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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA-2024-2640; Special Conditions No. 25-874-SC]

Special Conditions: Universal Avionics; Electronic System Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for a supplemental type certificate (STC) to install a digital systems architecture on certain transport category airplanes. These airplanes, as modified by Universal Avionics, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is a digital systems architecture that will allow increased connectivity to and access from external network sources (e.g., operator networks, wireless devices, internet connectivity, service provider satellite communications, electronic flight bags, etc.) to the airplane's previously isolated electronic assets (networks, systems, and databases). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Universal Avionics on March 5, 2025. Send comments on or before April 21, 2025.

ADDRESSES: Send comments identified by Docket No. FAA-2024-2640 using any of the following methods:

- *Federal eRegulations Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M-30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202-493-2251.

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

FOR FURTHER INFORMATION CONTACT: Thuan T. Nguyen, Avionics Software and Components Unit, AIR-626D, Technical Policy Branch, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax (206) 231-3365; email Thuan.T.Nguyen@faa.gov.

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

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to www.regulations.gov, including any personal information you provide. The

FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

Comments Invited

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

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

Background

On February 19, 2024, Universal Avionics applied for an STC to install the Solid-State Data Transfer Unit Plus (SSDTU+) in the airplanes listed on the approved model list (AML) for STC No. ST04656CH. Universal Avionics may periodically amend this STC to expand its applicability to include additional transport-category airplane makes and models.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Universal Avionics must show that the airplanes, for which they make application to modify by FAA STC No. ST04656CH, as changed, continue to meet the applicable provisions of the regulations listed in each airplane's respective type certificate or the applicable regulations in effect on the date of application for the change except for earlier amendments as agreed upon by the FAA.

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

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for an STC to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the airplanes listed in the AML must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The airplanes listed on the AML in STC No. ST04656CH will incorporate the following novel or unusual design feature:

The installation of a digital systems architecture that will allow increased connectivity to and access from external network sources, (e.g., operator networks, wireless devices, internet connectivity, service provider satellite communications, electronic flight bags, etc.) to the airplane's previously isolated electronic assets (networks, systems, and databases).

Discussion

The electronic system architecture and network configuration change of the airplanes listed on the AML is novel or unusual for commercial transport airplanes because it may allow increased connectivity to and access

from external network sources, airline operations, and maintenance networks, to the airplane control domain, and airline information services domain. The airplane's control domain and airline information-services domain perform functions required for the safe operation and maintenance of the airplane. Previously, these domains had very limited connectivity with external network sources. This data network and design integration creates a potential for unauthorized persons to access the airplane's control domain and airline information-services domain and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The existing FAA regulations did not anticipate these networked airplane-system architectures. Furthermore, these regulations and the current guidance material do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (i.e., confidentiality, integrity, and availability) of the airplane's systems is not compromised by unauthorized wired or wireless electronic connections. This includes ensuring that the security of the airplane's systems is not compromised during maintenance of the airplane's electronic systems. These special conditions also require the applicant to provide appropriate instructions to the operator to maintain all electronic-system safeguards that have been implemented as part of the original network design so that this feature does not allow or introduce security threats. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to airplanes listed in the AML of STC No. ST04656CH. Should Universal Avionics apply at a later date for another STC, to include another airplane model with the same novel or unusual design feature, these special conditions would also apply to that model as well. These special conditions are not applicable to those airplane models for which special conditions for protection from unauthorized external access have

already been issued to the type certificate for those specific models.

These special conditions are only applicable to design changes applied for after its effective date.

Conclusion

This action affects only a certain novel or unusual design feature for airplane models listed on the AML of STC No. ST04656CH, as modified by Universal Avionics. It is not a rule of general applicability and affects only the applicant.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the airplane models listed on the approved model list of STC No. ST04656CH, as modified by Universal Avionics.

1. The applicant must ensure airplane electronic system security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.
2. The applicant must ensure that electronic system security threats are identified and assessed, and that effective electronic system security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.
3. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the aircraft is maintained, including all post type certification modifications that may have an impact on the approved electronic system security safeguards.

Issued in Kansas City, Missouri, on February 27, 2025.

Patrick R. Mullen,

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

[FR Doc. 2025-03493 Filed 3-4-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2022–1650; Project Identifier MCAI–2022–00210–T; Amendment 39–22939; AD 2025–02–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by a report that the nose radome lightning diverter strips on certain aircraft were painted in production; paint on the diverter strips can compromise the nose radome lightning protection. This AD requires inspecting for paint on the diverter strips on the nose radome, and replacing the nose radome if necessary, as specified in a Transport Canada AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 9, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 9, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2022–1650; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email TC.AirworthinessDirectives-

Consignesdenavigabilite.TC@tc.gc.ca; website at tc.canada.ca/en/aviation.

- For Airbus Canada Limited Partnership material identified in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec, J7N 3C6, Canada; telephone 450–476–7676; email a220_crc@abc.airbus; website a220world.airbus.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2022–1650.

FOR FURTHER INFORMATION CONTACT:

Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A11 airplanes. The NPRM published in the **Federal Register** on December 20, 2022 (87 FR 77763) (the NPRM). The NPRM was prompted by AD CF–2022–04, dated February 14, 2022, issued by Transport Canada, which is the aviation authority for Canada (Transport Canada AD CF–2022–04) (also referred to as the MCAI). The MCAI states that the nose radome lightning diverter strips on certain aircraft were painted in production; paint on the diverter strips can compromise the nose radome lightning protection. Reduced effectiveness of the diverter strips can lead to the puncture of the nose radome by lightning and potential arc attachment to antennas, structures, and other equipment in the area of the nose radome.

In the NPRM, the FAA proposed to require inspecting for paint on the diverter strips on the nose radome, and replacing the nose radome if necessary, as specified in Transport Canada AD CF–2022–04. The FAA is issuing this AD to address the unsafe condition on these products. The unsafe condition, if not addressed, could result in damage to the localizer or glideslope antennas, and consequent loss of instrument landing system localizer inputs or deviation information.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an

AD that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A11 airplanes. The first SNPRM published in the **Federal Register** on July 14, 2023 (88 FR 45102) (the first SNPRM). The first SNPRM was prompted by the FAA determination that the affected nose radomes may be installed as rotatable spares on airplanes outside of the applicability of the NPRM. In the first SNPRM, the FAA proposed to expand the applicability to apply to airplanes equipped with specific part numbers and serial numbers of nose radomes. The FAA issued a second SNPRM that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The second SNPRM published in the **Federal Register** on February 20, 2024 (89 FR 12788) (the second SNPRM). The second SNPRM was prompted by the FAA determination that the affected nose radomes may be installed as rotatable spares on Airbus Canada Limited Partnership Model BD–500–1A10 airplanes. In the second SNPRM, the FAA proposed to expand the applicability to include Model BD–500–1A10 airplanes equipped with specific part numbers and serial numbers of nose radomes. The FAA is issuing 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–2022–1650.

Discussion of Final Airworthiness Directive**Comments**

The FAA received comments from two commenters, including Delta Air Lines (Delta) and JetBlue Airways (JetBlue). The following presents the comments received on the second SNPRM and the FAA’s response to each comment.

Request To Revise Heading of Paragraph (h) of the Proposed AD

Delta requested that the heading of paragraph (h) of the proposed AD be changed to “Exceptions to Transport Canada AD CF–2022–04” since there is more than one exception listed in paragraph (h) of the proposed AD.

The FAA agrees for the reason provided and has changed this AD accordingly.

Request To Add Exceptions To Allow Use of Alternative Service Information

Delta also requested revising paragraph (h) of the proposed AD to add the following exceptions: (1) where Transport Canada AD CF–2022–04 specifies removing and installing nose

radomes using certain aircraft maintenance publication data modules, allow a repair of affected nose radomes by replacing the lightning diverter strips with new, unpainted lightning diverter strips in accordance with (Airbus Canada Limited Partnership) A220 (Aircraft Structure Repair Publication (ASRP)) Task BD500-A-J53-81-80-01AAA-664A-A, Issue 004, dated January 17, 2024 (ASRP Task BD500-A-J53-81-80-01AAA-664A-A); and (2) where Airbus Canada Limited Partnership A220 Service Bulletin (SB) BD500-538009, Issue 002, dated June 2, 2022 (SB BD500-538009, Issue 002) specifies to remove and discard the nose radomes, allow a repair of removed nose radomes by replacing the lightning diverter strips with new, unpainted lightning diverter strips, in accordance with ASRP Task BD500-A-J53-81-80-01AAA-664A-A. Delta pointed out that paragraph (g) of the proposed AD requires accomplishment of Transport Canada AD CF-2022-04 to address the unsafe condition, but Transport Canada AD CF-2022-04 does not provide direct corrective action for nose radomes with painted lighting diverter strips. Delta observed that paragraph (h)(2) of the proposed AD allows use of SB BD500-538009, Issue 002, which directs operators to discard the removed nose radome. Meanwhile, Delta reasoned that paragraph (i) of the proposed AD does suggest that a method of making an affected nose radome safe is intended to exist, stating that the affected nose radomes may be installed only if “the actions required by paragraph (g) of this AD have been accomplished on the nose radome.” Delta further remarked that, unfortunately, no actions for resolving the unsafe condition on the nose radome exist in either paragraph (g) of the proposed AD or in Transport Canada AD CF-2022-04. Paragraph (g) of the proposed AD refers to the differences outlined in paragraph (h) of the proposed AD, however Delta asserted paragraph (h) of the proposed AD provides no relief. Therefore, because removal of the painted lighting diverter strips from the nose radome and replacement with new, unpainted diverter strips resolves the unsafe condition addressed in the second SNPRM, Delta asserted that ASRP Task BD500-A-J53-81-80-01AAA-664A-A exists explicitly to complete “radome, diverter strip replacement” and should be identified in the second SNPRM.

The FAA agrees for the reasons provided. ASRP Task BD500-A-J53-81-80-01AAA-664A-A provides the Airbus Canada-approved generic-repair procedure for the replacement of the

diverter strips installed on the nose radome and can be used by any operator. Therefore, paragraphs (h)(3) and (4) have been added to this AD to allow repair of nose radomes by replacement with new, unpainted diverter strips in accordance with ASRP Task BD500-A-J53-81-80-01AAA-664A-A.

Request To Explicitly Allow Post-Repair Installation of Affected Nose Radomes

JetBlue requested paragraph (i) of the proposed AD be revised to allow the affected nose radome serial numbers to be installed on other airplanes after the diverter strips are replaced using ASRP Task BD500-A-J53-81-80-01AAA-664A-A. JetBlue pointed out that this is not explicitly stated in either Transport Canada AD CF-2022-04 or SB BD500-538009, Issue 002, but the available repair in the ASRP task will make the nose radome that was removed and replaced serviceable with new diverter strips (without paint) as Airbus Canada confirmed with JetBlue Engineering.

The FAA agrees with the request to allow affected nose radome serial numbers to be installed on an airplane after the diverter strips are replaced using ASRP Task BD500-A-J53-81-80-01AAA-664A-A. ASRP Task BD500-A-J53-81-80-01AAA-664A-A provides the Airbus Canada-approved generic repair procedure for the replacement of the diverter strips installed on the nose radome and can be used by any operator. However, the FAA does not agree to revise paragraph (i) of this AD. Instead, as previously explained, the FAA has added paragraphs (h)(3) and (4) to this AD allowing use of ASRP Task BD500-A-J53-81-80-01AAA-664A-A. Therefore, using ASRP Task BD500-A-J53-81-80-01AAA-664A-A is equivalent to accomplishing the actions specified in paragraph (g) of this AD. No further change to this AD is necessary in this regard.

Request To Clarify Paragraph (j) of the Proposed AD

Delta requested clarification of paragraph (j) of the proposed AD, which provides credit for previous actions. Delta asserted that the language currently used only allows credit if Airbus Canada Limited Partnership A220 Service Bulletin BD500-538009, Issue 001, dated May 9, 2022, is used. Delta further stated that paragraph (j) of the proposed AD fails to explicitly allow credit for actions completed in accordance with Transport Canada AD CF-2022-04 (which is referred to as the appropriate source of information for doing the actions required by paragraph

(g) of the proposed AD). If the intent is to allow credit for either corrective action accomplished before the effective date of the FAA AD, then Delta asserted that both sources of information should be identified in paragraph (j) of the proposed AD.

The FAA acknowledges Delta’s request and agrees to clarify. Paragraph (f) of this AD states to accomplish the required actions within the compliance times specified, “unless already done.” Therefore, if operators have accomplished the actions required for compliance with this AD before the effective date of this AD, no further action is necessary. No change is necessary to this AD in this regard.

Conclusion

This product has been approved by the aviation authority of another country and is 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 reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the second SNPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF-2022-04 specifies procedures for inspecting for paint on the lightning diverter strips on the nose radome, and replacing the nose radome if the lightning diverter strips are painted.

The FAA also reviewed SB BD500-538009, Issue 002. This material specifies procedures for inspecting for paint on the lightning diverter strips on the nose radome, and replacing and painting the nose radome if the lightning diverter strips are painted.

The FAA also reviewed ASRP Task BD500-A-J53-81-80-01AAA-664A-A. This material describes procedures for repair of the nose radome by replacing the lightning diverter strips with new, unpainted diverter strips.

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.

Costs of Compliance

The FAA estimates that this AD affects 7 airplanes of U.S. registry. The

FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
6 work-hours × \$85 per hour = \$510	\$0*	\$510	\$3,570

* The FAA has received no definitive data on which to base the parts cost estimate for the nose radome replacement.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will 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 Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2025–02–06 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–22939; Docket No. FAA–2022–1650; Project Identifier MCAI–2022–00210–T.

(a) Effective Date

This airworthiness directive (AD) is effective April 9, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, with a nose radome having part number (P/N) C01204101–007 or P/N C01204101–009 and a serial number (S/N) S456997, S/N S570556, S/N S626945, S/N S866894, S/N T099675, S/N T471773, or S/N T595935.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report that the nose radome lightning diverter strips on certain aircraft were painted in production; paint on the diverter strips can compromise the nose radome lightning protection. The FAA is issuing this AD to address reduced effectiveness of the diverter strips, which can

lead to the puncture of the nose radome by lightning and potential arc attachment to antennas, structures, and other equipment in the area of the nose radome. The unsafe condition, if not addressed, could result in damage to the localizer or glideslope antennas, and consequent loss of instrument landing system localizer inputs or deviation information.

(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, Transport Canada AD CF–2022–04, dated February 14, 2022 (Transport Canada AD CF–2022–04).

(h) Exceptions to Transport Canada AD CF–2022–04

(1) Where Transport Canada AD CF–2022–04 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2022–04 specifies removing and installing a nose radome using certain aircraft maintenance publication data modules, this AD also allows accomplishing those actions in accordance with Airbus Canada Limited Partnership A220 Service Bulletin BD500–538009, Issue 002, dated June 2, 2022, with the exception that the painting of the nose radome can be accomplished prior to installation, and that the following nose radome assembly part numbers may be used: P/N C01204101–003, P/N C01204101–005, P/N C01204101–007, P/N C01204101–009, and P/N C01204101–011.

(3) Where Transport Canada AD CF–2022–04 specifies removing and installing a nose radome using certain aircraft maintenance publication data modules, this AD also allows repairing nose radomes by replacing the lightning diverter strips with new, unpainted lightning diverter strips, in accordance with (Airbus Canada Limited Partnership) A220 (Aircraft Structure Repair Publication (ASRP)) Task BD500–A–J53–81–80–01AAA–664A–A, Issue 004, dated January 17, 2024.

(4) Where Airbus Canada Limited Partnership A220 Service Bulletin BD500–538009, Issue 002, dated June 2, 2022, specifies to remove and discard the nose radome, this AD allows repairing removed nose radomes by replacing the lightning diverter strips with new, unpainted lightning

diverter strips, in accordance with (Airbus Canada Limited Partnership) A220 (ASRP) Task BD500-A-J53-81-80-01AAA-664A-A, Issue 004, dated January 17, 2024.

(i) Parts Installation Limitation

As of the effective date of this AD, no person may install, on any airplane, a nose radome having P/N C01204101-007 or P/N C01204101-009 and a S/N S456997, S/N S570556, S/N S626945, S/N S866894, S/N T099675, S/N T471773, or S/N T595935 unless the actions required by paragraph (g) of this AD have been accomplished on the nose radome.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Canada Limited Partnership A220 Service Bulletin BD500-538009, Issue 001, dated May 9, 2022.

(k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, AIR-520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the address identified in paragraph (l)(1) of this AD. Information may be emailed 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, AIR-520, Continued Operational Safety Branch, FAA; or Transport Canada; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraph (k)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Additional Information

(1) For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite

410, Westbury, NY 11590; telephone 516-228-7300; email 9-avs-nyaco-cos@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) of this AD.

(m) 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) (Airbus Canada Limited Partnership) A220 (Aircraft Structure Repair Publication) Task BD500-A-J53-81-80-01AAA-664A-A, Issue 004, dated January 17, 2024.

(ii) Airbus Canada Limited Partnership A220 Service Bulletin BD500-538009, Issue 002, dated June 2, 2022.

(iii) Transport Canada AD CF-2022-04, dated February 14, 2022.

(3) For Airbus Canada Limited Partnership material identified in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec, J7N 3C6, Canada; telephone 450-476-7676; email a220_crc@abc.airbus; website a220world.airbus.com.

(4) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca; website tc.canada.ca/en/aviation.

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

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

Issued on January 17, 2025.

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

[FR Doc. 2025-03548 Filed 3-4-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2024-2530; Airspace
Docket No. 24-ASO-33]

RIN 2120-AA66

**Amendment of Class E Airspace;
Ahoskie, NC**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Ahoskie, NC, by adding airspace for ECU Health Roanoke Chowan Heliport, Ahoskie, NC, to accommodate new instrument approach procedures. This action also amends the airport information for Tri-County at Henry Joyner Field Airport by updating the airport name and coordinates. Additionally, this action brings the Ahoskie Class E airspace into compliance with FAA orders. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this heliport.

