumes that all proposed estimated takes could come from a single stock due to the inability to distinguish between species detected during surveys. In reality, takes will occur to all three stocks and the percentages shown are thus overestimates.
^b The SAR lists the abundance for this stock as unknown; Pearson *et al.*, 2024 report an estimate of 22,549, which we used in this analysis.

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 impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as

well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

The mitigation requirements described in the following were proposed by IBRP, which has agreed that all of the mitigation measures are practicable. As required by the MMPA,

NMFS concurred that these measures are sufficient to achieve the least practicable adverse impact on the affected marine mammal species or stocks and their habitat. NMFS describes these below as proposed mitigation requirements, and has included them in the proposed regulations.

In addition to the measures described later in this section, the IBRP would follow these general mitigation measures:

- Authorized take, by Level A and Level B harassment only, would be limited to the species and numbers listed in Table 16. Construction activities must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or is within the harassment zone.
- The taking by serious injury or death of any of the species listed in table 18 or any taking of any other species of marine mammal would be

prohibited and would result in the modification, suspension, or revocation of the ITR and associated LOA, if issued. Any taking exceeding the authorized amounts listed in table 16 would be prohibited and would result in the modification, suspension, or revocation of the ITR and associated LOA, if issued.

- Ensure that construction supervisors and crews, the marine mammal monitoring team, and relevant IBRP staff are trained prior to the start of all construction activities, so that responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work;

- The IBRP, construction supervisors and crews, Protected Species Observers (PSOs), and relevant IBRP staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 m of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.

- Employ PSOs and establish monitoring locations as described in section 5 of the IHA and the IBRP's Marine Mammal Monitoring and Mitigation Plan (see appendix A of the IBRP's application). The IBRP must monitor the project area to the maximum extent possible based on the required number of PSOs, required

monitoring locations, and environmental conditions;

Additionally, the following mitigation measures apply to the IBRP's in-water construction activities:

Establishment of Shutdown Zones— The IBRP would establish shutdown zones with radial distances as identified in table 18 for all construction activities. If a marine mammal is observed entering or within the shutdown zones indicated in table 18, pile driving activity must be delayed or halted. If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zones or 15 minutes have passed without re-detection of the animal.

TABLE 18—PROPOSED SHUTDOWN ZONES DURING PROJECT ACTIVITIES

Activity	Pile type/size	Shutdown zone (m)	Monitoring zones (m)	
			Level A	Level B
Impact—Unattenuated (Single Hammer)	24-in	10	46	1,000
	48-in		184	5,412
Impact—Attenuated (Single Hammer)	24-in	10	83	341
	48-in		328	1,848
Impact—Attenuated (Two Hammers)	24-in	10	131	541
	48-in		521	2,929
Vibratory (Single Hammer)	24-in, 48-in, and sheet	10	(^a)	18,593 (upstream). ^b
Vibratory (Two Hammers)	24-in, 48-in, and sheet			8,230 (downstream). ^b

Notes: cm = centimeter(s), m = meter(s).

^a While the results of the underwater noise modeling indicate Level A harassment isopleths exist for cumulative exposure to underwater noise during vibratory pile driving, take by Level A harassment is not anticipated, and no Level A harassment Monitoring Zone is proposed for vibratory pile driving.

^b PSOs will monitor the Level B harassment zone to the extent possible based on positioning and environmental conditions.

Pre- and Post-Activity Monitoring— Monitoring would take place from 30 minutes prior to initiation of pile driving activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post-completion of pile driving activity. In addition, monitoring for 30 minutes would take place whenever a break in the specified activity (*i.e.*, impact pile driving, vibratory pile driving) of 30 minutes or longer occurs. Pre-start clearance monitoring would be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones indicated in table 18 are clear of marine mammals. Pile driving may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals.

Soft Start—The IBRP would use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of three strikes at reduced energy, followed by a 30-

second waiting period, then two subsequent reduced-energy strike sets. A soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer. Soft start procedures are used to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity.

Noise Attenuation System

The IBRP would use a bubble curtain during impact pile driving in water depths greater than 0.67 m. The bubble curtain would be operated as necessary to achieve optimal performance. At a minimum, the bubble curtain would distribute air bubbles around 100 percent of the piling circumference for the full depth of the water column, the lowest bubble ring would be in contact with the substrate for the full circumference of the ring, and the

weights attached to the bottom ring would ensure 100 percent substrate contact. No parts of the ring or other objects would prevent full substrate contact. In addition, air flow to the bubble curtain would be balanced around the circumference of the pile.

A hydroacoustic monitoring plan would be implemented during impact pile driving to confirm the attenuation device is installed and functioning as designed. This monitoring program would require some unattenuated pile strikes to confirm the amount of attenuation provided by the system. Some amount of unattenuated pile strikes are also factored in to account for periods when the bubble curtain may not be providing sufficient attenuation. IBRP estimates that up to 75 unattenuated strikes may be required for a period of approximately 10 minutes approximately 1 day per week. Testing would occur on up to approximately 30 days during the five year period covered under this LOA, and on approximately

40 days total over the course of the in-water construction period.

Hydroacoustic Monitoring—The IBRP would conduct hydroacoustic monitoring to verify the predicted sound source levels and the effectiveness of the bubble curtain. An acoustic monitoring plan would be submitted to NMFS no later than 60 days prior to the beginning of impact pile driving for approval.

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

Proposed Monitoring and Reporting

In order to promulgate a rulemaking 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.