DATES: Effective 0901 UTC, April 17, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use

of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends Class E airspace extending upward from 700 feet above the surface in Ahoskie, NC.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2024–2530 in the **Federal Register** (89 FR 93530; November 27, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for ECU Health Roanoke Chowan Heliport, Ahoskie, NC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

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

The Rule

This amendment to 14 CFR part 71 amends Class E airspace by adding airspace extending upward from 700 feet above the surface within a 6-mile radius of ECU Health Roanoke Chowan Heliport, Ahoskie, NC. This action provides the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedure for instrument flight rules (IFR) operations at the heliport. This action also corrects the coordinates and airport name for Tri-County at Henry Joyner Field Airport. Additionally, this action removes the city associated with the airport in the airspace legal description to comply with changes to FAA Order JO 7400.2P, Procedures for Handling Airspace Matters. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO NC E5 Ahoskie, NC [Amended]

Tri-County at Henry Joyner Field Airport, NC (Lat. 36°17'51" N, long. 77°10'15" W)
ECU Health Roanoke Chowan Heliport, NC (Lat. 36°17'5" N, long. 76°59'44" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tri-County at Henry Joyner Field Airport and within a 6-mile radius of ECU Health Roanoke Chowan Heliport.

* * * * *

Issued in College Park, Georgia, on February 28, 2025.

Patrick Young,

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

[FR Doc. 2025–03533 Filed 3–4–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1707; Airspace Docket No. 24–ASW–4]

RIN 2120–AA66

Amendment of VOR Federal Airways V–68, V–76, V–212, V–222, and V–558, and United States Area Navigation Route T–220 in the Vicinity of Industry, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, delay of effective date.

SUMMARY: This action delays the effective date of the final rule published in the **Federal Register** on January 16, 2025 amending Very High Frequency Omnidirectional Range (VOR) Federal Airways V–68, V–212, and V–222, and United States Area Navigation (RNAV) Route T–220; and revoking VOR Federal Airway V–558. This is the second delay of the original effective date for this final rule published in the **Federal Register** on December 9, 2024. The FAA is delaying the effective date to allow sufficient time for completing the redesign and flight inspection of a Standard Terminal Arrival Route (STAR) instrument procedure into George Bush Intercontinental/Houston Airport, TX, that failed the initial and follow-up flight inspections.

DATES: The effective date of the final rule published on January 16, 2025, (90 FR 4612) is delayed to August 7, 2025. The Director of the Federal Register approved this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA

Order JO 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

The FAA published a final rule for Docket No. FAA-2024-1707 in the **Federal Register** (89 FR 97510; December 9, 2024), amending VOR Federal Airways V-68, V-212, and V-222, and United States RNAV Route T-220; and revoking VOR Federal Airway V-558 due to the planned decommissioning of the VOR portion of the Industry, TX, VORTAC NAVAID. Amendment of V-76 was removed from the docket action in the final rule. The effective date for that final rule was February 20, 2025. After the final rule was published, two STAR instrument procedures, one into George Bush Intercontinental/Houston Airport and one into San Antonio International Airport, failed required flight inspections. The FAA determined that the required update and flight inspection actions for the two failed STAR instrument procedures could not be completed in time to meet the original planned decommissioning date. As a result, the existing STARS remained in place until the next chart date and on January 16, 2025 (90 FR 4612), the final rule effective date was delayed from February 20, 2025, to April 17, 2025.

The two STAR instrument procedures that failed the initial flight inspections were updated and flight inspected a second time in preparation of meeting the April 17, 2025, effective date for amending and revoking the Air Traffic Service (ATS) routes affected by the planned decommissioning of the Industry, TX, VOR. The STAR into San Antonio International Airport passed the second flight inspection, but the STAR into George Bush Intercontinental/Houston Airport failed the second inspection. Therefore, the existing STARS need to remain in place until the STAR into George Bush Intercontinental/Houston Airport can be redesigned and flight inspected.

The FAA expects the required redesign and flight inspection for the STAR into George Bush Intercontinental/Houston Airport to be completed to meet an August 7, 2025, effective date. Therefore, the effective date of this final rule amending VOR Federal Airways V-68, V-212, and V-

222, and United States RNAV Route T-220; and revoking VOR Federal Airway V-558 is delayed further to coincide with that date.

VOR Federal Airways are published in paragraph 6010(a) and United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Good Cause for No Notice and Comment

Section 553(b)(3)(B) of Title 5, United States Code, (the Administrative Procedure Act) authorizes agencies to dispense with notice and comment procedures for rules when the agency for “good cause” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking. The FAA finds that prior notice and public comment to this final rule is unnecessary due to the brief length of the extension of the effective date and the fact that there is no substantive change to the rule.

Delay of Effective Date

■ Accordingly, pursuant to the authority delegated to me, the effective date of the final rule for Airspace Docket 24-ASW-4, as published in the **Federal Register** on December 9, 2024 (89 FR 97510), FR Doc. 2024-28750, and of the final rule, delay of effective date as published in the **Federal Register** on January 16, 2025 (90 FR 4612), FR Doc. 2025-00732, are hereby delayed until August 7, 2025.

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

Issued in Washington, DC, on February 27, 2025.

Brian Eric Konie,

Manager (A), Rules and Regulations Group.

[FR Doc. 2025-03482 Filed 3-4-25; 8:45 am]

BILLING CODE 4910-13-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-OLEM-2022-0733; EPA-HQ-OLEM-2023-0602; EPA-HQ-OLEM-2024-0294; EPA-HQ-OLEM-2024-0326; FRL-12112-02-OLEM]

Deletion From the National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of one site and partial deletion of three sites from the Superfund National Priorities List (NPL). The NPL, created under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the States, through their designated State agencies, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: The document is effective March 5, 2025.

ADDRESSES: *Docket:* EPA has established a docket for this action under the Docket Identification included in Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. All documents in the docket are listed on the <https://www.regulations.gov> website. The Final Close-Out Report (FCOR, for a full site deletion) or the Partial Deletion Justification (PDJ, for a partial site deletion) is the primary document which summarizes site information to support the deletion. It is typically written for a broad, non-technical audience and this document is included in the deletion docket for each of the sites in this rulemaking. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Docket materials are available through <https://www.regulations.gov> or at the corresponding Regional Records Centers. Locations, addresses, and phone numbers of the Regional Records Center follows.

- Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4308.

- Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street SW, Mail code 9T25, Atlanta, GA 30303.

- Region 9 (AZ, CA, HI, NV, GU, AS, MP), U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105; 415/947–8000.

- EPA Headquarters Docket Center Reading Room (deletion dockets for all States), William Jefferson Clinton (WJC) West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004, (202) 566–1744.

EPA staff listed below in the **FOR FURTHER INFORMATION CONTACT** section may assist the public in answering inquiries about deleted sites, accessing deletion support documentation, and determining whether there are additional physical deletion dockets available.

FOR FURTHER INFORMATION CONTACT:

- Mabel Garcia, U.S. EPA Region 2 (NJ, NY, PR, VI), *garcia.mabel@epa.gov*, 212/637–4356.

- Alayna Famble, U.S. EPA Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), *famble.alayna@epa.gov*, 470/445–0744.

- Anhtu Nguyen, U.S. EPA Region 9 (AZ, CA, HI, NV, GU, AS, MP), *nguyen.anhtu@epa.gov*, 415/972–3443.

- Charles Sands, U.S. EPA Headquarters, *sands.charles@epa.gov*, 202/566–1142.

SUPPLEMENTARY INFORMATION: The NPL, created under section 105 of CERCLA, as amended, is an appendix of the NCP. The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. Partial deletion of sites is in accordance with 40 CFR 300.425(e) and are consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60

FR 55466, (November 1, 1995). The sites to be deleted are listed in Table 1, including docket information containing reference documents with the rationale and data principally relied upon by the EPA to determine that the Superfund response is complete. The NCP permits activities to occur at a deleted site, or that media or parcel of a partially deleted site, including operation and maintenance of the remedy, monitoring, and five-year reviews. These activities for the site are entered in Table 1 in this **SUPPLEMENTARY INFORMATION** section, if applicable, under Footnote such that; 1 = site has continued operation and maintenance of the remedy, 2 = site receives continued monitoring, and 3 = site five-year reviews are conducted. As described in 40 CFR 300.425(e)(3) of the NCP, a site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions warrant such actions.

TABLE 1

Site name	City/county, state	Type	Docket No.	Footnote
Del Amo	Los Angeles, CA	Partial	EPA-HQ-OLEM-2022-0733	1, 3
Mercury Refining, Inc	Colonie, NY	Full	EPA-HQ-OLEM-2023-0602	1, 2, 3
Lawrence Aviation Industries, Inc	Port Jefferson Station, NY.	Partial	EPA-HQ-OLEM-2024-0294	1, 2, 3
Redstone Arsenal (USARMY/NASA)	Huntsville, AL	Partial	EPA-HQ-OLEM-2024-0594	1, 3

Information concerning the sites to be deleted and partially deleted from the NPL, and the proposed rule for the

deletion and partial deletion of the sites, are included in Table 2.

TABLE 2

Site name	Date, proposed rule	FR citation	Public comment	Responsiveness summary	Full site deletion (full) or media/parcels/description for partial deletion
Del Amo	8/16/2024	89 FR 66665	Yes	Yes	Ten parcels and one road section located in Operable Unit 1.
Mercury Refining, Inc	8/16/2024	89 FR 66665	No	No	Full. 125-acre land/soils portion of the Site and all groundwater not included in Figure 2 of the PDJ, which shows the remaining groundwater plume.
Lawrence Aviation Industries, Inc.	8/16/2024	89 FR 66665	No	No	
Redstone Arsenal (USARMY/NASA).	8/16/2024	89 FR 66665	No	No	Soils and sediments from Operable Unit 8.

For the sites proposed for deletion, the closing date for comments in the proposed rule was September 16, 2024. The EPA extended the public comment period for the proposed partial deletion of the Del Amo site until November 16, 2024. The EPA received five submissions for the Del Amo site, each with multiple comments. The EPA received no public comment for any of the other three sites in this final rule. The EPA prepared a Responsiveness

Summary to address public comment for the Del Amo site partial deletion. The EPA placed the public submissions with comments and Responsiveness Summary for the Del Amo site in the docket specified in Table 1, on <https://www.regulations.gov>, and in the appropriate Regional Records Center listed in the **ADDRESSES** section.

Commenters for the Del Amo site expressed concerns that portions of the site proposed for deletion still contain

contamination. The EPA believes the portions of the site proposed for deletion from the NPL does not contain contamination exceeding residential risk screening levels, and the EPA is proposing to delete only the portions of the site where all appropriate response actions are completed, and cleanup goals met. The EPA clarified which areas are included in the proposed deletion, whether the areas included in the area proposed for deletion were

studied during the Remedial Investigation, and what work was performed at those portions of the site to clean them up. Other commenters expressed concern about groundwater contamination and operating groundwater remedies. The EPA wants to make clear that the proposed partial deletion will have no effect on the groundwater remedy, which is part of the Dual Site Groundwater Operable Unit for the Montrose Chemical and Del Amo Superfund Sites. The proposed partial deletion includes surface and subsurface soils, but not groundwater, for specified areas of Operable Unit 1 of the Del Amo site. Commenters requested information about how the Building Permit Review Institutional Control Layer 2 (Building Permit Review) works and expressed concern about how the EPA will protect against contaminated dust from the soil in the deleted parcels during construction and redevelopment. The EPA explained Institutional Control Layer 2 (Building Permit Review) creates a process where building permits applications are reviewed by the Del Amo Environmental Review Team, who then prepares and submits a Screening Evaluation Summary Report. The Screening Evaluation Summary Report, which is reviewed and approved by the EPA, includes an evaluation of the potential for exposure to impacted material during performance of the construction project based on existing environmental data, locations and documented historic information concerning types of former rubber plant facilities and their operation, and findings from previously issued reports, as well as recommendations for mitigating risks as applicable.

Commenters also expressed concerns that the Institutional Controls are insufficient to protect trench workers who may encounter contaminated soil at depth in the deleted portions of the Site. The EPA has investigated concentrations of chemicals of concern within the soil in the site area proposed for deletion and determined that concentrations of the chemicals of concern within the soil do not present a risk to human health or the environment under a residential use or worker scenario. In addition, out of an abundance of caution, Institutional Control Layers 1 and 2 will remain in place following the partial deletion. Keeping them in place helps ensure current and future owners and tenants are aware of the site's history. All these comments were carefully considered in the EPA's final decision to delete a portion of the Del Amo Site from the NPL. The EPA is proceeding with the partial deletion action as originally proposed.

Thus, the EPA concluded the deletion criteria for all four sites were met and documented in the specified dockets, and that the specified deletion actions from the NPL can proceed.

The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 7, 2025.

Larry Douchand,

Office Director, Office of Superfund Remediation and Technology Innovation.

For reasons set out in the preamble, the EPA amends 40 CFR part 300 as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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

Authority: 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 mp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. In Appendix B to part 300 amend Table 1 by:

■ a. Revising the entry for “CA”, “Del Amo”, “Los Angeles”.

■ b. Revising the entry for “NY”, “Lawrence Aviation Industries, Inc.”, “Port Jefferson Station”.

■ c. Removing the entry for “NY”, “Mercury Refining, Inc”, “Colonie”.

The revisions read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes (a)
CA	Del Amo	Los Angeles	P
NY	Lawrence Aviation, Inc	Port Jefferson Station	P

* P = Sites with partial deletion(s).

COUNCIL ON ENVIRONMENTAL QUALITY**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

[CEQ-2025-0002]

RIN 0331-AA10

Removal of National Environmental Policy Act Implementing Regulations*Correction*

In rule document 2025-03014, appearing on pages 10610 through 10616 in the issue of Tuesday, February 25, 2025, make the following correction:

On page 10611, in the first column, in the eleventh line from the bottom, “April 11, 2025” is corrected to read “March 27, 2025”.

[FR Doc. C1-2025-03014 Filed 3-4-25; 8:45 am]

BILLING CODE 0099-10-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 54**

[Connect America Fund et al.; WC Docket Nos. 10-90, 18-143, 19-126; AU Docket No. 20-34; DA 25-32; FR ID 280111]

Broadband Serviceable Location Fabric**AGENCY:** Federal Communications Commission.**ACTION:** Final action.

SUMMARY: The Wireline Competition Bureau (WCB or the Bureau) adopts the Broadband Serviceable Location Fabric (Fabric), the most up-to-date and comprehensive source for identifying broadband serviceable locations (BSLs), as the basis it will rely on for generally verifying compliance with high-cost program deployment obligations and for adjusting the location obligations for certain high-cost support mechanisms.

DATES: Effective April 4, 2025.

FOR FURTHER INFORMATION CONTACT: For further information, please contact, Heidi Lankau, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, at Heidi.Lankau@fcc.gov or 202-418-7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau’s Order (*Order*) in WC Docket Nos. 10-90, 18-143, 19-126 and AU Docket No. 20-34; DA 25-32, adopted and released on January 10, 2025. The full text of this document is available at the following internet address: <https://www.fcc.gov/document/wcb-adopts-use-fabric-update-and-verify-high-cost-obligations>.

Synopsis

The Bureau adopts its proposal to use the Fabric as the data source to verify compliance with deployment obligations for high-cost support mechanisms when the Bureau conducts compliance reviews. The Bureau also adopts specific procedures related to location total adjustments for the Rural Digital Opportunity Fund (RDOF), Alternative Connect America Cost Model (A-CAM) I, Revised A-CAM I, A-CAM II, the Bringing Puerto Rico Together (PR) Fund, and the Connect USVI Fund. The Bureau adopts processes and policies for implementing the RDOF location readjustment process prior to the six-year RDOF service milestone that will maximize the number of consumers served through RDOF support, and also leverage existing Federal Communications Commission (FCC or Commission) processes to implement streamlined location adjustment procedures for the PR Fund, the Connect USVI Fund, A-CAM I, Revised A-CAM I, and A-CAM II carriers. The Bureau’s decision to rely on the Fabric for these purposes is an important step towards improving accuracy, oversight, and accountability for the Bureau’s high-cost support mechanisms.

Use of the Fabric. The Bureau adopts its proposal to use the Fabric to identify the actual number of residential and small business units in each relevant high-cost support recipient’s service area, *i.e.*, the number of high cost-eligible locations. Many commenters supported using the Fabric to revise and verify deployment obligations. However, some commenters suggested that the accuracy of and process for challenging the Fabric should be improved before the Commission relies on the Fabric for verifying compliance with high-cost obligations. The Bureau disagrees. The Fabric is the most accurate and granular dataset of BSLs the Bureau has available to date. Moreover, as Congress intended in the Broadband DATA Act, the Fabric is an iterative dataset that will continue to improve through stakeholder participation in the challenge process, updates to the underlying sources of data, and improvements to the model used to generate the Fabric. No commenters suggested that any other dataset would be more comprehensive or up-to-date than the Fabric. Moreover, using a different data source could jeopardize the Bureau’s efforts through interagency coordination to minimize duplicative Federal funding for broadband given that other agencies rely

on Fabric data to identify potential overlaps in funding.

The Commission continues its work to balance the stability of the Fabric with the need to make updates that account for new inputs and improvements in the quality of the data. First, the Fabric remains stable and has become increasingly more stable with each release. Overall, 108 million BSLs from the original (June 2022) Fabric—or over 95% of the original BSLs—remain in the June 2024 Fabric version. The Fabric remains the most accurate picture of BSLs the Bureau has available to date. Delaying the Bureau’s alignment of high-cost funding support with Fabric locations is not in the public interest because it would risk delaying deployments, leaving locations unconnected, and increase the potential for duplicative funding.

The challenge process is a critical part of ensuring the Fabric provides an accurate dataset of BSLs. Since the first version of the Fabric, the Commission has received a number of high-quality challenges that have improved the accuracy of the Fabric. For example, the Bureau has received over 2 million challenges to add a new location that hits the footprint of a BSL that was already in the Fabric. These challenges might have been intended to change an address or make some other change to the data associated with a BSL, but the challenges filed indicated that the Bureau should add a new BSL. The Commission is committed to ensuring that providers and challengers understand the challenge process to continue the submission of high-quality challenges to ensure the accuracy of the Fabric.