The monitoring and reporting requirements described in the following were proposed by IBRP, which has agreed that all of the requirements are practicable. NMFS describes these below as proposed requirements, and has included them in the proposed regulations.

The IBRP would abide by all monitoring and reporting measures contained within the IHA, if issued, and their Marine Mammal Monitoring and Mitigation Plan (see appendix A of the IBRP's application). A summary of those measures and additional requirements proposed by NMFS is provided below.

Visual Monitoring—A minimum of two NMFS-approved PSOs must be stationed at monitoring locations as established in the marine mammal monitoring plan (see appendix A of the IBRP's LOA application) for the entirety of active pile driving operations. PSOs would be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods. At least one PSO would have prior experience performing the duties of a PSO during an activity pursuant to a NMFS-issued incidental take authorization (ITA) or letter of concurrence (LOC). 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.

One of the PSOs would be responsible for monitoring the shutdown zone and will be stationed in a location with clear line of sight views of the entire shutdown zone. The second PSO will be responsible for monitoring the Level A and B monitoring zones. This PSO will be stationed in a location with clear line of sight views of the entire Level A monitoring zone. This PSO need not be able to observe the entire Level B monitoring zone, but they need to be able to observe the full width of the river and be able to spot and identify

marine mammals passing through the Level B monitoring zone.

Where a team of three or more PSOs is required, a lead observer or monitoring coordinator would be designated. The lead observer must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued ITA or LOC.

PSOs should also have the following additional qualifications:

- The ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to: (1) the number and species of marine mammals observed; (2) dates and times when in-water construction activities were conducted; (3) dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and (4) marine mammal behavior; and
- The 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.

Acoustic Monitoring

The IBRP must establish acoustic monitoring procedures as described in an acoustic monitoring plan, to be submitted to NMFS for approval no less than 60 days prior to the commencement of impact pile driving. At minimum, the hydroacoustic monitoring plan would include:

- A close range hydrophone placed at a horizontal distance of 10 m from the pile. Additional hydrophones may be placed at (1) a horizontal distance no less than three times the water depth and (2) in the far field, well away from the source. Hydrophones would be placed at a depth of half the water depth at each measurement location. Exact positioning of the hydrophone(s) would ensure a direct, unobstructed path between the sound source and the hydrophone(s);
- Measurement systems would be deployed using configurations which minimize self or platform noise and ensure stable positioning throughout the recordings;
- The recordings would be continuous throughout each acoustic event for which monitoring is required;

- The SSV measurement systems would have a sensitivity appropriate for the expected SPLs. The frequency range of SSV measurement systems would cover the range of at least 20 Hz to 20 kHz. The dynamic range of the measurement system would be sufficient such that at each location, the signals would avoid poor signal-to-noise ratios for low amplitude signals, and would avoid clipping, nonlinearity, and saturation for high amplitude signals;

- All hydrophones used in SSV measurements systems would be required to have undergone a full system laboratory calibration conforming to a recognized standard procedure, from a factory or accredited source to ensure the hydrophone(s) receives accurate SPLs, at a date not to exceed 2 years before deployment. Additional in-situ calibration checks using a pistonphone would be required to be performed before and after each hydrophone deployment. If the measurement system employs filters via hardware or software (*e.g.*, high-pass, low-pass, etc.), which are not already accounted for by the calibration, the filter performance (*i.e.*, the filter's frequency response) would be reported, and the data corrected before analysis;

- Environmental data would be collected, including but not limited to, the following: wind speed and direction, air temperature, humidity, surface water temperature, water depth, wave height, weather conditions, and other factors that could contribute to influencing the airborne and underwater SPLs (*e.g.*, aircraft, boats, etc.); and

- The project engineer would supply the acoustics specialist with the substrate composition, hammer model and size, hammer energy settings, and any changes to those settings during the monitoring.

For acoustically monitored construction activities, data from the continuous monitoring locations would be post-processed to obtain the following sound measures:

- Maximum peak sound pressure level recorded for all activities, expressed in dB re 1 μ Pa. This maximum value will originate from the phase of hammering during which hammer energy was also at maximum.

- From all activities occurring during the time that the hammer was at maximum energy, these additional measures will be made, as appropriate:

- Mean, median, minimum, and maximum RMS SPL (dB re 1 μ Pa);
 - Mean duration of a pile strike (based on the 90 percent energy criterion);
 - Number of hammer strikes;
 - Mean, median, minimum, and maximum SEL_{ss} (dB re μ Pa² sec);

- Median integration time used to calculate RMS SPL (for vibratory monitoring, the time period selected is 1-second intervals. For impulsive monitoring, the time period is 90 percent of the energy pulse duration);

- A frequency spectrum (power spectral density) (dB re μ Pa² per Hz) based on all strikes with similar sound. Spectral resolution would be 1 Hz, and the spectrum would cover nominal range from 20 Hz to 20 kHz;

- Finally, the SEL₂₄ would be computed from all the strikes associated with each pile occurring during all phases, *i.e.*, soft start. This measure is defined as the sum of all SEL_{ss} values. The sum is taken of the antilog, with log₁₀ taken of result to express (dB re μ Pa² sec).

Reporting—The IBRP would be required to submit an annual draft summary report on all construction activities and marine mammal monitoring results to NMFS within 90 days following the end of each construction year. Additionally, a draft comprehensive 5-year summary report must be submitted to NMFS within 90 days of the end of the project. The annual reports would include an overall description of construction work completed, a narrative regarding marine mammal sightings, and associated raw PSO data sheets (in a queryable electronic format). Specifically, the reports must include:

- Dates and times (begin and end) of all marine mammal monitoring;

- Construction activities occurring during each daily observation period, including: (a) how many and what type of piles were driven or removed and the method (*i.e.*, impact or vibratory); and (b) the total duration of time for each pile (vibratory driving) or number of strikes for each pile (impact driving);

- PSO locations during marine mammal monitoring; and

- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance.