Some commenters have provided anecdotal examples of unsuccessful challenges that they suggest show the challenge process needs improvement before the Commission can rely on the Fabric. For example, the National Rural Electric Cooperative Association (NRECA) claims a member cooperative “submitted a location challenge specifying about 5,000 locations that should be BSLs . . . but CostQuest accepted only about 700 of the locations as valid BSLs.” Because NRECA’s comments do not provide enough information to identify the provider that had problems with the Fabric challenge process, the Bureau is not able to specifically identify the reason for the provider’s low success rate for its challenges. Nevertheless, the Bureau notes that NRECA acknowledges the

low success rate may be because the data used by the provider to support its challenges do not meet the Commission's requirements for a BSL, and that, in fact, the Fabric may already contain a BSL for the challenged locations. The Bureau, therefore, disagrees with commenters who argue that low-quality Fabric challenges, which resulted in rejections, are a reflection of the difficulty of the challenge process and should delay the application of the Fabric to high-cost deployment obligations.

Commission staff have taken a number of steps to ensure that providers understand Fabric challenge outcomes and to address provider concerns about the Fabric challenge process. The Commission also continues to make improvements to the challenge process based on stakeholder feedback and lessons learned. Fabric challenges are focused on which locations are BSLs, and are resolved by the Commission's Fabric contractor, CostQuest, based on guidance from Commission staff. When providers file a Fabric challenge, the Broadband Data Collection (BDC) system notifies them of the challenge outcome. When providers have made the Commission aware of concerns related to their Fabric challenge results, the Bureau has worked closely with the provider and CostQuest, to review their submissions and to identify opportunities for improvements to the Bureau's modeling or other elements of the Fabric creation and challenge review processes. Consistent with the requirements of the Broadband DATA Act, the Fabric is updated twice per year and, as a result, the final adjudication for certain types of Fabric challenges, such as requests to add or remove a location, can only be completed shortly before the release of the updated version of the Fabric. The Bureau has begun to provide certain types of Fabric challenge results earlier in the process, generally within weeks of the challenge being submitted. The Bureau believes providing results to challengers closer to the time of submission will allow them to better review their results and either resubmit a different type of Fabric challenge or to raise concerns with FCC staff about their challenge results.

Adjustments. In identifying the eligible locations that are relevant to a high-cost support recipient's service area, the Bureau adopts its proposal to exclude group quarters locations, which are currently included as BSLs in the Fabric, from revised location totals to remain consistent with our previous guidance to exclude such locations from our high-cost support mechanism location counts. Although the Coalition

of RDOF Winners (RDOF Winners) suggested that the Bureau should include group quarters when recalculating location totals, model-based support amounts have been calculated excluding group quarters, and carriers that participated in competitive bidding may have relied on the fact that they did not have to serve group quarters when determining how much support they would need to meet their obligations. Moreover, carriers have likely relied on the guidance provided by WCB to plan their deployments. While there is a potential for some confusion given that the Fabric includes group quarters as BSLs, the Bureau notes that the Fabric has a unique building type code for group quarters locations. Ultimately, the Bureau finds on balance that the risk of disruption to ongoing deployment if the guidance changed to require funded carriers to serve group quarters strongly outweighs the potential for confusion.

The Bureau also adopts its proposal that if a portion of a parcel is inside an eligible census block, but the BSL structure located on the parcel falls outside of the census block, the BSL will not be counted towards a support recipient's location total, consistent with the Bureau's other high-cost support mechanisms, subject to any modifications that may be made to account for the 7.6-meter buffer it describes in the following. No commenters opposed this proposal, and the Bureau expects adopting this approach will provide further clarity to providers regarding which locations they will be required to serve as they complete their deployments. Additionally, the Bureau reiterates its plan to overlay 2010 census blocks on the Fabric to determine updated location counts. Commenters did not identify any issues with this approach and explained that they have relied on 2010 census blocks in planning their deployments so that any changes in this approach "would materially alter the foundation of their participation" in high-cost support mechanisms and "have the potential to disrupt planning or construction activities that are in progress or have already occurred."

Consistency with HUBB Submissions. In the *High-Cost Fabric Public Notice*, 89 FR 11239, February 14, 2024, the Bureau explained that it expects high-cost support recipients to review the data they submit into the High Cost Universal Broadband portal (HUBB) and as part of their BDC reporting to identify any inconsistencies between the datasets. The Bureau also explained that if a support recipient identifies a mismatch between its two datasets, it

can take one of the following steps to address the mismatch: (1) remove the location from its HUBB submission or modify the attributes of its HUBB submitted location(s) to better align with its BDC submissions, or (2) submit a Fabric challenge through the National Broadband Map or the BDC system to the extent a support recipient believes the Fabric is not accurate.

Consistent with the Bureau's use of the Fabric for verifying CAF BLS carriers' claims that they have served 100% of the locations in their service areas, it also anticipates incorporating the Fabric as part of its compliance reviews to verify high-cost carriers' reporting in the HUBB and claims that they have met their service milestones. Specifically, if a carrier claims to have met its service milestones, but the Bureau identifies material inconsistencies between data collected through the BDC and data that the carrier has filed in the HUBB, it anticipates investigating those discrepancies as part of the Bureau's compliance reviews. This will help with consistency between the data being reported by carriers in the HUBB and the carriers' BDC filings and ensure the Commission and other agencies relying on the Fabric and BDC as directed by Congress will have an accurate understanding of the broadband deployment supported by high-cost programs. This process will also give carriers the opportunity to explain any discrepancies between their HUBB reporting and the Fabric, and the data collected by the BDC that they have been unable to correct, which may result in improvements in both data sets. While the Bureau acknowledges that reconciling the data sets may require a significant effort for both carriers and Commission staff, such efforts are crucial to ensuring that all agencies that offer funding for broadband have available the most accurate broadband availability and funding data possible by which to make funding decisions. Moreover, such efforts are consistent with the Commission's obligation to be a responsible steward of the public's funds. If there are material inconsistencies between a carrier's HUBB reporting and the Fabric, it may call into question the accuracy of a carrier's HUBB reporting and whether the carrier has actually met its service milestones.

In conducting these compliance reviews and when verifying that A-CAM I, Revised A-CAM I, and A-CAM II recipients have served the required number of locations, the Bureau will account for the 7.6 meter buffer that the

HUBB incorporates—*i.e.*, if a carrier reports deployment to a location that is within 7.6 meters of an eligible census block boundary, the HUBB will consider those locations to be within the eligible census block even if they are not technically within the census block. Accordingly, carriers may have been reporting in the HUBB having served locations that the Fabric does not include within the relevant eligible census blocks. Because A–CAM I, Revised A–CAM I, and A–CAM II carriers' deployment obligations will remain area-based—*i.e.*, they must serve a set number of locations within the eligible census blocks—the Bureau will cross-reference the Fabric with the HUBB data and to the extent such an A–CAM carrier reports serving a location that is technically outside the census block but is accepted for filing in the HUBB, that carrier can count that location towards the number of locations it is required to serve. As the Bureau explains in the following, for RDOF, the PR Fund, and the Connect USVI Fund, the Bureau will be generating a list of locations in the carriers' service areas that they are required to serve—transitioning from an area-based obligation to a location-based obligation. The Bureau also will account for the buffer when reconciling inconsistencies between all carriers' HUBB reporting and data reported in the BDC.

As directed by the Commission, the Bureau adopts a process to implement the Commission's framework for adjusting required location totals based on the Fabric. Specifically, the Bureau determines the timing for when the Bureau will announce new location totals, adopt a methodology for adjusting support in certain circumstances where there are significantly more or fewer locations in a service area than estimated by the Connect America Cost Model (CAM), adopts standards it should use for waivers, describes the process for determining whether requests for service are reasonable, and determines how the Bureau will apply the framework to support recipients that have multiple performance tiers associated with their winning bids.

Given the Commission's direction that WCB adopt revised location totals by the end of the sixth calendar year of a RDOF provider's support term, the Bureau will announce revised location totals for each support recipient within a reasonable time after the Fabric version used for the BDC collection as of December 31, 2026 (*i.e.*, December 2026 Fabric) is made available to licensees. The Commission typically

releases a version of the Fabric to licensees approximately every six months, in June and December. The Bureau expects that using the December 2026 Fabric would provide sufficient time for WCB to recalculate location totals prior to December 31, 2027, which is the sixth-year service milestone for RDOF support recipients authorized in 2021. While this deviates from the Bureau's original proposal to use the June 2027 version of the Fabric, it decided that there are administrative benefits to using a version of the Fabric that will be available to the Commission and the licensees at the start of 2027 so that WCB can adopt revised location totals earlier on in the year and give carriers plenty of advance notice regarding the locations they will be required to serve prior to the six year deployment milestone for carriers authorized in 2021. The Bureau finds these benefits outweigh any disadvantages of using an earlier version of the Fabric. The Bureau also believes this approach appropriately balances its objectives of ensuring that the revised location totals are based on up-to-date location data, including resolved challenges, and also giving support recipients notice of their revised location totals prior to the sixth-year service milestone. Because carriers are being given several years notice regarding the version of the Fabric that will be used to determine the revised location totals and existing licensees will have access to earlier versions of the Fabric prior to December 2026, they will have time to submit any Fabric challenges, in 2025 and 2026, and have those challenges resolved in time for the Bureau to adopt location totals. Carriers are on notice that any outstanding or pending challenges that were filed but not incorporated in the December 2026 Fabric will not be considered for determining the final deployment obligation. Accordingly, any carrier that would like to challenge the Fabric should file challenges to the versions of the Fabric released to licensees every six months between December 2024 and June 2026.

Once the Bureau has adopted revised location totals, the specific BSLs that are included in this total will be the locations that the RDOF carrier is required to serve. That is, the Bureau will transition from monitoring compliance with RDOF deployment obligations on an area basis—*i.e.*, all locations in the eligible location census block—to a location-list basis, and the Bureau notes that the RDOF carrier must also serve any newly built locations upon reasonable request in the eligible

census blocks subject to limited exceptions. As a result, RDOF carriers will transition to reporting Location IDs in their HUBB filings.

Rather than release preliminary lists of the BSLs that each RDOF carrier will be required to serve for informational purposes with each release of the Fabric prior to adopting revised location totals, the Bureau will rely on licensees to overlay their RDOF service areas on the latest version of the Fabric. Some commenters suggested that it would be useful for carriers, including small carriers that may not have the resources to frequently monitor and analyze the Fabric, to have such information in advance so that they can incorporate any changes to their deployment plans. The Bureau concludes that because RDOF carriers have access to the tools needed to determine this information, it is not necessary for Commission staff to take on the administrative burden of separately generating location lists for carriers with each release of the Fabric. All carriers should already be familiar with how to determine which Fabric locations are in their service areas, as they are required to report their availability data to these locations through the BDC. Additionally, the Bureau expects to provide resources as part of carriers' HUBB reporting to assist in this effort. Accordingly, the Bureau does not expect that requiring RDOF carriers to monitor changes in the Fabric will impose significant additional operational or administrative costs, or require carriers, including small carriers, to hire additional attorneys, engineers, consultants, or other professionals beyond those they have already hired to aid in compliance with existing requirements.

The Bureau also adopts its proposal to announce revised location totals for all RDOF support recipients at the same time, rather than waiting for the following year to adopt revised location totals for support recipients authorized in 2022 and 2023. Such an approach means that locations built after the Bureau announces revised location totals will not be included in the new totals and that support recipients authorized in 2022 and 2023 will have an extra year to meet their eighth year service milestone if they have newly identified locations when compared to those authorized in 2021. NCTA—The internet & Television Association (NCTA) supported this approach, and no commenter indicated it disagreed with the Bureau's expectation that the benefits of the administrative efficiency of determining and announcing all revised location totals at once will outweigh any potential concerns this

approach may raise, particularly given that any locations built after the revised location totals and prior to the end of the eighth year of support will be subject to the requirement that the support recipient serve the location upon reasonable request subject to some limited exceptions.

For RDOF support recipients that must deploy to additional locations once WCB announces revised location totals, the Bureau adopts its proposal with a minor modification: the Bureau will increase support on a pro rata basis for each location over the 35% threshold based on the average support amount per location. In adopting this approach, the Bureau agrees with commenters that using the original CAM-estimated location total to determine an average cost per location will better approximate the costs attributed to the extra locations than the smaller amount of support that would result if it were to use the new location total to calculate the average cost per location.

The Bureau concludes that this approach will be an administratively feasible way to provide certainty to carriers regarding the support they will receive if more locations than originally estimated (more than 35%) are identified in their service areas and ensure the additional locations are served in a timely matter. No commenters supported the other alternatives the Bureau sought comment on, such as requiring a more burdensome case-by-case waiver approach that could potentially strand locations without service and access to other funding programs, or providing more time to serve locations which would delay broadband to these areas.

The Bureau disagrees with commenters that suggest it should provide support to carriers for every location that exceeds their original estimated location total or that it should provide extra support for such locations to carriers that demonstrate good cause. First, the Rural Electric Cooperatives Providing Broadband's (RECPB) request that the Bureau "abandon" the 35% threshold is an untimely petition for reconsideration of the Commission's decision to adopt this threshold. Second, all carriers bid in the auction with the understanding that they would not receive extra support unless their new location total exceeded the 35% threshold and were required to conduct due diligence to ensure they could meet their RDOF obligations based on the rules the Commission adopted at the time of the auction. Even if the Bureau were to consider the arguments, they are not persuasive because carriers should

have factored in their anticipated subscriber revenue and conducted due diligence to determine if the model estimated location total varied significantly from conditions on the ground.

For the same reasons, the Bureau also disagrees with the suggestion that it adopts a *de minimis* standard that would not require RDOF providers to serve additional locations if there were 1,000 or fewer additional locations identified in the carrier's service area. Such an approach would undermine the Commission's goal of maximizing service to RDOF areas and would be at odds with the Commission's requirement that RDOF carriers serve 100% of locations subject to only very limited exceptions. Further, it is possible that such locations would be undesirable for other service providers to serve, particularly if they are sprinkled throughout a RDOF carrier's service area and have been prevented from receiving other funding due to the RDOF carrier's enforceable buildout commitment for a number of years.

The Commission adopted a more targeted approach of permitting support recipients to seek to exclude additional locations, beyond the number identified by the CAM, that it determines are ineligible, unreasonable to deploy to, or part of a development newly built after year 6 for which the cost and/or time to deploy would be unreasonable. The Bureau adopts its proposal to require that any carrier seeking to have its new location total adjusted to remove locations it claims are ineligible—*i.e.*, they are not housing units or small businesses to which mass market internet access services will be made available—must first successfully challenge the location through the BDC's Fabric challenge process. NCTA supports this approach, and no parties indicated disagreement with the Bureau's rationale that this approach would enable it to conserve administrative resources by leveraging the Commission's existing process and would also help to maintain consistency between the Fabric and the support recipient's obligations.

For locations that a carrier believes are unreasonable to serve, the Bureau must balance the Commission's goal of maximizing RDOF support to serve as many consumers and small businesses as possible with potential burdens on RDOF recipients. Accordingly, the Bureau declines to adopt specific criteria or presumptions at this point for defining what constitutes a location that is unreasonable to serve. The Bureau agrees that certain factors raised in the record, such as whether the property

owner refuses to allow a provider to obtain access to land that is needed to construct the network, how far away the location is from the existing network footprint, terrain issues, the marginal cost to deploy to the location as compared to revenues, and whether a location has been deemed extremely high-cost by the state for the BEAD program, are all factors that may be relevant to determining whether a location is unreasonable to serve. As part of this inquiry, the Bureau will also consider whether a carrier conducted the required due diligence prior to bidding to ensure it was bidding for enough support to meet its RDOF obligations.

Because each RDOF carrier will be uniquely situated depending on the number of locations it will serve, the technologies it plans to use, the amount of support it has been authorized to receive, the terrain in its service area, and other factors that may impact the ability of a RDOF carrier to serve certain locations, the Bureau concludes that it would be best to examine each situation on a case-by-case basis. Otherwise, the Bureau could potentially strand locations without broadband that would be otherwise reasonable to serve based on the carrier's individual circumstances and/or if the carrier had conducted due diligence as required. Instead, a case-by-case approach will allow the Bureau to examine all relevant factors, including the enforceable buildout commitment preventing broadband funding for deployment by other Federal programs, and allow it to coordinate with other Federal, state, and local partners if the Bureau in fact does deem a location unreasonable to serve. While this approach may be more administratively burdensome for carriers and Commission staff and does not provide the certainty that stakeholders might prefer regarding the types of locations the Bureau will deem unreasonable to serve, it concludes that these concerns are outweighed by the importance of ensuring as many locations as possible have access to broadband service.

As the Bureau explained in the *High-Cost Fabric Public Notice*, it does not expect to routinely grant requests to exclude locations from a support recipient's new location total. Carriers were required to conduct due diligence prior to bidding to serve an area and had the opportunity to make business decisions about where they would bid and how much support they would bid for with the understanding that the Commission expected RDOF carriers to serve their entire service areas, including locations that may not be in

existence at the time of bidding. Accordingly, in determining whether a request is unreasonable, the Bureau will conduct a rigorous, thorough and searching review that (1) will include, but not be limited to, the consideration of all the factors discussed in this document and (2) will be comparable to a total company earnings review in which the Bureau will take into account not only all revenues derived from network facilities that are supported by universal service but also revenues derived from unregulated and unsupported services as well in determining whether it would be unreasonable for a company to serve a location. The Bureau may request additional information to assess a carrier's claim that a location is unreasonable to serve, and a failure to submit this additional information would result in the Bureau finding that the carrier has not demonstrated that it would be unreasonable to serve the location.

Once the Bureau has announced revised location totals in 2027, it will require carriers to submit any requests to remove locations from their revised location lists no later than six months after the date it announces the revised location totals. The Bureau expects carriers to be prepared for the revised location totals given the biannual Fabric updates, the requirement that they be familiar with the Fabric for BDC reporting, and their plans to meet their upcoming service milestones. No commenters provided specific suggestions for how long a carrier should have to notify the Bureau. The Bureau will set up a data collection system in which carriers should submit a request identifying the locations they claim are unreasonable to serve (*i.e.*, Fabric ID), the specific reasons why each location is unreasonable to serve, and evidence to support their claims. The Bureau may then request additional information from the carrier and other stakeholders to verify and assess the carrier's claims. Given that each determination will be made on a case-by-case basis, the Bureau is not able to adopt a set timeline for when it would be able to make determinations, but it anticipates that requiring carriers to notify the Bureau within six months of it announcing the revised location totals will give the Bureau sufficient time to make determinations prior to the end of the cure period for the eighth year service milestone and that any timing issues could be handled by waiver if there is a good cause to grant such a request.