Upon observation of a marine mammal the following information must be reported:

- Name of PSO who sighted the animal(s) and PSO location and activity at the time of the sighting;

- Time of the sighting;

- Identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the

composition of the group if there is a mix of species;

- Distance and bearing of each observed marine mammal relative to the pile being driven or removed for each sighting;

- Estimated number of animals (min/max/best estimate);

- Estimated number of animals by cohort (*e.g.*, adults, juveniles, neonates, group composition, etc.);

- Animal's closest point of approach and estimated time spent within the estimated harassment zone(s);

- 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 estimated harassment zones, by species; and

- Detailed information about implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specified actions that ensured, and resulting changes in behavior of the animal(s), if any.

Acoustic monitoring report(s) must be submitted on the same schedule as visual monitoring reports (*i.e.*, within 90 days following the completion of construction). The acoustic monitoring report must contain the informational elements described in the acoustic monitoring plan and, at minimum, must include:

- Hydrophone equipment and methods: (1) recording device, sampling rate, calibration details, distance (m) from the pile where recordings were made; and (2) the depth of water and recording device(s);

- Location, identifier, orientation (*e.g.*, vertical, battered), material, and geometry (shape, diameter, thickness, length) of pile being driven, substrate type, method of driving during recordings (*e.g.*, hammer model and energy), and total pile driving duration;

- Whether a sound attenuation device is used and, if so, a detailed description of the device used, its distance from the pile and hydrophone, and the duration of its use per pile;

- For impact pile driving: (1) number of strikes per day and per pile and strike rate; (2) depth of substrate to penetrate; (3) decade (one-third octave) band spectra in tabular and figure formats computed on a per-pulse basis, including the arithmetic mean or median for all computed spectra; (4) pulse duration and median, mean, maximum, minimum, and number of

samples (where relevant) of the following sound level metrics: (5) RMS SPL; (6) SEL₂₄, peak (PK) SPL, and SEL_{ss}; and

- For any monitored vibratory pile driving: (1) duration of driving for each pile; (2) depth of substrate to penetrate; (3) decidecade (one-third octave) band spectra in tabular and figure formats, including the arithmetic mean or median for all computed spectra; (4) duration and median, mean, maximum, minimum, and number of samples (where relevant) of the following level metrics: RMS SPL; SEL₂₄; peak (PK) SPL; and SEL_{ss}.

If no comments are received from NMFS within 30 days after the submission of the draft summary report, the draft report would constitute the final report. If the IBRP received comments from NMFS, a final summary report addressing NMFS' comments would be submitted within 30 days after receipt of comments. The estimated harassment and shutdown zones (table 18) may be modified with NMFS' approval following NMFS' acceptance of an acoustic monitoring report.

Reporting Injured or Dead Marine Mammals—In the event that personnel involved in the IBRP's activities discover an injured or dead marine mammal, the IBRP would report the incident to the NMFS Office of Protected Resources (OPR) (PR.ITP.MonitoringReports@noaa.gov, ITP.hotchkin@noaa.gov) and to the West Coast Regional Stranding Coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, the IBRP 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 IHA. The IBRP would not resume their activities until notified by NMFS. The report would include the following information:

- Description of the incident;
- Environmental conditions (e.g., Beaufort sea state, visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Photographs or video footage of the animal(s) (if equipment is available).
- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);

- Observed behaviors of the animal(s), if alive; 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 discussion of our analysis applies to harbor seal, California sea lion, and Steller sea lion, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity.

NMFS has identified key factors which may be employed to assess the level of analysis necessary to conclude 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 to the species or stock, and the status of the species or stock. The potential effects of the specified activities on California sea lions, Steller sea lions, and harbor seals are discussed below.

Pile driving associated with the IBR project, as outlined previously, has the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment and, for some individuals, Level A harassment, from underwater sounds generated by pile driving. Potential takes could occur if marine mammals are present in zones ensonified above the thresholds for Level B harassment or Level A harassment, identified above, while activities are underway.

The IBRP's proposed activities and associated impacts would occur within a limited, confined area of the stocks' range. The work would occur in the vicinity of the IBR project site, and sound from the specified activities would be blocked by the shorelines of the river and North Portland Harbor and the curvature of the Columbia River. The intensity and duration of take by Level A and Level B harassment would be minimized through use of mitigation measures described herein. Further, the presence of pinnipeds in the area is limited and typically transitory as animals migrate up or downriver in pursuit of prey or to and from haulout locations, thereby reducing the potential for prolonged exposure or behavioral disturbance. In addition, NMFS does not anticipate that serious injury or mortality will occur as a result of the IBRP's planned activity given the nature of the activity, even in the absence of required mitigation.