The Bureau encourages all carriers that have more locations than estimated

in their service areas to file a location request with it as soon as it has set up the data collection system if they believe they can demonstrate there are locations in their service areas that are unreasonable to serve. Then, if the Bureau does deem a location unreasonable to serve, it can more quickly coordinate with the other agencies to attempt to secure alternative funding for the location. If carriers submit such a request prior to the Bureau adopting revised location counts, they must certify that they have or will have served at a minimum the number of locations estimated by the CAM by the end of the deployment period. This is consistent with the requirement that carriers with more locations in their service area must serve the CAM-estimated location total at a minimum by the end of the deployment term. This information collection is subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (Paperwork Reduction Act) and will become effective upon announcement in the **Federal Register** of the Office of Management and Budget (OMB) approval of the information collection requirements.

The Bureau disagrees that carriers should have the option of requesting to have any newly built locations excluded prior to the Bureau adopting revised location counts and after the carrier has deployed to all of the CAM-estimated locations, using the same standard the Commission adopted for locations newly built after year six. The Bureau concludes that such an approach would be inconsistent with the Commission's requirement that a carrier serve all locations in its service area identified by the Bureau when it adopts the revised location counts, subject only to limited exceptions explained in the *RDOF Order*, 85 FR 13773, March 10, 2020. While the Bureau recognizes that it may increase costs for carriers to go back and serve additional locations that were not in existence during the initial build, the Bureau agrees with Irby Utilities, 4-County Fiber, LLC, Aeneas Communications, LLC, Clay County Connect, Inc. and TEPA Connect LLC (Irby et al.) that, in many cases, new locations within the area will already be covered by the carrier's network or along already established roads so that costs will not increase significantly. And the Bureau also expects that because they knew they would be required to offer service to the locations included in the Bureau's recount subject to limited exceptions, service providers would conduct due diligence to determine how to serve their entire

service areas and factor in the risk that new locations may appear during the deployment term and prior to the Bureau's recount when placing bids in the auction. As described in this document, carriers will also have the opportunity to demonstrate that locations in their location list are unreasonable to deploy to if they have already served the model-estimated number of locations. The Bureau is not persuaded that requiring carriers to serve such newly built locations by the end of the deployment period and cure period would result in carriers significantly delaying deployment. All carriers will be motivated by the requirement to serve the required number of locations by the end of the deployment term subject to the cure period.

The Bureau also adopts procedures to implement the Commission's framework for RDOF carriers that have fewer actual locations in the eligible census blocks in their service area than estimated by the CAM.

Prior to the sixth year service milestone. The Commission directed RDOF carriers to notify WCB no later than March 1st following the fifth year of deployment—*i.e.*, March 1, 2027—if there are fewer actual locations than were included in the RDOF auction. RDOF carriers with fewer locations shall submit a notification in the Commission's Electronic Comment Filing System (ECFS) in WC Docket Nos. 10–90 & 19–126, and AU Docket No. 20–34 by March 1, 2027, and may incorporate the Fabric by reference by certifying that there fewer locations identified in the latest version of the Fabric in the carrier's relevant service area than the carrier's model estimated locations total. The Bureau expects this requirement will provide additional motivation for carriers to conduct due diligence, review the Fabric, and challenge any ineligible locations prior to the Bureau adopting its revised location totals.

The Bureau also adopts its proposal to permit a support recipient that claims to have served all existing locations in the eligible census blocks prior to WCB announcing revised location totals to rely on the latest version of the Fabric available to Fabric licensees to demonstrate that there are no other locations left to serve and to request a verification that it has served all the locations identified in the Fabric. If a verification determines that the support recipient has served all existing locations prior to the sixth-year service milestone, the Bureau will permit the support recipient to close out its letter of credit. Commenters generally

supported this proposal, and no commenters disagreed with our expectation that changes in the Fabric will not be significant enough that it would be necessary for support recipients to keep their letters of credit open to secure any additional deployment that may be required after WCB revises location totals, and that any non-compliance issues can be handled pursuant to the Commission's rules. The Wireless Internet Service Providers Association also explained that giving carriers this option may create further incentives for recipients to complete their deployment plans sooner.

The Bureau disagrees that it should provide a grace period for carriers' challenges to be resolved while verifying that a carrier has served 100% of the locations in the Fabric. If a challenge is not resolved favorably for the carrier, that could result in the carrier having unserved locations in its service area. The Bureau finds the balance in favor of ensuring maximum protection of the public's funds under the rules shifts when not all locations have been served in an area to avoid carriers prematurely certifying they have met their obligation to serve 100% percent of locations and then potentially deciding not to serve any remaining locations and refusing to pay back support for those locations after the deployment period. Instead, the Bureau encourages carriers to file challenges as soon as possible to avoid delays.

If a pre-December 2026 version of the Fabric is used to validate the carrier's compliance and additional Fabric locations appear in later versions of the Fabric up to and including the December 2026 Fabric, the carrier will be required to serve these additional locations by the end of the six-year deployment period until the carrier has served the number of locations estimated by the cost model (if there are the same number or more locations in the carrier's service area than originally estimated) or the adjusted location total adopted by the Bureau (if there are fewer locations in the carrier's service area than originally estimated). The Bureau recognizes that some locations may come into existence soon before the Bureau adopts the revised location totals. In that circumstance, the carrier will still have the period after the Bureau has adopted the revised location totals until the end of their six-year deployment term to serve either the model-estimated number of locations or adjusted location total, and then the additional one-year cure period before it will be subject to any support reductions for failure to serve the

additional locations. The Bureau expects that this will provide sufficient time for carriers to plan for and serve these locations as a routine matter, but any carriers facing special circumstances have the option of seeking a waiver if they are not able to serve the newly added locations by the end of the cure period and can demonstrate good cause. As the Bureau explained in this document, carriers already have the ability to monitor the BSLs in their service areas and the obligation to monitor the Fabric as part of their BDC reporting obligations, thus the Bureau does not find it necessary to release updated location counts with each release of the Fabric.

If a support recipient is unable to meet interim service milestones because there are significantly fewer existing locations than estimated by the CAM, the Commission directed such support recipients to seek a waiver of the relevant interim service milestones. The Bureau adopts its proposal to find good cause exists to waive the relevant interim service milestones if the support recipient demonstrates with Fabric data that it has identified all existing locations in its service area and the Universal Service Administrative Company (USAC) verifies that the support recipient offers service meeting the relevant Commission requirements to all existing locations. No commenters opposed this proposal nor offered any rationale for why the Bureau should not find: (1) special circumstances warrant a waiver if the Fabric shows that there are no more locations to serve in the relevant service area, and (2) a waiver would serve the public interest because the support recipient could use any resources tied up by maintaining a letter of credit towards deploying more voice and broadband service, and the Commission would still have the ability to take further non-compliance measures if the support recipient does not serve any newly added locations as required.

Applying this standard, the Bureau grants Taylor Telephone Coop., Inc. d/b/a Taylor Telecom (Taylor) a waiver of the 40%, 60%, and 80% RDOF service milestones. Taylor has demonstrated there are currently no locations in its service area and the Bureau has confirmed the current version of the Fabric does not show any locations in Taylor's service area. However, the Bureau will require Taylor to continue to monitor the Fabric, and if when it adopts revised location counts, the Bureau identifies locations in Taylor's service area, Taylor will be required to serve those locations by the end of the six-year deployment period.

The Bureau is persuaded by commenters that it should not withhold a certain percentage of support from support recipients that are able to demonstrate using the Fabric that they have served 100% percent of locations prior to the sixth-year service milestone, but fewer than the estimated total of locations. The Commission has explained that it withholds support through its non-compliance measures framework to encourage compliance, and if a carrier has already served 100% of actual locations, the need to take additional measures to incentivize compliance diminishes. Moreover, no commenters supported withholding funds from such carriers, so there is nothing in the record that convinces the Bureau that the risk that a compliant carrier may improperly use funds outweighs the burden on carriers and the Bureau of withholding a percentage of support, particularly if such support could be used for deploying to any locations that are newly added to the area.

Post WCB's announcement of revised location totals. The Bureau adopts its proposed methodology for implementing the Commission's requirement that WCB reduce support for those support recipients for which the revised location count is less than 65% of the CAM locations. Accordingly, the Bureau will interpret the Commission's direction that support be reduced on a pro rata basis by the number of reduced locations to mean that WCB would apply the pro rata support reduction to the number of locations that bring the location total below the 65% threshold. As the Bureau explained in the *High-Cost Fabric Public Notice*, this approach would avoid the inequity of support recipients being subject to no support reduction if their revised location total is 65% of the CAM-estimated location total, but being subject to a pro rata support reduction for all of the locations that make up the gap between the CAM estimated location total and the revised location total if their revised location total is 64% or less of the CAM-estimated location total. No commenters specifically opposed the Bureau's rationale for adopting this approach.

As the Bureau explained in this document regarding the 35% threshold for providing more support to carriers that have additional locations added to their required location totals, it is not persuaded that carriers for which the revised location count is less than 65% should retain their full support. As noted in this document, the RECPB's suggestion that the Bureau not reduce support for such carriers is an untimely

request for reconsideration of the Commission's decision to adopt this threshold. Moreover, the Bureau is not persuaded it should find good cause to waive this threshold for carriers when they were aware of it when bidding and had the responsibility to conduct due diligence to determine that they could meet the RDOF requirements.

The Bureau adopts its proposed methodology for revising the location totals for those support recipients that were authorized to receive support for multiple performance tiers in a state. Specifically, when revising the location totals for such support recipients, the Bureau will proportionally adjust their location totals for each performance tier so that it maintains the same ratio of locations across all performance tiers for the new location total as what was authorized under the initial deployment obligation. As the Bureau explained in the *High-Cost Fabric Public Notice*, this approach is consistent with the Commission's direction that compliance with service milestones be determined at the state level, so that a recipient will be in compliance with service milestones if it offers service meeting the relevant performance requirements to the required percentage of locations across all of the relevant eligible census blocks in the state. No commenters opposed this approach or supported any alternatives, like assigning new locations with the performance tier associated with the census block within which the location falls, which would not account for the flexibility the Commission afforded RDOF carriers when it decided to measure compliance on a state-level basis.

RDOF support recipients must provide the required service upon reasonable request to any locations built after WCB announces revised location totals and prior to the end of the eighth year of support, excluding any locations that do not request service or that have exclusive arrangements with other providers. The Bureau adopts its proposal to rely on Fabric data to identify any new locations as of the end of the eighth year of support and confirm compliance with this requirement. To the extent a provider gets a reasonable request to provide service to a location that is not but should be in the Fabric, a provider is required to provide service to that location and submit a challenge to the Fabric to add the location. As the Bureau explained in this document, no commenter offered an alternative that was more comprehensive or up-to-date than the Fabric, and thus it concludes the Fabric is the appropriate source for verifying compliance with this

requirement. The Bureau also expects carriers will use the existing BDC Fabric challenge process to ensure the Fabric accurately depicts the locations they are serving in their service areas.

For the same reasons the Bureau discusses in this document, it declines to adopt specific parameters for determining whether a request for service is reasonable. However, the Bureau recognizes that carriers may not have been able to anticipate, when conducting the required due diligence prior to the auction, where locations would be newly built late in the support term after the Bureau adopted revised location counts. Given this, the Bureau finds it reasonable to adopt a presumption that if a newly built location falls outside of the footprint of a carrier's existing network or the network that the carrier would be required to build to serve any additional locations that the Bureau identified when it adopted revised location counts, that location will not be considered reasonable to serve. Similarly, the Bureau adopts a presumption that if a newly built location falls within the footprint of the carrier's existing network or network that the carrier would be required to build to serve the locations on its location list, that location would be considered reasonable to serve. While the Bureau declined to adopt such presumptions for locations that were built prior to the Bureau adopting revised location totals, it finds that adopting these presumptions for locations that are newly built after the Bureau adopts revised location totals is consistent with the Commission's intent to afford carriers more flexibility for these locations by requiring that carriers only serve such locations upon reasonable request.

The Bureau expects to monitor compliance with this requirement as part of its verification and auditing processes to confirm that carriers have met their RDOF obligations. RDOF carriers should track unfulfilled requests for service and be prepared to demonstrate why any unfulfilled requests were unreasonable. The Bureau or USAC may request additional information to assess such claims. A failure to submit any additional information would result in the Bureau finding that the carrier has not demonstrated that a request is unreasonable.

The Bureau adopts its proposal to leverage Fabric data to simplify the location adjustment process for the PR Fund and the Connect USVI Fund. Specifically, the Bureau will require support recipients to submit a document

in ECFS in WC Docket Nos. 18–143 and 10–90 certifying that they have reviewed the Fabric and that there are more or fewer locations identified in the latest version of the Fabric in the carrier's relevant service area than the carrier's estimated locations total. The Bureau concludes it is sufficient for support recipients to incorporate the data from the Fabric in their filings in ECFS by reference. The Bureau finds that this approach meets the Commission's requirement that support recipients submit evidence of existing locations and meets the Commission's objective of accurately verifying the number of locations that exist in the Territories post-hurricane. No commenters provided suggestions for alternatives on how to accomplish this objective. Fewer than 10 carriers will be subject to this information collection, and thus this information collection is not subject to the Paperwork Reduction Act.

Once the Bureau has adopted revised location totals, the list of locations that are included in this total will be the locations that the PR Fund or Connect USVI Fund carrier is required to serve. That is, the Bureau will transition from monitoring compliance with PR Fund and Connect USVI Fund deployment obligations on an area-based basis to a location-list basis. As a result, PR Fund and Connect USVI Fund carriers will transition to reporting Location IDs in their HUBB filings.

The Bureau will conduct the location adjustment process within a reasonable amount of time after the version of the Fabric used for the BDC collection as of December 2025 is made available to licensees, which it expects to occur in December 2025. The Commission anticipated that the process would occur within one year of the announcement of winning bidders, but later explained the process had been delayed. No commenters proposed any particular timeline for conducting this process, but, the Bureau concludes that it is reasonable to give carriers as close to two years as possible to adjust to any changes to support and location totals so that they can meet the 100% service milestone by December 31, 2027. This is consistent with the Commission's direction that RDOF recipients have an additional two years to serve any additional locations above the number of locations that the cost model originally estimated they would be required to serve, while also balancing the need to provide sufficient time to carriers to challenge the Fabric. Moreover, this would align the adjustment process with the opportunity support recipients have to

request a reassessment of their obligations no later than the beginning of the fifth year of support, *i.e.* 2026. No party filed comments opposing our suggestion that these two processes could be combined, and the Bureau sees no reason to expend resources to conduct a separate process to make further adjustments to a carrier's obligations so close in time to when it expects to adopt revised location totals for PR Fund and USVI Connect Fund carriers based on the Fabric.

For further administrative efficiency, the Bureau adopts its proposal to rely on the BDC's location challenge process to provide stakeholders and carriers an opportunity to propose corrections to the Fabric. The Bureau will rely on the version of the Fabric that is released to licensees and that incorporates the results of any previously resolved challenges. Because the Bureau is announcing the version of the Fabric that will be used for this process prior to the determination of the deployment obligation through the adjustment process, stakeholders have time to immediately review and challenge any Fabric data that they believe to be inaccurate, prior to the release of the December 2025 Fabric version. Carriers should take the opportunity to review the December 2024 and June 2025 versions of the Fabric made available to licensees and file any challenges as soon as possible to ensure their challenges can be resolved prior to the release of the Fabric version the Bureau will be using for this process. Carriers are on notice that any outstanding or pending challenges that were filed and not incorporated into the December 2025 Fabric will not be considered for determining the final deployment obligation. No commenters suggested any alternatives for how the Bureau could otherwise provide an opportunity for stakeholders to participate in this process as required by the Commission.

As proposed, if the location total based on the Fabric is lower than originally estimated, the Bureau will find that the support recipient has met its burden of proof to receive a downward adjustment in its location total and a corresponding pro rata support reduction for the number of locations reflected in the Fabric data, as proposed in the *High-Cost Fabric Public Notice*. No commenter proposed any other alternatives for how to conduct the location adjustment process, and the Bureau concludes this approach will further the Commission's objective of providing stakeholders with an opportunity to review and comment on the existence of locations while also

minimizing burdens on carriers that are required to participate in this process.

If the location total based on the Fabric is higher than originally estimated, the Bureau will find that the support recipient has met its burden of proof to receive an upward adjustment in its location total and a corresponding pro rata support increase for the number of locations reflected in the Fabric data. Given that the Commission has reiterated that PR Fund and the Connect USVI Fund support recipients must serve all locations in their supported areas, the Bureau concludes it serves the public interest to provide additional support to the providers that have more locations than originally estimated in their service areas. Consistent with the Commission's decision to decrease support on a pro rata basis if there are fewer locations, the Bureau will increase a carrier's support on a pro rata basis if there are more locations in the Fabric than originally estimated. The Bureau previously emphasized that the PR Fund and Connect USVI Funds are unique from other high-cost support mechanisms given the uncertainty regarding the data available for determining the number of locations post-hurricanes for the Territories. While the Commission relied on carriers to conduct due diligence to ensure they can meet their obligations, it also acknowledged "that locations numbers could be substantially different" than estimated "due to the high-level of destruction and potential shifts in population." Thus, the Bureau concludes it serves the public interest to provide some additional support to account for any additional locations so that carriers have sufficient resources to serve all locations in their service areas. No commenters filed comments addressing this issue.

The Bureau adopts its proposal to permit A-CAM I, Revised A-CAM I, and A-CAM II carriers to seek a downward adjustment in their location totals by using the Fabric to demonstrate the actual number of locations in their service areas. The Bureau agrees with commenters that participation in this process should be voluntary, similar to the Eligible Locations Adjustment Process (ELAP) for the CAF Phase II auction, given that obligations for the A-CAM I, Revised A-CAM I and A-CAM II support programs were based on model-estimated location obligations instead of a 100% commitment to offer service to all locations as required in RDOF, the PR Fund, and the Connect USVI Fund. The Bureau will permit an A-CAM I, Revised A-CAM I, or A-CAM II carrier to request a downward adjustment when there are fewer

locations in eligible 2010 census blocks than the carrier has supported locations pursuant to its A-CAM authorization.