Exposures to elevated sound levels produced during pile driving may cause the behavioral disturbance of some individuals. Behavioral responses of marine mammals to pile driving at the IBR project site 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 section, on the basis of reports in the literature as well as monitoring from other similar activities at the IBRP and elsewhere, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging if such activity were occurring (e.g., Ridgway *et al.*, 1997; Nowacek *et al.*, 2007; Thorson and Reyff, 2006; Kendall and Cornick, 2015; Goldbogen *et al.*, 2013b; Blair *et al.*, 2016; Wisniewska *et al.*, 2018; Piwetz *et al.*, 2021). Marine mammals within the Level B harassment zones may not show any visual cues that they

are disturbed by activities, or they could become alert, avoid the area, leave the area, or display other mild responses that are not visually observable such as exhibiting increased stress levels (*e.g.*, Rolland *et al.*, 2012; Lusseau, 2005; Bejder *et al.*, 2006; Rako *et al.*, 2013; Pirotta *et al.*, 2015; Pérez-Jorge *et al.*, 2016). They may also exhibit increased vocalization rates, louder vocalizations, alterations in the spectral features of vocalizations, or a cessation of communication signals (Hotchkiss and Parks 2013).

All three marine mammal species present in the region will only be present temporarily based on seasonal patterns or during transit between other habitats. Thus, individuals present will be exposed to only transient periods of noise-generating activity as they move up- or down-river past the project site. Most likely, individual animals will either be temporarily deterred from swimming past the construction activities and will pass by when no pile driving is occurring, or will swim through the area more quickly. Takes may also occur during important foraging seasons, when anadromous fishes are migrating past the project area and marine mammals follow. However, the IBR project area represents a small portion of available foraging habitat and impacts on marine mammal feeding for all species are expected to be minimal. No marine mammal species or individuals are known or expected to be resident in the project area, and impacts are unlikely to be more than temporary and low-intensity.

The activities analyzed here are similar to numerous other coastal construction activities conducted in the Columbia River (*e.g.*, 84 FR 53689, October 8, 2019; 89 FR 64420, August 7, 2024) which have taken place with no known long-term adverse consequences from behavioral harassment. Any potential reactions and behavioral changes are expected to subside quickly when the exposures cease, and therefore, no long-term adverse consequences are expected (*e.g.*, Graham *et al.*, 2017). While there are no long-term peer-reviewed studies of marine mammal habitat use in the Columbia River, studies from other areas indicate that most marine mammals would be expected to have responses on the order of hours to days. The intensity of Level B harassment events will be minimized through use of mitigation measures described herein, which were not quantitatively factored into the take estimates. The IBRP will use PSOs stationed strategically to increase detectability of marine mammals during in-water construction

activities, enabling a high rate of success in implementation of shutdowns to minimize injury for most species. Further, given the absence of any major rookeries and haulouts within the estimated harassment zones, we assume that potential takes by Level B harassment will have an inconsequential short-term effect on individuals and will not result in population-level impacts.

As stated in the Mitigation section, the IBRP will implement shutdown zones (table 18). Take by Level A harassment may be authorized for all three marine mammal species to account for the potential that an animal could enter and remain unobserved within the estimated Level A harassment zone for a duration long enough to incur AUD INJ. 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.

Due to the levels and durations of likely exposure, animals that experience AUD INJ will likely only receive slight injury (*i.e.*, minor degradation of hearing capabilities within regions of hearing that align most completely with the frequency range of the energy produced by IBRP's in-water construction activities (*i.e.*, the low-frequency region below 2 kHz)), not severe hearing impairment or impairment in the ranges of greatest hearing sensitivity. If hearing impairment does occur, it is most likely that the affected animal will lose a few dBs in its hearing sensitivity, which, in most cases, is not likely to meaningfully affect its ability to forage and communicate with conspecifics. There are no data to suggest that a single instance in which an animal incurs AUD INJ (or TTS) would result in impacts to reproduction or survival. If AUD INJ were to occur, it would be minor and unlikely to affect more than a few individuals. Additionally, and as noted previously, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. Because of the small degree anticipated, though, any AUD INJ or TTS potentially incurred here is not expected to adversely impact individual fitness, let alone annual rates of recruitment or survival for the affected species or stocks.

Repeated, sequential exposure to pile driving noise over a long duration could result in more severe impacts to individuals that could affect a

population (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 construction sounds may become habituated, desensitized, or tolerant after initial exposure to these sounds (reviewed by Richardson *et al.*, 1995; Southall *et al.*, 2007). However, given the relatively low abundance and generally transitory nature of marine mammals in the Columbia River near the project location compared to the stock sizes (table 19), population-level impacts are not anticipated. The absence of any pinniped haulouts or other known home-ranges in the action area further decreases the likelihood of population-level impacts.

The IBR project is also not expected to have significant adverse effects on any marine mammal habitats. The long-term impact on marine mammals associated with IBR project would be a small permanent decrease in low-quality potential habitat because of the expanded footprint of the bridges. Installation and removal of in-water piles would be temporary and intermittent, and the increased footprint of the facilities would destroy only a small amount of low-quality habitat, which currently experiences high levels of anthropogenic activity. Impacts to the immediate substrate are anticipated, but these would be limited to minor, temporary suspension of sediments, which could impact water quality and visibility for a short amount of time but which would not be expected to have any effects on individual marine mammals. Further, there are no known biologically important areas (BIAs) near the IBR project zone that will be impacted by the IBRP's proposed activities.

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, the area impacted by the IBR project is very small compared to the available surrounding habitat and does not include habitat of particular importance. The river serves as spawning habitat for anadromous salmonids, but there are no documented spawning sites in the vicinity of the I–5 bridges. The most likely impact to prey would be temporary behavioral avoidance of the immediate area. During construction activities, it is expected that some fish and marine mammals would temporarily leave the area of disturbance, 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 habitat of particular importance, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary and as described above, the following factors primarily support our preliminary negligible impact determinations for the affected stocks of California sea lions, Steller sea lions, and harbor seals:

- No takes by mortality or serious injury are anticipated or authorized;
- Any acoustic impacts to marine mammal habitat from pile driving are expected to be temporary and minimal;
- Take will not occur in places and/or times where take would be more likely to accrue to impacts on reproduction or survival, such as within habitats critical to recruitment or survival (e.g., rookery);
- The IBR project area represents a very small portion of the available foraging area for all potentially impacted marine mammal species and does not contain any habitat of particular importance;
- Take will only occur within the Columbia River and North Portland Harbor, which is a limited, confined area of any given stock's home range;
- Monitoring reports from similar work have documented little to no observable effect on individuals of the same species impacted by the specified activities;
- The required mitigation measures (i.e., soft starts, pre-clearance monitoring, shutdown zones, bubble curtains) are expected to be effective in reducing the effects of the specified activity by minimizing the numbers of marine mammals exposed to injurious levels of sound and by ensuring that any take by Level A harassment is, at most, a small degree of AUD INJ and of a lower degree that would not impact the fitness of any animals; and
- 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.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a

negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under 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 individuals 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. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

For all stocks, the number of takes proposed for authorization is less than one-third of the best available population abundance estimate (i.e., approximately 17.3 percent for harbor seals; approximately 10.7 percent for Steller sea lions; and approximately 1.5 percent for California sea lions; see table 17). The maximum annual number of animals that may be authorized to be taken from these stocks would be considered small relative to the relevant stock's abundances even if each estimated take occurred to a new individual. Due to the inability to discriminate between pinniped species in the most recent available survey data from ODOT, the number of takes proposed for authorization likely represents smaller numbers of all three species. For all species, PSOs will count individuals as separate unless they can be individually identified.

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

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of

such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Proposed Promulgation

As a result of these preliminary determinations, NMFS proposes to promulgate regulations that allow for the authorization of take, by Level A harassment and Level B harassment, incidental to construction activities associated with the IBR project for a 5-year period from September 15, 2027, through September 14, 2032, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Request for Information

NMFS requests interested persons to submit comments, information, and suggestions concerning the IBRP'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.

Classification

The Office of Management and Budget has determined that this proposed rule is not significant for purposes of Executive Order 12866. This proposed rule is not an Executive Order 14192 regulatory action because this proposed rule is not significant under Executive Order 12866.

Pursuant to section 605(b) of the Regulatory Flexibility Act (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 that this proposed rule, if adopted, would not

have a significant economic impact on a substantial number of small entities. The IBRP is a bi-state governmental program focused on improving the transit corridor between Washington and Oregon. The IBRP is the sole entity that would be subject to the requirements in the proposed rule, and the IBRP is not a small governmental jurisdiction, small organization, or small business, as defined by the RFA, because it is a department of the two state governments. Because of this certification, a regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains a collection-of-information requirement subject to the provisions of the Paperwork Reduction Act (PRA). 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. These requirements have been approved by OMB under control number 0648–0151 and include applications for regulations, subsequent LOAs, and reports.

List of Subjects

Acoustics, Administrative practice and procedure, Construction, Marine mammals, Mitigation and monitoring requirements, Reporting requirements, Wildlife.

Dated: August 14, 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 TAKE OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

■ 2. Add Subpart O, consisting of §§ 217.141 through 217.149, to read as follows:

Subpart O—Taking Marine Mammals Incidental to the Interstate Bridge Replacement Project on Interstate 5 Between Portland, Oregon and Vancouver, WA

Sec.

- 217.141 Specified activity and specified geographical region.
- 217.142 Effective dates.
- 217.143 Permissible methods of taking.
- 217.144 Prohibitions.
- 217.145 Mitigation requirements.
- 217.146 Requirements for monitoring and reporting.
- 217.147 Letters of Authorization.
- 217.148 Modifications of Letters of Authorization.
- 217.149 [Reserved]

Subpart O—Taking Marine Mammals Incidental to the Interstate Bridge Replacement Project on Interstate 5 Between Portland, Oregon and Vancouver, WA

§ 217.141 Specified activity and specified geographical region.

(a) The incidental taking of marine mammals by the Interstate Bridge Replacement Program (IBRP) may be authorized in a letter of authorization (LOA) only if it occurs at or around the Interstate 5 bridges over the Columbia River and North Portland Harbor between Portland, OR and Vancouver, WA incidental to the specified activities outlined in paragraph (b) of this section. Requirements imposed on the IBRP in this subpart must be implemented by those persons it authorizes or funds to conduct activities on its behalf.

(b) The specified activities are construction and demolition activities associated with the Interstate Bridge Replacement Project between Portland, OR and Vancouver, WA.

§ 217.142 Effective dates.

Regulations in this subpart are effective from September 15, 2027, until September 14, 2032.

§ 217.143 Permissible methods of taking.

Under a LOA issued pursuant to §§ 216.106 of this chapter and this subpart, the IBRP and those persons it authorizes or funds to conduct activities on its behalf may incidentally, but not intentionally, take marine mammals within the specified geographical region by harassment associated with the specified activities provided they are in compliance with all terms, conditions, and requirements of the regulations in this subpart and the applicable LOA.

§ 217.144 Prohibitions.

(a) Except for the takings permitted in § 217.143 and authorized by a 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:

(1) Violate or fail to comply with the terms, conditions, and requirements of this subpart or a LOA issued under this subpart;

(2) Take any marine mammal not specified in such LOA;

(3) Take any marine mammal specified in such LOA in any manner other than as specified;

(4) Take a marine mammal specified in such LOA after NMFS determines such taking results in more than a negligible impact on the species or stocks of such marine mammal; or

(5) Take a marine mammal specified in such LOA 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.