For administrative simplicity, the Bureau will provide a one-time window for carriers to request such an adjustment, and will release a public notice specifying the process for making this request. Because the majority of A-CAM carriers' support terms will end by December 31, 2028, the Bureau finds it reasonable to open a window for revised A-CAM I and A-CAM II support recipients to request in the docket a downward adjustment. This adjustment would be based on the version of the Fabric used for the BDC collection as of June 30, 2026, which is expected to be released to licensees in June 2026, and the Bureau expects to open the window shortly after that time—approximately two years before the end of the support term. The Bureau concludes that adopting such a process later in the support term appropriately balances the importance of including as many actual locations as possible that exist during the support term with time for the carrier to adjust to any changes in support or its obligation as a result of the adjustment process. This information collection is subject to the Paperwork Reduction Act and will become effective upon announcement in the **Federal Register** of the OMB approval of the information collection requirements. For the A-CAM I carriers that have a support term that will end by December 31, 2026, the Bureau finds it reasonable to open a window for A-CAM I support recipients to request a downward adjustment in the docket based on the version of the Fabric that is used for BDC collection as of December 31, 2025 (*i.e.*, December 2025 Fabric), which is expected to be released to licensees in December 2025. The Bureau expects to open the window within a reasonable amount of time after the Fabric is made available to licensees. While this affords less time for A-CAM I carriers, the Bureau finds this is an appropriate balance between the time such carriers might need to adjust to any changes in their obligations and support with the time needed for it to set up the process and to ensure that as many locations are included as possible when conducting the adjustment process, particularly when there are so few carriers that will be subject to this timing. This also provides stakeholders with an opportunity to file bulk challenges to prior versions of the Fabric and have those challenges resolved in the December 2025 Fabric version. Fewer than 10 A-CAM I carriers will be

subject to this information collection, and thus this information collection is not subject to the Paperwork Reduction Act.

Similar to the PR Fund and the Connect USVI Fund, support recipients that want to participate in this process must request a downward adjustment in the relevant docket. To alleviate the burden on carriers, particularly small carriers with limited resources, the Bureau will permit carriers to incorporate Fabric data by reference when requesting this adjustment by certifying that they have reviewed the Fabric and there are fewer locations identified in the relevant version of the Fabric in the carrier's service area than the carrier's model estimated locations total. Consistent with ELAP, the PR Fund, and the Connect USVI Fund, the Bureau adopts a preponderance of the evidence standard, and like what it adopted in this document for the PR Fund and the Connect USVI Fund, the Bureau will find that a carrier has demonstrated it has met the preponderance of the evidence standard by referencing the Fabric data. No commenter opposed this approach.

To avoid duplicating the Commission's existing processes, the Bureau will rely on the Commission's BDC Fabric challenge process to allow carriers and stakeholders to challenge the accuracy of Fabric data. To streamline our administrative process, the Bureau will rely on the versions of the Fabric that are released to licensees and that incorporate the results of any previously resolved challenges. Carriers are on notice that any outstanding or pending challenges that were filed but not incorporated in the release of these Fabric versions will not be considered for determining the final deployment obligation. Because the Bureau is announcing the versions of the Fabric that will be used now, it anticipates that carriers will take the opportunity to review the current Fabric and file any challenges as soon as possible to ensure their challenges can be resolved prior to the release of the Fabric versions it will be using for this process.

The Bureau will use the A-CAM to determine the adjusted location obligations and support amounts for A-CAM I, Revised A-CAM I, and A-CAM II carriers. Although the Bureau proposed adjusting support using a pro rata approach in the *High-Cost Fabric Public Notice*, it is persuaded that it should rely on the A-CAM to determine the relative costs of locations and adjust support based on this methodology. Unlike the Bureau's programs that used competitive processes to allocate support, for the A-CAM programs, the

carriers' support is directly tied to the A-CAM's cost estimates. Accordingly, the Bureau agrees it is reasonable to also use those cost estimates to adjust the carrier's support moving forward. Specifically, the Bureau will use the cost estimates, support parameters, and census block eligibility used to originally calculate A-CAM I, Revised A-CAM I, and A-CAM II carriers' support, but update the location totals for each eligible census block to reflect the location totals in the Fabric and generate a new support total for that carrier. Given the Bureau only has the authority to adjust a carrier's support downward, it will cap the amount of support that a carrier can receive through this adjustment process at its existing levels. Similarly, the Bureau will rely on these new location totals and the location density criteria applied previously to each carrier under its current A-CAM mechanism to recalculate the carrier's revised 25/3 Mbps, 10/1 Mbps, 4/1 Mbps and reasonable request deployment obligations. Because this methodology takes into account the previously estimated costs of serving the locations by census block, the Bureau is not persuaded that it needs to take the further steps of reducing support only in certain circumstances such as when there are fewer than 65% of locations based on the Fabric than originally estimated.

I. Procedural Matters

A. Paperwork Reduction Act

This document contains new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, will be inviting the general public to comment on the information collection requirements contained in the Order as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4), the Bureau previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

B. Congressional Review Act

The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, OMB, concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the *Order* to Congress and the Government

Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Supplemental Final Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act of 1980 (RFA), the Bureau has prepared this Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) of the possible significant economic impact on small entities by the policies and rules adopted in the *Order*. The supplemental FRFA supplements the Commission's Initial Regulatory Flexibility Analyses (IRFAs) in connection with the *USF/ICC Transformation FNPRM*, 76 FR 78384, December 16, 2011, *April 2014 Connect America FNPRM*, 79 FR 39196, July 9, 2014, *2018 Rate-of-Return Reform NPRM*, 83 FR 17968, April 25, 2018, and *Rural Digital Opportunity Fund NPRM*, 84 FR 43543, August 21, 2019, (*NPRMs and FNPRMs*), and Final Regulatory Flexibility Analyses (FRFAs) in connection with the *USF/ICC Transformation Order*, 76 FR 73830, November 29, 2011, *2016 Rate-of-Return Reform Order*, 81 FR 24282, April 25, 2016, *2018 Rate-of-Return Reform Order*, 84 FR 18951, May 1, 2018, and *RDOF Order*, 85 FR 13773, March 10, 2020. A supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) was also filed in the *High-Cost Fabric Public Notice* in the proceeding. The Commission sought public comment on the proposals in the IRFAs, including the Supplemental IRFA. No comments were filed addressing the Supplemental IRFA. This Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) supplements the FRFAs and conforms to the RFA.

Need for, and Objectives of, the Order. The *Order* adopts the Bureau's proposal to leverage the Fabric, the "common dataset of all locations in the United States where fixed broadband internet access service can be installed, as determined by the Commission," to provide recipients with a reliable data source for determining locations and to maximize the number of consumers that are served by recipients of various high-cost support mechanisms. This includes using the Fabric to identify the actual number of residential and small businesses in each relevant high-cost support recipient's service area. The Bureau anticipates incorporating the Fabric as part of the Bureau's compliance reviews to verify high-cost carriers' reporting in the HUBB and claims that they have met their service milestones.

The Commission also delegated to WCB the authority to revise deployment obligations, and adjust funded locations and funding levels for support

recipients' service areas in certain high-cost support mechanisms. For RDOF, the *Order* adopts procedures for implementing the Commission's framework for adjusting required location totals based on an updated location source. For the PR Fund and the Connect USVI Fund, the *Order* adopts procedures for leveraging Fabric data to simplify the location adjustment processes for these support mechanisms. For A-CAM I, Revised A-CAM I & A-CAM II, the *Order* adopts a voluntary process for recipients with fewer locations in eligible 2010 census blocks than they have supported locations pursuant to their A-CAM authorizations to seek a downward adjustment in their location totals by using the Fabric to demonstrate the actual number of locations in their service areas.

Summary of Significant Issues Raised by Public Comments in Response to the Supplemental IRFA. There were no comments filed that specifically addressed the rules and policies proposed in the Supplemental IRFA.

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 of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed procedures as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

Description and Estimate of the Number of Small Entities to Which the 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.

As noted in this document, Regulatory Flexibility Analyses were incorporated in the *USF/ICC Transformation FNPRM, April 2014 Connect America FNPRM, 2018 Rate-of-Return Reform NPRM, Rural Digital Opportunity Fund NPRM, USF/ICC*

Transformation Order, 2016 Rate-of-Return Reform Order, 2018 Rate-of-Return Reform Order, and RDOF Order.

In those analyses, the Commission described in detail the small entities that might be significantly affected. Accordingly, in this Supplemental FRFA, the Bureau hereby incorporates by reference the descriptions and estimates of the number of small entities that may be impacted by the *Order* from these previous RFAs.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities. In the *Order*, the Bureau sought to minimize compliance burdens on small entities where practicable. However, the requirements adopted in the *Order* may impose new or additional reporting, recordkeeping, and/or other compliance obligations on small entities, which are discussed in the following. The Bureau notes that small and other carriers should already be familiar with how to determine which Fabric locations are in their service areas, which should help minimize the burdens imposed by additional compliance obligations. In adopting these requirements, the Bureau has balanced potential burdens on small and other entities with the Commission's objective of serving as many consumers as possible through its High-Cost program.

For the relevant high-cost support mechanisms, the *Order* describes how WCB anticipates using the Fabric to verify compliance with high-cost deployment obligations. The *Order* also adopts streamlined procedures to implement location adjustment processes adopted by the Commission, including reliance on the Fabric to determine the actual number of locations in the carrier's service areas, which will impact the number of locations carriers are required to serve pursuant to their high-cost obligations.

Specifically for RDOF, the *Order* adopts the timing for the location adjustment process as well as processes for calculating support if there are more or fewer locations in the carrier's service area than originally estimated by the CAM, for the carrier to notify the Bureau and demonstrate it has served all actual locations prior to the end of the deployment if there are fewer locations than estimated in the carrier's service area, and for submitting requests if the carrier determines that the locations it is required to serve, beyond the number of locations identified by the CAM, are unreasonable to serve. The *Order* also adopts a methodology for adjusting location totals if the carrier is required to offer service at multiple performance tiers and describes the process for

determining whether requests for service at newly built locations are reasonable.

For the PR Fund, Connect USVI Fund, A-CAM I, Revised A-CAM I, and A-CAM II, the *Order* implements the location adjustment processes for these programs by leveraging existing Commission processes for maintaining the accuracy of the Fabric to minimize the burdens on support recipients, including small businesses, in demonstrating how many actual locations are within their service areas. Specifically, the *Order* adopts a process by which carriers can certify they have reviewed the Fabric to demonstrate based on the preponderance of evidence that they can have their support and location totals adjusted based on the location totals in the Fabric. The *Order* also adopts timing for when this process will occur, as well as methodologies for increasing support for PR Fund and Connect USVI Fund carriers if there are more locations in the Fabric than originally estimated and for decreasing support for A-CAM I, Revised A-CAM I, and A-CAM II carriers if there are fewer locations in the Fabric than originally estimated.

While the Commission cannot quantify the cost of compliance for small entities, due to high-cost carriers' existing obligations, the Commission does not believe the adopted rules will impose significant additional operational or administrative costs or require small entities to hire additional attorneys, engineers, consultants, or other professionals in order to comply beyond those they have already hired to aid in compliance with their High-Cost program obligations generally.

Steps Taken to Minimize 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."

In the *Order*, the Bureau states that it anticipates incorporating the Fabric as part of its compliance reviews to verify both high-cost carriers' reporting in the HUBB and claims that those carriers have met their service milestones. While the Bureau acknowledges the burdens reconciling HUBB and Fabric data may place on all small and other carriers, it concludes that such an effort is critical

to both the Bureau responsibility to coordinate with other agencies that offer funding for broadband and to its long-standing obligation to be responsible stewards of the public's funds.

In determining the final rules concerning RDOF, the Bureau considered a number of alternatives that may have a significant economic impact on small entities. For example, the Bureau considered whether it should publish a list of changes to the Fabric with each Fabric release in order to enable RDOF carriers that may lack the financial resources to monitor the Fabric to keep track of any changes to the location totals in their service areas prior to the Bureau adopting revised location counts for RDOF. The Bureau ultimately determined that all carriers should already be familiar with how to determine which Fabric locations are in their service areas as they are required to report their availability data to these locations through the BDC and have tools available to help with this effort. The Bureau also expects to make resources available through HUBB reporting.

In addition, the Bureau considered whether it should require RDOF carriers that have to serve a significantly higher number of locations than originally estimated to seek a waiver to obtain more support. Instead, the Bureau determined that rather than implementing an onerous case-by-case process, it should increase a carrier's support pro rata if its new location count exceeds the CAM locations within their service areas in each state by more than 35%. However, the Bureau further determined that a case-by-case approach was warranted in situations where a RDOF carrier is requesting to have a location removed from its revised location total above the CAM estimated amount or does not want to fulfill a request for service because the RDOF carrier claims the location is unreasonable to serve. For removing locations from the revised location total, rather than adopt specific criteria or parameters that may have streamlined the process for such requests, the Bureau determined that each situation would likely be fact specific and determined on a case-by-case basis to avoid adopting overbroad criteria that could potentially leave locations that are otherwise reasonable to serve stranded without service. Further, this approach would also allow the Bureau to facilitate coordination with other funding programs. However, the Bureau adopted presumptions for locations that are newly built after the Commission adopts revised location totals, acknowledging the additional flexibility

the Commission provided in allowing carriers to only serve these locations upon reasonable request.

Additionally, the Bureau adopted its proposal to permit a RDOF carrier that claims to have served all existing locations in the eligible census blocks prior to WCB announcing revised location totals to rely on the latest version of the Fabric available to Fabric licensees to demonstrate that there are no other locations left to serve and to request a verification that it has served all the locations identified in the Fabric. After a successful verification, the carrier can close out its letter of credit. In determining the rules adopted in the *Order*, the Bureau considered a number of alternatives that could impact small entities when adopting this approach, including whether if there are any newly identified locations prior to the Bureau adopting revised location counts, the carrier can have additional time to serve those locations. While it may impact a carrier's ability to meet its obligations if locations are newly identified later in the deployment period, the Bureau decided it was most aligned with the Commission's requirement that carriers serve at a minimum the adjusted location total or the CAM estimated total by the end of the six-year deployment term to require carriers to serve any newly identified locations, up to the number of model estimated number of locations, by the end of the deployment period plus cure period.

The Bureau also considered whether it should withhold some portion of a carrier's support until it adopts revised location totals, but the Bureau decided the burden on carriers and the Commission in implementing such a policy would outweigh the risk to the Universal Service Fund given the carrier would have already previously served all actual locations. However, the Bureau declined to provide a grace period for carriers' challenges to be resolved while they were seeking a verification they had served all actual locations, finding the balance shifted when a carrier had not yet demonstrated it had served all actual locations as determined by the Fabric. Instead, the Bureau encourages carriers to submit challenges as soon as possible so that they can be resolved in a timely manner.

Furthermore, the Bureau decided that it would interpret the Commission's direction that support be reduced on a pro rata basis by the number of reduced locations to mean that WCB would apply the pro rata support reduction to the number of locations that bring the location total below the 65% threshold. The Bureau considered the alternative

of applying the pro rata support reduction for all of the locations that make up the gap between the CAM estimated location total and the revised location total. But this approach would result in the inequity of support recipients being subject to no support reduction if their revised location total is 65% of the CAM-estimated location total, but support recipients that have a revised location total of 64% or less of the CAM-estimated location total being subject to a pro rata support reduction for all of the locations that make up the gap.

Additionally, in regards to multiple performance tier requirements, the Bureau considered whether after it adopts revised location counts it should proportionally adjust locations totals for each performance tier to maintain the same ratio of locations across all performance tiers, or instead whether it should assign locations the performance tier associated with the census block where the location is located. The Bureau decided that by adopting the proportional approach it would preserve the flexibility that the Commission intended when it decided to measure compliance on a state-level basis.

For the PR Fund and Connect USVI Fund as well as A-CAM I, Revised A-CAM I, and A-CAM II, the Bureau adopted its proposal to minimize burdens on the funded carriers, including small carriers, to rely on existing Commission processes and the Fabric to support their requests for location adjustments rather than require carriers participating in these processes to submit their own data regarding the locations in their funded service areas.

Lastly, for A-CAM I, Revised A-CAM I, and A-CAM II the Bureau had originally proposed reducing support on a pro rata basis if there are fewer Fabric locations than the carrier is required to serve. Based on the record, the Bureau instead decided to use the A-CAM to generate new support totals for the carriers participating in the process to better capture the relative costs of serving locations.

II. Ordering Clauses

Accordingly, *it is ordered* that, pursuant to sections 1, 4(i), 5(c), 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 155(c), 214, 254, §§ 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR 0.91, 0.291, 1.3, and the delegations of authority in paragraphs 45 of the *RDOF Order*, FCC 20-5, paragraphs 65 and 66 of the *2019 PR-USVI Order*, FCC 19-95 (84 FR 59937, November 7, 2019), and paragraph 34 for the *2016 Rate-of-Return Reform Order*, FCC 16-33, the

Order IS ADOPTED, effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**, except for the provisions subject to the Paperwork Reduction Act, which will become effective upon announcement in the **Federal Register** of OMB approval of the subject information collection requirements.

It is further ordered that the petition for waiver filed by Taylor Telephone Cooperative, Inc. d/b/a Taylor Telecom is *granted* and § 54.802(c)(1) of the Commission's rules, 47 CFR 54.802(c)(1) is *waived* to the extent described herein.

Federal Communications Commission.

Trent B. Harkrader,

Chief, Wireline Competition Bureau.

[FR Doc. 2025-03344 Filed 3-4-25; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919-0193; RTID 0648-XE643]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the General Category January Through March Fishery for 2025

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the General category fishery for Atlantic bluefin tuna (BFT) for the remainder of the January through March time period. The General category may only retain, possess, or land large medium and giant (*i.e.*, measuring 73 inches (185 centimeters (cm)) curved fork length (CFL) or greater) BFT when the fishery is open. This action applies to Atlantic Tunas General category (commercial) permitted vessels and Atlantic highly migratory species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT. During the closure, fishermen aboard General category permitted vessels and HMS Charter/Headboat permitted vessels may tag and release BFT of all sizes, subject to the requirements of catch-and-release and tag-and-release programs. On June 1, 2025, the fishery will reopen automatically.

DATES: Effective 11:30 p.m., local time, February 28, 2025, through March 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Larry Redd, Jr. larry.redd@noaa.gov, or Becky Curtis, becky.curtis@noaa.gov, by email, or by phone at 301-427-8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure action with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on or after the effective date and time of a closure action for that category until the opening of the relevant subsequent quota period or until such date as specified.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area per § 635.27(a)(3)). The General category baseline quota is 710.7 mt. The General category baseline quota is suballocated to different time periods. Relevant to this action, the baseline subquota for the January through March time period is 37.7 mt. On January 13, 2025, NMFS adjusted the January through March subquota to be 58.2 mt (90 FR 2638).

Closure of the January Through March 2025 BFT General Category Fishery

To date, reported landings for the BFT General category January through March time period total 115.8 mt. Based on these landings data, including average daily catch rates, as well as anticipated favorable fishing conditions in the coming days, NMFS has determined that the adjusted January through March time period subquota of 58.2 mt has been reached and exceeded. Therefore, retaining, possessing, or landing large medium or giant (*i.e.*, measuring 73 inches (185 cm) CFL or greater) BFT by persons aboard vessels permitted in the Atlantic Tunas General category and HMS Charter/Headboat permitted vessels (while fishing commercially) must cease at 11:30 p.m. local time on February 28, 2025. The BFT General category will automatically reopen June 1, 2025, for the June through August 2025 time period with a retention limit of three large medium or giant BFT per vessel per day/trip. On July 1, 2025, the retention limit on open days will decrease to one large medium or giant BFT per vessel per day/trip through August 31. This action applies to Atlantic Tunas General category (commercial) permitted vessels and HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT and is taken consistent with the regulations at § 635.28(a)(1).

During the closure, fishermen aboard General category permitted vessels and HMS Charter/Headboat permitted vessels may tag and release BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs described at § 635.26(a). All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure/>.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(b)(2)(i)(A), dealers are required to submit landing reports within 24 hours of receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and

separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required per § 635.5(a)(4) to report their own catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing <https://hmspermits.noaa.gov>, using the HMS Catch Reporting app, or calling 888-872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m. E.T.).

After the fishery reopens on June 1, depending on the level of fishing effort and catch rates of BFT at that time, and after consideration of all the criteria specified at § 635.27(a)(7), NMFS may determine that additional adjustments are necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access <https://hmspermits.noaa.gov>, for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635, and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action because it is impracticable and contrary to the public interest for the following reasons. Specifically, the regulations implementing the HMS FMP and amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and an opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the available time period subquota is has been reached and exceeded. Delaying this action could result in BFT landings that exceed the adjusted January through March time period subquota, which may result in future potential quota reductions for other BFT categories, depending on the magnitude of a potential overharvest. Taking this action does not raise conservation and management concerns and would support effective management of the BFT fishery. NMFS notes that the public

had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment and closure criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d)(3), there is good cause to waive the 30-day delay in effective date.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 28, 2025.

Karen H. Abrams,

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

[FR Doc. 2025-03549 Filed 2-28-25; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919-0193; RTID 0648-XE633]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the Angling Category Southern Area Trophy Fishery for 2025

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the Angling category southern area fishery for large medium and giant (“trophy” (*i.e.*, measuring 73 inches (185 centimeters (cm)) curved fork length or greater)) Atlantic bluefin tuna (BFT). This action applies to Highly Migratory Species (HMS) Angling and HMS Charter/Headboat permitted vessels when fishing recreationally.

DATES: Effective 11:30 p.m., local time, February 28, 2025, through December 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Larry Redd, Jr., larry.redd@noaa.gov, or Becky Curtis, becky.curtis@noaa.gov, by email, or by phone at 301-427-8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the

Conservation of Atlantic Tunas (ICCAT). The HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

Every year, the BFT fishing year starts on January 1 and ends on December 31. The Angling category opens on January 1 and continues through December 31 or until the applicable quota or subquota is reached or projected to be reached, whichever comes first. As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area per § 635.27(a)(3)). The Angling category baseline quota is 297.4 mt, of which 9.2 mt (3.1 percent of the annual Angling category quota) is sub-allocated for the harvest of large medium and giant (trophy) BFT by vessels fishing under the Angling category quota, with 2.3 mt (25 percent of the annual large medium and giant BFT Angling category quota) allocated for each of the following areas: north of 42° N latitude (lat.) (the Gulf of Maine area); south of 42° N lat. and north of 39°18' N lat. (the southern New England area); south of 39°18' N lat. and outside of the Gulf of Mexico (the southern area); and the Gulf of Mexico region. Trophy BFT measure 73 inches (185 cm) curved fork length or greater. This closure action applies to the southern area.

Angling Category Trophy Bluefin Tuna Southern Area Fishery Closure

Based on landings data from the NMFS Automated Catch Reporting System and the North Carolina Tagging Program, as well as average catch rates and anticipated fishing conditions, NMFS has determined the Angling category southern area trophy BFT subquota of 2.3 mt has been reached and exceeded. Therefore, retaining, possessing, or landing large medium or giant (*i.e.*, measuring 73 inches (185 cm) curved fork length or greater) BFT south of 39°18' N lat. and outside the Gulf of Mexico by persons aboard HMS Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally) must cease at 11:30 p.m. local time on February 28, 2025. This closure will remain effective through December 31, 2025. This action applies to HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally for BFT, and is taken consistent with the regulations at § 635.28(a)(1). This action is intended to prevent further overharvest of the Angling category southern area trophy BFT subquota.

If needed to ensure available quotas or subquotas are not exceeded or to enhance fishing opportunities, subsequent Angling category adjustments or closures will be published in the **Federal Register** per §§ 635.27(a)(7) and 635.28(a)(1). Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 cm) to less than 73 inches (185 cm), and any further Angling category adjustments, is available at <https://hmspermits.noaa.gov>. During a closure, fishermen aboard HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally may continue to catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure/>.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(c)(1),

HMS Angling and HMS Charter/Headboat permitted vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing <https://hmspermits.noaa.gov>, using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635, and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action because it is impracticable and contrary to the public interest for the following reasons. Specifically, the regulations implementing the HMS FMP and its amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the Angling category southern area trophy BFT fishery subquota has been reached and exceeded. Delaying this action could result in further excessive trophy BFT landings that may result in future potential quota reductions for the Angling category, depending on the magnitude of a potential Angling category overharvest. NMFS must close the southern area trophy BFT fishery before additional landings of these sizes of BFT occur. Taking this action does not raise conservation and management concerns, and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 28, 2025.

Karen H. Abrams,

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

[FR Doc. 2025-03544 Filed 2-28-25; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 240304-0068; RTID 0648-XE586]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2025 Pacific cod total allowable catch (TAC) allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), January 21, 2025, through 2400 hours, A.l.t., December 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Andrew Olson, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2025 Pacific cod TAC allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 2,525 metric tons as established by the final 2024 and 2025

harvest specifications for groundfish in the BSAI (89 FR 17287, March 11, 2024) and inseason adjustment (89 FR 105478, December 27, 2024).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2025 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 17, 2025.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: February 28, 2025.

Karen H. Abrams,

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

[FR Doc. 2025-03535 Filed 2-28-25; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 240227-0061; RTID 0648-XE587]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2025 total allowable catch of Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 28, 2025, through 1200 hours, A.l.t., June 10, 2025.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2025 Pacific cod total allowable catch (TAC) apportioned to catcher vessels using trawl gear in the Central Regulatory Area of the GOA is 3,773 metric tons (mt) as established by the final 2024 and 2025 harvest specifications for groundfish in the GOA (89 FR 15484, March 4, 2024) and inseason adjustment (89 FR 103698, December 19, 2024).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has

determined that the A season allowance of the 2025 Pacific cod TAC apportioned to catcher vessels using trawl gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,273 mt and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by catcher vessels using trawl gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 17, 2025.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: February 28, 2025.

Karen H. Abrams,

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

[FR Doc. 2025-03538 Filed 2-28-25; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 90, No. 42

Wednesday, March 5, 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.

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part 1022

[Docket No. CFPB–2024–0044]

RIN 3170–AB27

Protecting Americans From Harmful Data Broker Practices (Regulation V); Extension of Comment Period

AGENCY: Consumer Financial Protection Bureau.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On December 13, 2024, the Consumer Financial Protection Bureau (CFPB) published in the **Federal Register** a notice of proposed rulemaking (NPRM) requesting comment on the CFPB's proposal to amend Regulation V, which implements the Fair Credit Reporting Act (FCRA). The proposed rule would implement the FCRA's definitions of consumer report and consumer reporting agency as well as certain of the FCRA's provisions governing when consumer reporting agencies may furnish, and users may obtain, consumer reports. The NPRM provided a comment period that was set to close on March 3, 2025. To allow interested persons more time to consider and submit their comments, the CFPB has determined that an extension of the comment period until April 2, 2025, is appropriate.

DATES: The end of the comment period for the proposed rule that published at 89 FR 101402 (December 13, 2024) is extended from March 3, 2025, until April 2, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2024–0044 or RIN 3170–AB27, by any of the following methods:

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

- **Email:** 2024-NPRM-CONSUMER-REPORTING@cfpb.gov. Include Docket No. CFPB–2024–0044 or RIN 3170–AB27 in the subject line of the message.

- **Mail/Hand Delivery/Courier:**

Comment Intake—Protecting Americans from Harmful Data Broker Practices (Regulation V), c/o Legal Division Docket Manager, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The CFPB encourages the early submission of comments. All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to <https://www.regulations.gov>.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT:

Laura Stack, Senior Counsel, Office of Regulations, at 202–435–7700 or <https://reginquiries.consumerfinance.gov/>. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

On December 3, 2024, the CFPB issued an NPRM proposing to amend Regulation V, 12 CFR part 1022, to implement the FCRA's definitions of consumer report and consumer reporting agency as well as certain of the FCRA's provisions governing when consumer reporting agencies may furnish, and users may obtain, consumer reports. The NPRM was published in the **Federal Register** on December 13, 2024.¹ The NPRM provided a public comment period that was set to close on March 3, 2025. To allow interested persons more time to consider and submit their comments, the CFPB has determined that an extension of the comment period until April 2, 2025, is appropriate. The NPRM comment period will now close on April 2, 2025.

¹ 89 FR 101402 (Dec. 13, 2024).

Dated: February 28, 2025.

Russell T. Vought,

Acting Director, Consumer Financial Protection Bureau.

[FR Doc. 2025–03547 Filed 2–28–25; 4:15 pm]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0335; Project Identifier MCAI–2024–00466–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS 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 Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by a determination that certain master minimum equipment list (MMEL) items do not comply with MMEL certification requirements. This proposed AD would require revising the operator's existing FAA-approved minimum equipment list (MEL), as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). 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 April 21, 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* under Docket No. FAA–2025–0335; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*. It is also available at *regulations.gov* under Docket No. FAA–2025–0335.

- 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: Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@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–2025–0335; Project Identifier MCAI–2024–00466–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*, 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 Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@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 2024–0157, dated August 14, 2024 (EASA AD 2024–0157) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes. The MCAI states that certain MMEL items do not comply with MMEL certification requirements.

The FAA is proposing this AD to address this condition, which if not corrected, could result in reduced controllability of the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0335.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0157 specifies procedures for revising the operator’s MEL by incorporating the information in MMEL item numbers 32–42–13 “Remote Brake Control Unit Channel A”, 32–51–01 “Steering Control”, 27–14–01 “Outer Aileron Green Hydraulic Actuator”, 27–14–02 “Outer Aileron Yellow Hydraulic Actuator”, 27–14–03 “Outer Aileron Pressure Sensor”, and 32–41–02 “Main Wheel Tie Bolt”, as applicable. 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

This product has been approved by the aviation authority of another country and is 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 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 2024–0157 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Compliance With MEL Revisions

EASA AD 2024–0157 requires operators to “inform all flight crews” of revisions to the MEL, and thereafter to “operate the aeroplane accordingly.” However, this proposed AD would not specifically require those actions as those actions are already required by FAA regulations.

FAA regulations (14 CFR 121.628 (a)(2)) require operators to provide pilots with access to all the information contained in the operator’s MEL. Furthermore, 14 CFR 121.628 (a)(5) requires airplanes to be operated under all applicable conditions and limitations contained in the operator’s MEL. Therefore, including a requirement in this proposed AD to operate the airplane according to the revised MEL would be redundant and unnecessary.

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 2024–0157 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0157 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 2024–0157 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 2024–0157. Material required by EASA AD 2024–0157 for compliance will be available at *regulations.gov* under Docket No. FAA–

2025–0335 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 36

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
10 work-hours × \$85 per hour = \$850	\$0	\$850	\$30,600

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(f), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Airbus SAS: Docket No. FAA–2025–0335; Project Identifier MCAI–2024–00466–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 21, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls; 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by a determination that certain master minimum equipment list (MMEL) items do not comply with MMEL certification requirements. The FAA is issuing this AD to address this condition, which if not corrected, could result in reduced controllability 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 2024–0157, dated August 14, 2024 (EASA AD 2024–0157).

(h) Exceptions to EASA AD 2024–0157

(1) Where EASA AD 2024–0157 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of EASA AD 2024–0157 specifies to “inform all flight crews, and, thereafter, operate the aeroplane accordingly,” this AD does not require those actions as they are already required by existing FAA operating regulations (see 14 CFR 121.628(a)(2) and 14 CFR 121.628(a)(5)).

(3) Where paragraph (1) of EASA AD 2024–0157 specifies to “implement the instructions of the MMEL update, on the basis of which the operator’s MEL must be amended” this AD requires replacing that text with “revise the operator’s existing FAA-approved MEL by incorporating the information identified in “The MMEL update” as defined in EASA AD 2024–0157.”

(4) This AD does not adopt the “Remarks” section of EASA AD 2024–0157.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety 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, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may

be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3225; email dan.rodina@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 2024-0157, dated August 14, 2024.

(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; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

(4) You may view this material at 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 February 27, 2025.

Peter A. White,

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

[FR Doc. 2025-03516 Filed 3-4-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0336; Project Identifier MCAI-2022-00194-T]

RIN 2120-AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) 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 MHI RJ Aviation ULC Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), CL-600-2C11 (Regional Jet Series 550), CL-600-2D15 (Regional Jet Series 705), CL-600-2D24 (Regional Jet Series 900), and CL-600-2E25 (Regional Jet Series 1000) airplanes. This proposed AD was prompted by a determination that new or more restrictive aircraft maintenance manual (AMM) tasks are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive AMM tasks, as specified in a Transport Canada AD, which is proposed for incorporation by reference (IBR). 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 April 21, 2025.

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

- *Federal eRulemaking Portal:* Go to regulations.gov. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

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

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

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2025-0336; 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 Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca; website at tc.canada.ca/en/aviation. It is also available at regulations.gov under Docket No. FAA-2025-0336.

- 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: Christopher Spencer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-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 to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-0336; Project Identifier MCAI-2022-00194-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 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 Christopher Spencer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-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

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2019–44, dated December 9, 2019 (Transport Canada AD CF–2019–44) (also referred to as the MCAI), to correct an unsafe condition on all MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Model CL–600–2C10 (Regional Jet Series 700, 701, and 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states the manufacturer developed a new appendix for candidate certification maintenance requirement (CCMR) interval limitations that are airworthiness limitations. The FAA has determined failure to adhere to the interval limitations specified in the appendix can lead reduced structural integrity and reduced controllability of the airplane.

The FAA is proposing this AD to address reduced structural integrity and reduced controllability of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0336.

FAA’s Determination

This product has been approved by the aviation authority of another country and is 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 require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive AMM tasks, which are specified in Transport Canada AD CF–2019–44 described previously, as incorporated by reference. Any differences with Transport Canada AD CF–2019–44 are identified as exceptions in the regulatory text of this proposed AD and discussed under “Differences Between This Proposed AD and the MCAI or Referenced Material.”

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 Transport Canada AD CF–2019–44 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2019–44 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2019–44 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2025–0336 after the FAA final rule is published.

Differences Between This Proposed AD and the MCAI or Referenced Material

Transport Canada AD CF–2019–44 introduces new CCMR intervals that the FAA cannot mandate as CCMRs as specified in the MCAI. Instead of mandating the CCMRs as done in the Transport Canada AD, the FAA, after coordination with Transport Canada, determined the corresponding AMM task numbers will be used. Therefore, the FAA proposes to mandate the AMM tasks as specified in paragraph (h)(2) of this proposed AD.

Transport Canada AD CF–2019–44 refers to “Temporary Revision (TR) ALI–0716, dated September 13, 2019, or later revisions” for the airworthiness limitation tasks. Since that TR was issued, TR ALI–0735, dated April 15, 2020, has been published. The FAA has referred to TR ALI–0735, dated April 15, 2020, in paragraph (h)(2) of this proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 556 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane

estimate. Therefore, the agency estimates the average total cost per operator to be \$7,650 (90 work-hours x \$85 per work-hour).

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(f), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.):
Docket No. FAA-2025-0336; Project Identifier MCAI-2022-00194-T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 21, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) airplanes, certificated in any category, identified in paragraphs (c)(1) through (5) of this AD.

(1) Model CL-600-2C10 (Regional Jet Series 700, 701, and 702) airplanes.

(2) Model CL-600-2C11 (Regional Jet Series 550) airplanes.

(3) Model CL-600-2D15 (Regional Jet Series 705) airplanes.

(4) Model CL-600-2D24 (Regional Jet Series 900) airplanes.

(5) Model CL-600-2E25 (Regional Jet Series 1000) airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive aircraft maintenance manual (AMM) tasks are necessary because failure to adhere to the interval limitations can lead to reduced structural integrity and reduced controllability of the airplane. The FAA is issuing this AD to address reduced structural integrity and reduced controllability of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF-2019-44, dated December 9, 2019 (Transport Canada AD CF-2019-44).

(h) Exception to Transport Canada AD CF-2019-44

(1) Where Transport Canada AD CF-2019-44 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph 1. of Transport Canada AD CF-2019-44 specifies to “incorporate the revised Appendix, A2-00, into Part 2 ALI as introduced by Temporary

Revision (TR) ALI-0716, dated 13 September 2019, or later revisions of these tasks approved by Transport Canada,” this AD requires replacing that text with “revise the existing maintenance or inspection program, as applicable, by incorporating the AMM tasks, including the interval limitation, specified in the revised Appendix, A2-00, as introduced by Temporary Revision (TR) ALI-0735, dated April 15, 2020, or later revisions of these tasks approved by Transport Canada. Only the AMM tasks and intervals must be incorporated.”