(b) [Reserved]

§ 217.145 Mitigation requirements.

(a) When conducting the specified activities identified in § 217.141(b), IBRP must implement the mitigation measures contained in this section and any LOA issued under §§ 216.106 of this chapter and this subpart. These mitigation measures include, but are not limited to:

(1) A copy of any issued LOA must be in the possession of the IBRP, its designees, and work crew personnel operating under the authority of the issued LOA;

(2) The IBRP must ensure that construction supervisors and crews, the monitoring team and relevant IBRP staff are trained prior to the start of all pile driving so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work; and

(3) The IBRP, construction supervisors and crews, Protected Species Observers (PSOs), and relevant IBRP staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 m of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction;

(4) The IBRP must employ PSOs and establish monitoring locations pursuant to § 217.146 and as described in a NMFS-approved Marine Mammal Monitoring and Mitigation Plan;

(i) For all pile driving activities, land-based PSOs must be stationed at the best vantage points practicable to monitor for marine mammals and implement shutdown/delay procedures. A minimum of two locations must be used to monitor the harassment zones specified in any LOA issued under §§ 216.106 of this chapter and this

subpart to the maximum extent possible based on positioning and daily visibility conditions. PSOs must be able to implement shutdown or delay procedures when applicable through communication with the equipment operator;

(ii) If during pile driving activities, PSOs can no longer effectively monitor the entirety of the shutdown zone (see § 217.146 (a) (6), below) 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 shutdown 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;

(5) Pre-start clearance monitoring must take place from 30 minutes prior to initiation of pile driving activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post-completion of pile driving activity;

(i) Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones are clear of marine mammals;

(ii) Pile driving may only commence if, following 30 minutes of observation, it is determined by the lead PSO that the shutdown zones are clear of marine mammals;

(6) For all pile driving activity, the IBRP must implement shutdown zones with radial distances as identified in a LOA issued under §§ 216.106 of this chapter and this subpart;

(i) If a marine mammal is observed entering or within the shutdown zone, all pile driving activities, including soft starts, at that location must be halted. 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 have passed without re-detection of the animal;

(ii) In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone, animal behavior must be monitored and documented;

(iii) 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 shutdown zone is clear must be made by the lead PSO during a period of good visibility;

(v) For in-water construction activities other than pile driving (e.g., drilling; barge positioning; use of barge-mounted excavators; dredging), if a marine mammal comes within 10 m, IBRP must cease operations and reduce vessel speed to the minimum level required to maintain steerage and safe working conditions.

(7) The IBRP must use soft start techniques when impact pile driving. Soft start requires the IBRP to conduct three sets of strikes (three strikes per set) at reduced hammer energy with a 30-second 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;

(8) The IBRP must use bubble curtains for impact pile driving in waters deeper than 0.67 m, except when necessary for testing of bubble curtain effectiveness during hydroacoustic monitoring. The bubble curtain must be operated to achieve optimal performance. At a minimum, the bubble curtain must comply with the following:

(i) The bubble curtain must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column;

(ii) The lowest bubble ring must be in contact with the mudline and/or rock bottom for the full circumference of the ring, and the weights attached to the bottom ring shall ensure 100 percent mudline and/or rock bottom contact. No parts of the ring or other objects shall prevent full mudline and/or rock bottom contact;

(iii) Air flow to the bubblers must be balanced around the circumference of the pile;

(9) Pile driving activity must be halted upon observation of a species entering or within the harassment zone for either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met;

(b) [Reserved]

§ 217.146 Requirements for monitoring and reporting.

(a) The IBRP must submit a marine mammal monitoring plan to NMFS for approval at least 90 days before the start of construction and abide by the plan, if approved.

(b) The IBRP must submit a hydroacoustic monitoring plan to NMFS for approval at least 60 days before the start of impact pile driving, and abide by the plan, if approved.

(c) Monitoring must be conducted by qualified, NMFS-approved PSOs, in

accordance with the following conditions:

(1) PSOs must be independent of the activity contractor (e.g., employed by a subcontractor) and have no other assigned tasks during monitoring duties;

(2) PSOs must be approved by NMFS prior to beginning work on the specified activities;

(3) PSOs must be trained in marine mammal identification and behavior;

(i) A designated project lead PSO must be on site when more than two PSOs are on duty. The project lead PSO must have prior experience performing the duties of a PSO during in-water construction activities pursuant to a NMFS-issued ITA or letter of concurrence;

(ii) 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;

(d) The IBRP must submit a draft annual summary monitoring report on all marine mammal monitoring conducted during each construction season which includes final electronic data sheets in a searchable format within 90 calendar days after the completion of each construction season or 60 days prior to a requested date of issuance of any future incidental take authorization for projects at the same location, whichever comes first. A draft comprehensive 5-year summary report must also be submitted to NMFS within 90 days of the end of year 5 of the project. The reports must detail the monitoring protocol and summarize the data recorded during monitoring. If no comments are received from NMFS within 30 days of receipt of the draft report, the report may be considered final. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt. At a minimum, the reports must contain:

(1) Dates and times (begin and end) of all marine mammal monitoring;

(2) Construction activities occurring during each daily observation period, including how many and what type of piles were driven or removed, by what method (*i.e.*, impact or vibratory), the total duration of driving time for each pile (vibratory driving), and number of strikes for each pile (impact driving);