(3) The initial compliance time for doing the AMM tasks specified in the TR identified in paragraph (h)(2) of this AD is at the later of the times specified in paragraphs (h)(3)(i) and (ii) of this AD.

(i) Before the applicable interval limitation specified in the TR identified in paragraph (h)(2) of this AD since entry into service.

(ii) Within 30 days after the effective date of this AD.

(4) This AD does not adopt paragraphs 2. and 3. of Transport Canada AD CF-2019-44.

(i) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

(j) 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 (k) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the 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 Transport Canada; or MHI RJ Aviation ULC’s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Christopher Spencer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF-2019-44, dated December 9, 2019.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca; website tc.canada.ca/en/aviation.

(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 February 27, 2025.

Victor Wicklund,

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

[FR Doc. 2025-03526 Filed 3-4-25; 8:45 am]

BILLING CODE 4910-13-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25-107; RM-11997; DA 25-167; FR ID 282632]

Television Broadcasting Services Wichita, Kansas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Video Division, Media Bureau (Bureau), has before it a petition for rulemaking filed by Gray Television Licensee, LLC (Gray or Petitioner), the licensee of KSCW-DT, channel 12, Wichita, Kansas (Station or KSCW-DT). Petitioner requests that the Bureau substitute channel 12 for channel 28 at Wichita, Kansas in the Table of TV Allotments (table).

DATES: Comments must be filed on or before April 4, 2025 and reply comments on or before April 21, 2025.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve

counsel for the Petitioner as follows: Joan Stewart, Esq., Wiley Rein LLP, 2050 M Street NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Emily Harrison, Media Bureau, at Emily.Harrison@fcc.gov, (202) 418-1665, or Mark Colombo, Media Bureau, at Mark.Colombo@fcc.gov, (202) 418-7611.

SUPPLEMENTARY INFORMATION: On May 11, 2022, the Bureau granted a petition for rulemaking submitted by Gray to substitute channel 28 for channel 12 at Wichita for KSCW-DT. On June 21, 2022, Gray was granted a construction permit for its new channel, with an expiration date of June 21, 2025. In its Petition, Gray states that it is unable to complete construction of the channel 28 facility by the expiration date. Thus, Gray requests amendment of the table to allow it to continue to operate on channel 12, and proposes to specify the technical parameters of its currently licensed channel 12 facility.

We believe that the Petitioner's channel substitution proposal for KSCW-DT warrants consideration. KSCW-DT is currently operating on channel 12 and the substitution of channel 12 for channel 28 in the table will allow the Station to remain on the air and continue to provide service to viewers within its service area. Given that Gray proposes to utilize its currently licensed parameters, we believe channel 12 can be substituted for channel 28 at Wichita as proposed, in compliance with the principal community coverage requirements of section 73.618(a) of the Commission's Rules (Rules), at coordinates 38-03'-37.6" N and 97-45'-49.7" W. In addition, we find that this channel change meets the technical requirements set forth in section 73.622(a) of the Rules.

This is a synopsis of the Commission's Notice of Proposed Rulemaking, MB Docket No. 25-107; RM-11997; DA 25-167, adopted February 25, 2025, and released February 25, 2025. The full text of this document is available for download at https://www.fcc.gov/edocs. To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to FCC504@fcc.gov or call the Consumer & Government Affairs Bureau at (202) 418-0530 (VOICE), (202) 418-0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any

proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to this proceeding.

Members of the public should note that all ex parte contacts are prohibited from the time a notice of proposed rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, see 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in § 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See §§ 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118-9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this notice of proposed rulemaking is available at https://www.fcc.gov/proposed-rulemakings.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

■ 2. In § 73.622, in the table in paragraph (j), under Kansas, revise the entry for "Wichita" to read as follows:

§ 73.622 Digital television table of allotments.

	Community	Channel No.
(j)	*	*
	*	*
	*	*
	*	*
	Kansas	

	Community	Channel No.
	*	*
Wichita	10, 12, 15, 26
	*	*

[FR Doc. 2025-03466 Filed 3-4-25; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[RTID 0648-XE525]

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendment 35; Notice of Availability

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

ACTION: Notice of availability of proposed fishery management plan amendment; request for comments.

SUMMARY: NMFS announces that the Pacific Fishery Management Council (referred to as "the Council") has submitted amendment 35 to the Pacific Coast Groundfish Fishery Management Plan (PCGFMP) to the Secretary of Commerce for review. If approved, amendment 35 would define stocks that are in need of conservation and management, consistent with the provisions and guidelines of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Amendment 35 would define stocks for eight species within the fishery management unit. These species were prioritized because they are scheduled for stock assessments in 2025 or in 2027. Amendment 35 is necessary for NMFS to make stock status determinations, which in turn will help prevent overfishing, rebuild overfished stocks, and achieve optimum yield. Amendment 35 is administrative in nature and does not change harvest levels or timing and location of fishing, nor does it revise the goals and objectives or the management frameworks of the PCGFMP.

DATES: Comments on amendment 35 must be received no later than May 4, 2025.

ADDRESSES: You may submit comments on this document, identified by NOAA-

NMFS–2025–0012, by the following method:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2025–0012 in the Search box. Click the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments must be submitted by the above method to ensure that the comments are received, documented, and considered by NMFS. 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. All comments received are a part of the public record and NMFS will post 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 is publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic Access

This rulemaking is accessible via the internet at the Office of the Federal Register website at <https://www.federalregister.gov>. Background information and documents including an analysis for this action (referred to as “Analysis”), which addresses the statutory requirements of the Magnuson-Stevens Act are available from the Pacific Fishery Management Council’s website at <https://www.pcouncil.org>.

FOR FURTHER INFORMATION CONTACT: Abbie Moyer, Fishery Management Specialist, at 206–305–9601 or abbie.moyer@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) seaward of Washington, Oregon, and California under the PCGFMP. The Council prepared and NMFS implemented the PCGFMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* and by regulations at 50 CFR parts 600 and 660. The Magnuson-Stevens Act requires that each regional fishery management council submit any fishery management plan (FMP) or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish notification that the FMP or

amendment is available for public review and comment. This notification announces that the proposed amendment 35 to the PCGFMP is available for public review and comment. NMFS will consider the public comments received during the comment period described above in determining whether to approve, partially approve, or disapprove amendment 35 to the PCGFMP.

Background

In 2021, NMFS was unable to make stock status determinations for stocks that were assessed in 2021, because the “stocks” for which the Council was expecting status determinations did not exist in the PCGFMP. At that time, the PCGFMP contained a list of over 80 species and did not describe whether each species is a single stock within the fishery management unit or if it is multiple (e.g., regional) stocks. NMFS requested that the Council undertake amendment 31 to define stocks for 14 of those species listed in the PCGFMP at its March 8–14, 2022 meeting in San Jose, California. The Council prioritized a sub-set of species, because they were subject to stock assessments in 2021 or were subject to stock assessments in 2023, and were therefore the most likely candidates to be the subject of NMFS’ forthcoming status determinations, which are often based on new assessments. Amendment 31 was published on November 16, 2023 (88 FR 78677).

At its November 13–18, 2024 meeting in Costa Mesa, California, the Council recommended stock definitions for eight species of Pacific Coast groundfish (chilipepper rockfish, English sole, redbanded rockfish, rougheye/blackspotted rockfish (a cryptic pair), widow rockfish, yellowtail rockfish, and yelloweye rockfish) that will have stock assessments in 2025 or in 2027 (priority species) so that NMFS may be able to make stock status determinations. Amendment 35 would define stocks for eight species within the fishery management unit (FMU; the jurisdiction of the FMP from 3 to 200 nautical miles offshore between the United States border with Canada and the United States border with Mexico, which may also be referred to as “coastwide”) that require conservation and management.

The goal of this process is to create stock definitions for all Pacific coast groundfish species in need of conservation and management. Given time constraints, this process to develop stock definitions for all managed Pacific coast groundfish species is a multi-phase process. The Council is pursuing a process for stock definitions for the

remaining species in the PCGFMP under another action. The current proposed amendment 35 overlaps with that action but will allow NMFS to make stock status determinations and allow the Council to initiate the 2027–2028 biennial harvest specifications and management measure process based upon new stock definitions for those species assessed in 2025. This amendment is administrative in nature, and the economic impacts, if any, will come when stock assessments are completed, the status of the stocks are determined by NMFS, and appropriate fishery management actions are taken by the Council.

During the development of amendment 31, the Council was advised by the Scientific and Statistical Committee (SSC) that indications of population structure within a species should be an indicator of whether stock status should be determined at a finer scale than coastwide. Therefore, the Council evaluated a literature review of the best scientific and biological information available for each species, which is appended to the Analysis developed for amendment 35, available on the Council website (see Electronic Access section).

The Analysis considered a single stock definition alternative for most of the priority species except yelloweye rockfish and yellowtail rockfish, as explained below. Generally, species with no known population structure, based on the literature review, or with known single-population structure based on genetic information, were considered under a single stock definition alternative. Based on best scientific information available along with past and recent fishery management and policy decisions, yellowtail rockfish was only considered under one alternative defining it as two stocks, one stock north of latitude (lat.) 40°10′ N and one stock south of lat. 40°10′ N. Yelloweye rockfish had no known indicators of population structure, but was noted by the SSC at the June 2024 Council meeting for having uncertainty in movement rates. Therefore, yelloweye rockfish was initially considered under two alternatives: one as a single stock definition and a second alternative defining it as two stocks (one as a Washington and Oregon stock and one as a California stock). The second alternative for yelloweye rockfish was later removed from further consideration due to insufficient scientific support to warrant stock structure finer than coastwide at the time.

The Analysis assumed each alternative stock definition was adopted, then applied the PCGFMP's harvest specifications framework to each stock to assess some of the biological, socioeconomic, and fishery management trade-offs that might be expected from implementation of future management actions based on the alternative stock definitions. Impacts of these stock definitions are expected to flow from future, subsequent action(s) to set harvest specifications and management measures for the stock(s), but the Analysis provided information for the Council to consider in making its decision. The Council considered these tradeoffs when making its final stock definition recommendations at its November 13–18, 2024 meeting. The following narrative provides species-specific information, in alphabetical order by common name, and rationale for the stock definition for each species that would be implemented by amendment 35.

Chilipepper Rockfish (*Sebastes goodei*)

Chilipepper rockfish (*Sebastes goodei*) range from British Columbia to the United States-Mexico border, with peak abundance near Cape Mendocino, California and declines north of Cape Blanco, Oregon. Chilipepper rockfish are an important commercial target species in California waters and were historically an important recreational target in southern California waters. There is no evidence of population structure for chilipepper rockfish, and information is limited on larval dispersal distances and adult movement rates.

Stock assessments have been conducted on a coastwide scale since 2007. Prior to 2007, chilipepper rockfish were assessed in the area south of lat. 40°10' N where they are predominantly found. The 2007 chilipepper rockfish stock assessment was extended to their entire west coast range through waters off Oregon. To date, chilipepper rockfish have been managed with stock-specific harvest specifications south of lat. 40°10' N and as part of the Shelf Rockfish Complex north of lat. 40°10' N. The harvest specifications that are compared to mortality estimates to assess whether the species is subject to overfishing are derived from the coastwide stock assessment. The overfishing limit (OFL)/acceptable biological catch (ABC)/annual catch limit (ACL) is then apportioned to each area north and south of lat. 40°10' N. Although the ACL scale is less than coastwide, by application of the harvest specifications framework in the PCGFMP, a coastwide ACL is calculated

using a coastwide ACL control rule and then the ACL is subsequently apportioned north and south. Under a single coastwide stock definition, this management structure is assumed to continue and is not expected to trigger future allocative actions, increase management burden during the next biennial cycle compared to 2025–2026 or result in short-term or long-term biological impacts if status is determined at a coastwide scale. The only alternative the Council considered was a coastwide stock definition, as only a single geographic delineation clearly aligned well with the best scientific information available and aligns with past and recent fishery management and policy decisions for the species. Therefore, the Council recommended and NMFS is proposing to approve a single stock of chilipepper rockfish in the PCGFMP.

English Sole (*Parophrys vetulus*)

English Sole (*Parophrys vetulus*) range from Unimak Island in Alaska to Baja California, Mexico. English sole are primarily caught by groundfish bottom trawls. Current literature has found little genetic diversity among sampled individuals, and there is no evidence to support a stock delineation on a finer geographic scale than coastwide. The harvest specifications that are compared to mortality estimates to assess whether the species is subject to overfishing have been set at a coastwide scale. English sole's single, coastwide ACL is formally allocated in the PCGFMP between trawl and non-trawl fisheries. Defining English sole as a stock at a coastwide scale is not expected to trigger future allocative actions, increase management burden during the next biennial cycle compared to 2025–2026, or result in short-term or long-term biological impacts if status is determined at a coastwide scale. The only alternative the Council considered was a coastwide stock definition, as only a single geographic delineation clearly aligned well with past and recent fishery management and policy decisions for the species as well as best scientific information available. Therefore, the Council recommended and NMFS is proposing to approve a single stock of English sole in the FMP.

Redbanded Rockfish (*Sebastes babcocki*)

Redbanded rockfish (*Sebastes babcocki*) range from the Gulf of Alaska to southern California but are most abundant in southeast Alaska. Redbanded rockfish do not have a directed fishery and are considered a data-limited species. While population

structure remains poorly understood, there are no known indications that the species has distinct geospatial population structure. To date, redbanded rockfish has not been fully assessed. Using the Depletion-Based Stock Reduction Analysis (DB-SRA) method, redbanded rockfish was included in estimates of sustainable yield for data poor stocks in the PCGFMP in 2010. Since then, revisions to the OFL contributions to correct several errors were made and have provided the current values used in harvest specifications and management. Redbanded rockfish are managed north and south of lat. 40°10' N in the Slope Rockfish Complex. OFL values are apportioned to management areas north and south of lat. 40°10' N based on cumulative catch data. ACL contribution is calculated using a coastwide ACL control rule and then the ACL contribution is subsequently apportioned north and south. Under a single coastwide stock definition, this management structure is assumed to continue and is not expected to trigger future allocative actions, increase management burden during the next biennial cycle compared to 2025–2026, or result in short-term or long-term biological impacts if status is determined at a coastwide scale. The only alternative the Council considered was a coastwide stock definition, as only a single geographic delineation aligned well with the best scientific information available, and is unlikely to require the Council to consider changes to fishery management and policy decisions for the species. Therefore, the Council recommended and NMFS is proposing to approve a single stock of redbanded rockfish in the PCGFMP.

Rougheye/Blackspotted Rockfishes (*Sebastes aleutianus* and *Sebastes melanostictus*)

Rougheye rockfish (*Sebastes aleutianus*) and blackspotted rockfish (*Sebastes melanostictus*) are a pair of cryptic species that share broad overlap in their depth and geographic distributions. They range from Japan to the Bering Sea and south to Point Conception, California. Although not targeted, rougheye/blackspotted rockfish are desirable and marketable and are often caught in the bottom trawl, midwater trawl and longline fisheries. It is very difficult to visually distinguish between the two species, and it wasn't until genetic studies in the early 2000s that the two separate species were identified and described. Therefore, they are treated in assessments and fishery management as a single cryptic species pair. The species have been

assessed as a single geographic unit within the FMU since 2013. Rougheye/blackspotted rockfish are managed north and south of lat. 40°10' N in the Slope Rockfish Complex. Coastwide OFL values are apportioned to management areas north and south of lat. 40°10' N based on average historical catch. The ACL contribution is calculated using a coastwide ACL control rule and then the ACL contribution is subsequently apportioned north and south. Under a single coastwide stock definition, this management structure is assumed to continue and is not expected to trigger future allocative actions, increase management burden during the next biennial cycle compared to 2025–2027, or result in short-term or long-term biological impacts if status is determined at a coastwide scale. The Council recommended and NMFS is proposing a single stock of rougheye/blackspotted rockfish in the FMU due to a lack of scientific evidence of distinct population structure off the U.S. west coast. A single geographic delineation aligned well with the best scientific information available and is unlikely to require the Council to consider changes to fishery management and policy decisions for the cryptic species pair.

Widow Rockfish (*Sebastes entomelas*)

Widow Rockfish (*Sebastes entomelas*) range from southeast Alaska to Baja California, Mexico and are most abundant from British Columbia to northern California. Widow rockfish are an important commercial species from British Columbia to central California and are a minor component in the recreational groundfish fishery. All life stages are pelagic, but older juveniles and adults are often associated with the bottom. Survey-based indices of abundance suggest similar biomass densities of widow rockfish from Washington to California. While population structure remains poorly understood, current literature found no genetic variation among widow rockfish along the California coast. There are no known indications that the species has distinct geospatial population structure. Using two models separated at Coos Bay, Oregon, the species has been assessed as a single geographic unit within the FMU since its first U.S. west coast assessment in 1988, including throughout the period where it was managed under a rebuilding plan (2004–2014). In 2010, a coastwide assessment produced results comparable to a two-area model. The harvest specifications that are compared to mortality estimates to assess whether the species is subject to overfishing have been set at a coastwide scale throughout the period

the species was managed under a rebuilding plan and in its current rebuilt status (2012–present). Defining widow rockfish as a stock at a coastwide scale is not expected to trigger future allocative actions, increase management burden during the next biennial cycle compared to 2025–2026, or result in short-term or long-term biological impacts if status is determined at a coastwide scale. The only alternative the Council considered was a coastwide stock definition, as only a single geographic delineation clearly aligned well with past and recent fishery management and policy decisions for the species as well as best scientific information available. Therefore, the Council recommended and NMFS is proposing to approve a single stock of widow rockfish in the PCGFMP.