(3) Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), Beaufort sea state, and any other relevant weather conditions including cloud cover, fog, sun glare, and overall

visibility to the horizon, and estimated observable distance (if less than the harassment zone distance);

(4) Upon observation of a marine mammal, the following information must be collected:

(i) Name of the PSO who sighted the animal, observer location, and activity at time of sighting;

(ii) Time of sighting;

(iii) Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;

(iv) Distances and bearings of each marine mammal observed in relation to the pile being driven for each sighting (if pile driving was occurring at time of sighting);

(v) Estimated number of animals (min/max/best);

(vi) Estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*);

(vii) Animal's closest point of approach and estimated time spent within the harassment zone;

(viii) Description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses to the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);

(ix) Detailed information about any implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in the behavior of the animal, if any; and

(x) All PSO data in an electronic format that can be queried such as a spreadsheet or database (*i.e.*, digital images of data sheets are not sufficient).

(e) Acoustic monitoring report(s) must be submitted on the same schedule as visual monitoring reports (*i.e.*, within 90 days following the completion of construction). The acoustic monitoring report must contain the informational elements described in the acoustic monitoring plan and, at minimum, must include:

(i) Hydrophone equipment and methods: (1) recording device, sampling rate, calibration details, distance (m) from the pile where recordings were made; and (2) the depth of water and recording device(s);

(ii) Location, identifier, orientation (*e.g.*, vertical, battered), material, and geometry (shape, diameter, thickness, length) of pile being driven, substrate type, method of driving during recordings (*e.g.*, hammer model and energy), and total pile driving duration;

(iii) Whether a sound attenuation device is used and, if so, a detailed description of the device used, its distance from the pile and hydrophone, and the duration of its use per pile;

(iv) For impact pile driving: (1) number of strikes per day and per pile and strike rate; (2) depth of substrate to penetrate; (3) decade (one-third octave) band spectra in tabular and figure formats computed on a per-pulse basis, including the arithmetic mean or median for all computed spectra; (4) pulse duration and median, mean, maximum, minimum, and number of samples (where relevant) of the following sound level metrics: RMS SPL; SEL₂₄; peak (PK) SPL; and SEL_{ss}; and

(v) For any monitored vibratory pile driving: (1) duration of driving for each pile; (2) depth of substrate to penetrate; (3) decade (one-third octave) band spectra in tabular and figure formats, including the arithmetic mean or median for all computed spectra; (4) duration and median, mean, maximum, minimum, and number of samples (where relevant) of the following level metrics: RMS SPL; SEL₂₄; peak (PK) SPL; and SEL_{ss}.

(f) In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the IBRP must report the incident to NMFS Office of Protected Resources (OPR) and to the West Coast Regional Stranding Coordinator no later than 24 hours after the initial observation. If the death or injury was caused by the specified activity, the IBRP must immediately cease the specified activities described in § 217.141(b) until NMFS OPR is able to review the circumstances of the incident. The IBRP must not resume their activities until notified by NMFS. The report must include the following information:

(1) Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

(2) Species identification (if known) or description of the animal(s) involved;

(3) Condition of the animal(s) (including carcass condition if the animal is dead);

(4) Observed behaviors of the animal(s), if alive;

(5) If available, photographs or video footage of the animal(s); and

(6) General circumstances under which the animal was discovered.

§ 217.147 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations,

the IBRP 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 the effective dates of this subpart.

(c) If an LOA expires prior to the end of the effective dates of this subpart, the IBRP may apply for and obtain a renewal of the LOA.

(d) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, the IBRP must apply for and obtain a modification of the LOA as described in § 217.148.

(e) The LOA must set forth the following information:

(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.

(f) 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 this subpart.

(g) Notice of issuance or denial of an LOA must be published in the **Federal Register** within 30 days of a determination.

§ 217.148 Modifications of Letters of Authorization.

(a) A LOA issued under §§ 216.106 of this chapter and 217.147 for the specified activities may be modified upon request by the IBRP, 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; and

(2) NMFS determines that the mitigation, monitoring, and reporting measures required by the previous LOA were implemented.

(b) For LOA modification by the IBRP that includes changes to the specified activity or the mitigation, monitoring, or reporting measures that do not change the findings made for the regulations in this subpart or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), NMFS may 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) A LOA issued under §§ 216.106 of this chapter and 217.147 for the specified activity may be modified by

NMFS under the following circumstances:

(1) NMFS may modify the existing mitigation, monitoring, or reporting measures, after consulting with the IBRP regarding the practicability of the modifications, if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring measures;

(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 IBRP'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 LOAs; and

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS shall publish a notice of proposed LOA in the **Federal Register** and solicit public comment;

(2) If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in a LOA issued pursuant to §§ 216.106 of this chapter and 217.147, a LOA may be modified without prior notice or opportunity for public comment. Notification will be published in the **Federal Register** within 30 days of the action.

§ 217.149 [Reserved]

[FR Doc. 2025–15775 Filed 8–18–25; 8:45 am]

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Federal Register

Vol. 90, No. 158

Tuesday, August 19, 2025

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FEDERAL REGISTER PAGES AND DATE, AUGUST

36101-36372.....	1
36373-37372.....	4
37373-37780.....	5
37781-38000.....	6
38001-38392.....	7
38393-38602.....	8
38603-38704.....	11
38705-38934.....	12
38935-39088.....	13
39089-39306.....	14
39307-40024.....	15
40025-40218.....	18
40219-40528.....	19

CFR PARTS AFFECTED DURING AUGUST

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

10960.....	36369
10961.....	36371
10962.....	37727
10963.....	38919
10964.....	40229

Executive Orders:

14036 (revoked by EO 14337).....	40227
14256 (superseded in part by EO 14324).....	37775
14323.....	37739
14324.....	37775
14325.....	37957
14326.....	37963
14327.....	37993
14328.....	38597
14329.....	38701
14330.....	38921
14331.....	38925
14332.....	38929
14333.....	39301
14334.....	39305
14335.....	40219
14336.....	40223
14337.....	40227

Administrative Orders:

Memorandums:

Memorandum of June 30, 2025.....	38913
Memorandum of August 4, 2025.....	40013
Presidential Determinations:	

No. 2025-07 of August 4, 2025.....	40017
No. 2025-10 of August 4, 2025.....	40019
No. 2025-08 of August 8, 2025.....	40021
No. 2025-09 of August 8, 2025.....	40023

Notices:

Notice of July 15, 2025.....	37371
Notice of August 4, 2025.....	37999
Notice of August 6, 2025.....	38601

5 CFR

213.....	38604
315.....	38604
362.....	38603
537.....	38604

7 CFR

245.....	38393
354.....	39307
400.....	39089

460.....	38607, 39089
1930.....	40025

9 CFR

Proposed Rules:

310.....	40257

10 CFR

72.....	39308

12 CFR

Proposed Rules:

1090.....	38409, 38412, 38415, 38418

13 CFR

Proposed Rules:

124.....	40047
125.....	40047

14 CFR

25.....	39313
29.....	37373
33.....	36373, 36375
39.....	37376, 37781, 37786, 37787, 39090, 39093, 39102, 39106, 39109, 40025, 40028, 40030, 40032, 40035, 40038
43.....	40041
45.....	40041
61.....	40041
71.....	36101, 36102, 36104, 38393
97.....	38394
399.....	40231

Proposed Rules:

33.....	38076
36.....	38212
39.....	37432, 37434, 37808, 37810, 38078, 38081, 38713, 40262, 40266
43.....	38212
45.....	38212
48.....	38212
71.....	36400, 38421, 38614, 38615, 38618, 38716, 40048
89.....	38212
91.....	38212
107.....	38212
108.....	38212
119.....	38212
133.....	38212
135.....	38212
137.....	38212
141.....	37815, 37816
146.....	38212

15 CFR

30.....	39112
921.....	38001
922.....	38001
923.....	38001

19 CFR

24 40042
128 40042

20 CFR

901 40231

21 CFR

73 37793
1308 38396, 39314

Proposed Rules:

1 38084
146 37817, 39139
573 40269

22 CFR

41 37378, 38610

Proposed Rules:

42 37437

26 CFR**Proposed Rules:**

1 37824, 40269

29 CFR

95 40044
96 40044
97 40044
99 40044
2550 38909
4000 39320
4006 39320
4007 39320
4010 39320
4041 39320
4041A 39320
4043 39320
4044 39320
4065 39320
4203 39320
4204 39320
4207 39320
4211 39320
4219 39320
4220 39320
4233 39320
4245 39320
4262 39320
4281 39320
4909 39320

30 CFR

250 36106, 38935
551 38705
585 37386
1219 38938

Proposed Rules:

926 36402, 36404, 36406,
36407

31 CFR

528 38940
542 38941
544 38941
561 38941
594 38941
597 38941

32 CFR

516 38398

33 CFR

100 36378, 37793, 38942,
39330, 40236
117 36109
165 36111, 36378, 36379,
36381, 37793, 38399, 38401,
38942
207 38403
326 38403

Proposed Rules:

100 38423
110 36409
165 36412, 37829

34 CFR**Proposed Rules:**

685 40154

37 CFR

1 39124

38 CFR**Proposed Rules:**

17 36415

39 CFR**Proposed Rules:**

111 38716

40 CFR

52 37386, 37389, 38005,

38009, 38406, 39126, 39128,
39130, 39132, 39135
60 39333
63 39333
81 38406
174 37797
180 37800, 39335
194 40236

Proposed Rules:

52 38088, 38093, 38095,
39139, 39142, 39144, 39148,
39340, 40272
81 38095, 39148
85 36125, 36288, 39345
86 36125, 36288, 39345
180 38426
257 38619
600 36125, 36288, 39345
1036 36125, 36288, 39345
1037 36125, 36288, 39345
1039 36125, 36288, 39345

42 CFR

412 36536, 37628, 37678
413 37310
418 37404
495 36536
512 36536

Proposed Rules:

405 39155
410 39155
414 39155
424 39155
425 39155
427 39155
428 39155
495 39155
512 39155

43 CFR

2800 36111
3100 36114, 36117, 36118
3120 36118
3170 36120
3470 36122

45 CFR

170 36536

47 CFR

0 36383

1 36385, 36396
2 38045
8 38406
15 38045
20 38406
24 36396
27 36385
51 38406
63 36396
64 40241
73 38942, 39137
79 36396

Proposed Rules:

1 40295

48 CFR

Ch. 1 38206, 38209
32 38208
43 38208
52 38206, 38208

49 CFR

227 38071

Proposed Rules:

192 38429
1540 38212
1544 38212

50 CFR

11 40045
20 40178
217 38001
218 38001
222 38001
223 38001, 39339
224 38001
226 38001
229 38001
300 38001, 38610
600 38001
622 37804, 38001
635 38001, 38708, 38709
648 38612
679 38711
697 38001

Proposed Rules:

17 37445, 39161
217 39346, 40492
679 37831

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List August 18, 2025

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