Yelloweye Rockfish (*Sebastes ruberrimus*)

Yelloweye Rockfish (*Sebastes ruberrimus*) range from the western Gulf of Alaska to northern Baja California, Mexico and are common from Central California northward to the Gulf of Alaska. Yelloweye rockfish are caught coastwide in all sectors of the Pacific groundfish fishery but are more commonly caught with hook and line gears. Literature suggests there may be genetic separation between yelloweye rockfish in the Strait of Georgia (British Columbia) and the outer coasts of Washington but show the coastal populations are not genetically distinct from each other. Information on genetics, larval dispersal, and spatial variation in life history traits with which to assess stock structure for yelloweye rockfish is limited. Recent literature, however, suggests there may be a high degree of population connectivity along the U.S. west coast due to evidence of greater adult movement rates than were previously documented.

Using multiple area assessments, the species has been assessed as a single geographic unit within the FMU since its first U.S. west coast assessment in 2001, including throughout the period where it has been managed under a rebuilding plan (2004–present). For over 20 years, the harvest specifications that are compared to mortality estimates to assess whether the species is subject to overfishing have been set at a coastwide scale. Defining yelloweye rockfish as a single coastwide stock is not expected to trigger future allocative actions, increase management burden during the next biennial cycle compared to 2025–2026, or result in short-term or long-term biological impacts if status is determined at a coastwide scale. The

Council recommended and NMFS is proposing a single stock of yelloweye rockfish due to a lack of scientific evidence to support a discernable population structure. A single geographic delineation for yelloweye rockfish aligned well with past and recent fishery management and policy decisions for the species as well as best scientific information available.

Yellowtail Rockfish (*Sebastes flavidus*)

Yellowtail rockfish (*Sebastes flavidus*) range from the Aleutian Islands to Baja California, Mexico with peak abundance from British Columbia, Canada to Oregon. The species is commonly caught in both commercial and recreational fisheries throughout its range. Studies have shown a genetic break in yellowtail rockfish along the coast, indicating two separate stocks separated by Cape Mendocino, California (approximately one north of and one south of lat. 40°10' N). Yellowtail rockfish is managed with stock-specific harvest specifications north of lat. 40°10' N and within the southern Shelf Rockfish complex south of lat. 40°10' N. Yellowtail rockfish on the U.S. west coast north of lat. 40°10' N were first assessed in 1984, and there has never been an assessment of the southern population. Attempts have been made to assess the southern population using data-moderate methods, though, a southern model sufficiently robust for use in management could not be developed. The OFL contribution of yellowtail rockfish to the southern Shelf Rockfish complex is based on a DB–SRA estimate. Harvest specification values that are compared to mortality estimates to assess whether the species is subject to overfishing for the population north of lat. 40°10' N are based on stock assessment work.

Defining yellowtail rockfish as a northern stock and a southern stock within the FMU is not expected to trigger future allocative actions, increase management burden during the next biennial cycle compared to 2025–2026, or result in short-term or long-term biological impacts if status is determined at that scale. The only alternative the Council considered was a two-stock definition (yellowtail rockfish north of lat. 40°10' N and yellowtail rockfish south of lat. 40°10' N), as only this geographic delineation clearly aligned well with past and recent fishery management and policy decisions for the species as well as best scientific information available. Therefore, the Council recommended and NMFS is proposing two yellowtail rockfish stocks in the PCGFMP.

Summary

The Council recommended defining 8 stocks for 8 species within the over 80

managed groundfish species within the FMU, as described in table 1. The Council has begun a comprehensive

effort to define all remaining groundfish species in the FMP as part of a separate action.

TABLE 1—GROUNDFISH STOCKS WITHIN THE FMU OF THE PCGFMP AND THEIR BOUNDARIES, AS PROPOSED TO BE AMENDED THROUGH AMENDMENT 35

Stock	Species scientific name	Stock boundaries
Rockfish:		
Chilipepper Rockfish	<i>Sebastes goodei</i>	Pacific West Coast FMU.
Redbanded Rockfish	<i>S. babcocki</i>	Pacific West Coast FMU.
Rougheye/Blackspotted Rockfish	<i>S. aleutianus/S. melanostictus</i>	Pacific West Coast FMU.
Widow Rockfish	<i>S. entomelas</i>	Pacific West Coast FMU.
Yellowtail Rockfish North	<i>S. flavidus</i>	North of lat. 40°10' N.
Yellowtail Rockfish South	<i>S. flavidus</i>	South of lat. 40°10' N.
Yelloweye Rockfish	<i>S. ruberrimus</i>	Pacific West Coast FMU.
Flatfish:		
English Sole	<i>Parophrys vetulus</i>	Pacific West Coast FMU.

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

Dated: February 28, 2025.

Karen H. Abrams,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2025-03561 Filed 3-4-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

RIN 0648-XE236

Fisheries of the Northeastern United States; Amendment 25 to the Northeast Multispecies Fishery Management Plan; Atlantic Cod Stocks in Need of Conservation and Management

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

ACTION: Notification of availability of fishery management plan amendment; request for comments.

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) has transmitted Amendment 25 to the Northeast Multispecies Fishery Management Plan to the Secretary of Commerce for review. If approved, Amendment 25 would revise the stocks of Atlantic cod managed in the Northeast Multispecies Fishery Management Plan. This action is necessary to incorporate the best scientific information available into the fishery management plan. The intended effect of Amendment 25 is to revise the fishery management plan to manage Atlantic cod in U.S. waters as four

stocks rather than two. This document is intended to alert the public to this action and provide an opportunity for comment.

DATES: Comments on Amendment 25 must be received on or before May 5, 2025.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2024-0141, by the following method:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2024-0141 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

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 Amendment 25 may be obtained from <https://www.regulations.gov> and the New England Fishery Management Council website at <https://www.nefmc.org/library/northeast-multispecies-groundfish-amendment-25>. Electronic copies of the 2023 Research Track Assessment of Atlantic Cod may be obtained from <https://apps-nefsc.fisheries.noaa.gov/saw/sasi.php>.

FOR FURTHER INFORMATION CONTACT:

Mark Grant, 978-281-9145, mark.grant@noaa.gov.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council manages the northeast multispecies (groundfish) fishery under the Northeast Multispecies Fishery Management Plan (FMP). Amendment 25 to the FMP would revise the current Atlantic cod stock management units to ensure that the FMP reflects the best scientific information available for stocks in need of conservation and management. Since its creation in 1985, the FMP has been based on scientific information indicating that Atlantic cod consist of two biological stock units: Gulf of Maine cod and Georges Bank cod. Recent scientific information indicates that Atlantic cod is more appropriately considered to consist of four biological stocks. Amendment 25 would revise the FMP to reflect the four stocks of Atlantic cod defined in the 2023 Research Track Assessment of Atlantic Cod (see **ADDRESSES**). A peer review of the research track stock assessment approved the outcomes and the 4-stock structure for Atlantic cod is now the best scientific information available (BSIA). A copy of the Summary Report of the Atlantic Cod Research Track Stock Assessment Peer Review is available at: <https://www.fisheries.noaa.gov/s3/2023-08/PanelSummaryReportoftheAtlanticCodRTPeerReviewAugust172023-mlt-508-8-23-23ajd-508gw.pdf>. After reviewing the National Standard guidelines implementing the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council has recommended that the four new Atlantic cod stocks in the FMP be:

- New stock unit of Eastern Gulf of Maine cod;

- New Stock unit of Western Gulf of Maine cod;
- Revised stock unit of Georges Bank cod; and

- New Stock unit of Southern New England Cod.
The overall geographic area managed under Amendment 25 would remain

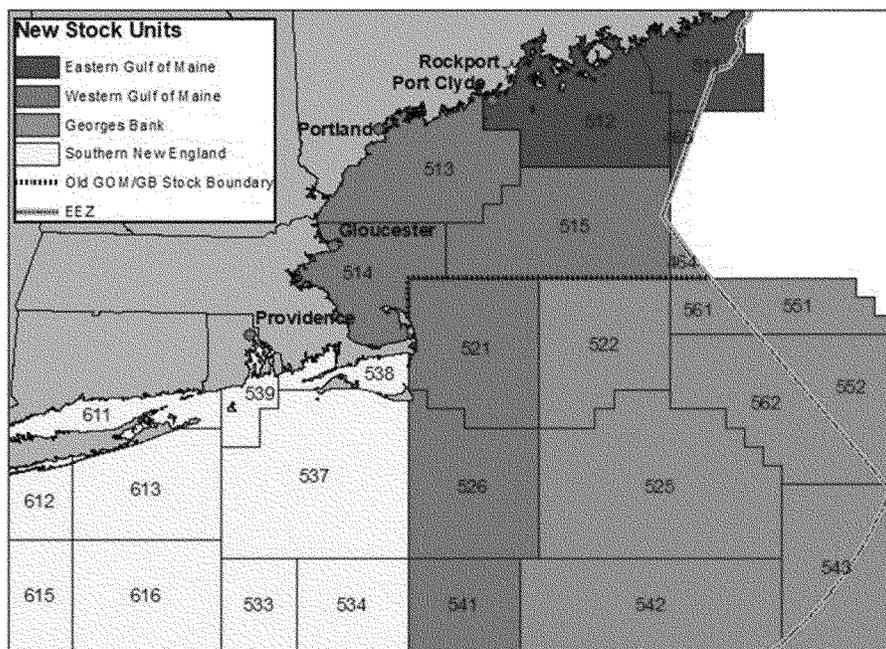
unchanged and would continue to encompass all Atlantic cod in U.S. waters (see Table 1 and Figure 1).

TABLE 1—STATISTICAL REPORTING AREAS (SRA) COMPRISING THE STOCK AREAS FOR THE FOUR NEW ATLANTIC COD STOCK UNITS AS DETERMINED BY THE 2023 ATLANTIC COD RESEARCH TRACK ASSESSMENT

Stock	SRAs
Eastern Gulf of Maine cod	465, 467, 511, 512.
Western Gulf of Maine cod	513, 514, 515, 521, 526, 541.
Georges Bank cod	464, 522, 525, 542, 543, 551, 552, 561, 562.
Southern New England cod	533, 534, 537, 538, 539, 611, 612, 613, 614, 615, 616, 621, 622, 623, 624, 625, 626, 627, 628, 629, 631, 632, 633, 634, 635, 636, 637, 638, 639.

Figure 1. Stock Areas for the Four New Atlantic Cod Stock Units and the Current Two Atlantic Cod Stock Units.

Figure 1. Stock Areas for the Four New Atlantic Cod Stock Units and the Current Two Atlantic Cod Stock Units.



The Magnuson-Stevens Act requires that each Regional Fishery Management Council transmit any amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that upon a Council's transmittal to NMFS of an amendment and associated regulations deemed necessary by the Council to implement the amendment, on or before the 5th day after the day on which a Council transmits the plan amendment, NMFS must immediately commence a review of the plan or amendment to determine whether the plan or amendment is consistent with the Act's national

standards, other provisions of the Act, and any other applicable law. NMFS must also publish notification in the **Federal Register** that the amendment is available for public review and comment for a period of 60 days beginning on the date that the document is published. The transmittal date for Amendment 25 was February 27 2025. Although the stock units guide management decisions for the Northeast multispecies fishery, they are not formally codified within the regulatory text. Therefore, this action is administrative in nature with no immediate or direct impact on the

fishery and/or the FMP's implementing regulations.

The Northeast Multispecies FMP specifies the management measures for 13 groundfish species (cod, haddock, yellowtail flounder, pollock, plaice, witch flounder, white hake, windowpane flounder, Atlantic halibut, winter flounder, redfish, ocean pout, and Atlantic wolffish) off the New England and Mid-Atlantic coasts. Some of these species (cod, haddock, yellowtail flounder, winter flounder, and windowpane flounder) are further sub-divided into individual stocks that are attributed to different geographic areas.

Section 301 of the Magnuson-Stevens Act (16 U.S.C. §§ 1801 *et seq.*) requires any fishery management plan or amendment be consistent with ten national standards. In developing Amendment 25, the Council considered the national standard guidelines for adding or removing a stock from an FMP (see **ADDRESSES**). The National Standard Guidelines at 50 CFR 600.305(c)(7) state that councils should periodically review FMPs and the Best Scientific Information Available (§ 600.315(a)) to determine if the stocks are appropriately defined. The guidelines at § 600.305(c) state that any stock that is predominately caught in Federal waters and is overfished or subject to overfishing, or likely to become overfished or subject to overfishing, is considered to require conservation and management. In the same paragraph, the guidelines also include a non-exhaustive list of factors that a council should consider when deciding whether stocks require conservation and management. In Amendment 25, the Council included an analysis of those factors as the basis

for determining that the four cod stocks, as defined by the 2023 Research Track Assessment of Atlantic Cod, each require conservation and management.

The regulations implementing the National Standard 1 guidelines (§ 600.310(c)) include a summary of items to include in an FMP for each stock. This includes maximum sustainable yield, optimum yield, status determination criteria, and accountability measures. Management measures for the four Atlantic cod stocks that Amendment 25 would add to the FMP are included in a companion Council action titled Framework Adjustment 69 (Framework 69). Framework 69 also includes specifications (*i.e.*, quotas) for the four new cod stocks and management measures to implement the specifications. On December 4, 2024, the Council adopted Framework 69 for submission to NMFS for review.

NMFS welcomes comments on the proposed FMP amendment through the end of the 60-day comment period. NMFS expects to publish, and request public review and comment on,

proposed regulations to implement Framework 69 within this comment period. For public comments to be considered in the approval or disapproval decision on Amendment 25, those comments must be received by close of business on the last day of the comment period on Amendment 25. All comments received by the end of the Amendment 25 comment period will be considered in the approval/disapproval decision. If the comment period for the Framework 69 proposed rule overlaps with the Amendment 25 comment period announced in this document, comments on Framework 69 that pertain to the action to establish four stocks of cod, will be considered in the approval/disapproval decision for both Amendment 25 and Framework 69.

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

Dated: February 28, 2025.

Karen H. Abrams,

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

[FR Doc. 2025-03571 Filed 3-4-25; 8:45 am]

BILLING CODE 3510-22-P

Notices

Federal Register

Vol. 90, No. 42

Wednesday, March 5, 2025

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

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 250226–0029]

XRIN 0694–XC114

Implementation of Duties on Steel Pursuant to Proclamation 10896 Adjusting Imports of Steel Into the United States

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: The President issued Proclamation 10896 “Adjusting Imports of Steel into the United States,” (Steel Presidential Proclamation) on February 10, 2025, imposing specified rates of duty on imports of steel. In Proclamation 10896, the President authorized and directed the Secretary of Commerce to publish modifications to the Harmonized Tariff Schedule of the United States (HTSUS) so that it conforms to the amendments and effective dates in the proclamation. The revised HTSUS is set out in Annex 1 to this notice.

DATES: The duties set out in the annex to this document 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 March 12, 2025.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2025, the President issued the Steel Presidential Proclamation adjusting the imports of steel into the United States (Proclamation 10896 of February 10, 2025) (90 FR 9817). The Steel Presidential Proclamation instructed the United States International Trade Commission, in consultation with the Secretary of Commerce, the Commissioner of United States Customs

and Border Protection (CBP) within the Department of Homeland Security, and the heads of other relevant executive departments and agencies, to revise the HTSUS so that it conforms to the amendments and effective dates directed in the Steel Presidential Proclamation within ten days of March 12, 2025. The Proclamation directed and authorized the Secretary of Commerce to publish any such modifications to the HTSUS in the **Federal Register**. Annex 1 to this notice is the modified HTSUS.

Eric Longnecker,

Deputy Assistant Secretary for Technology Security.

Annex 1

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 March 12, 2025, except for subdivision (n) which shall be effective upon public notification of the Secretary of Commerce:

a. The following new subdivisions (i) through (o) are inserted in note 16 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) in numerical order:

“(i) Headings 9903.81.87 and 9903.81.88 provide the ordinary customs duty treatment of iron or steel products, as enumerated in subdivision (j) of this note, of all countries other than products of the United States. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.81.87 shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection (“CBP”) regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the iron or steel products enumerated in subdivision (j) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.81.87. All antidumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed in addition to the duty in heading 9903.81.87.

“(j) The rates of duty set forth in heading 9903.81.87 apply to all imported products of iron or steel classifiable in the provisions of the HTSUS enumerated in this subdivision:

(i) flat-rolled products provided for in headings 7208, 7209, 7210, 7211, 7212, 7225 or 7226;

(ii) bars and rods provided for in headings 7213, 7214, 7215, 7227, or 7228; angles, shapes and sections of 7216 (except subheadings 7216.61.00, 7216.69.00 or 7216.91.00); wire provided for in headings 7217 or 7229; sheet piling provided for in subheading 7301.10.00; rails provided for in subheading 7302.10; fish-plates and sole plates provided for in subheading 7302.40.00; and other products of iron or steel provided for in subheading 7302.90.00;

(iii) tubes, pipes and hollow profiles provided for in heading 7304 or 7306; tubes and pipes provided for in heading 7305;

(iv) ingots, other primary forms and semi-finished products provided for in headings 7206, 7207 or 7224; and

(v) products of stainless steel provided for in headings 7218, 7219, 7220, 7221, 7222 or 7223.

“Any reference above to iron or steel products classifiable in any heading or subheading of chapter 72 or 73, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions.

“(k) Headings 9903.81.89, 9903.81.90, 9903.81.91, and 9903.81.93 provide the ordinary customs duty treatment of the derivative iron or steel products, as enumerated in subdivisions (l), (m) and (n), respectively, of this note for all countries other than products of the United States. For any such derivative iron or steel products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in such headings shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable CBP regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption shall be allowed for the derivative iron or steel articles enumerated in subdivisions (l), (m) or (n) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99

shall be imposed in addition to the duty in headings 9903.81.89, 9903.81.90, or 9903.81.91. All antidumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.

“(l) The rates of duty set forth in heading 9903.81.89 apply to all imported derivative iron or steel products classifiable in the provisions of the HTSUS enumerated in this subdivision:

(A) nails, tacks (other than thumb tacks), drawing pins, corrugated nails, staples (other than those of heading 8305) and similar articles, of iron or steel, whether or not with heads of other material (excluding such articles with heads of copper), suitable for use in powder-actuated handtools, threaded (described in subheading 7317.00.30)

(B) nails, tacks (other than thumb tacks), drawing pins, corrugated nails, staples (other than those of heading 8305) and similar articles, of iron or steel, whether or not with heads of other material (excluding such articles with heads of copper), of one piece construction, whether or not made of round wire; the foregoing described in statistical reporting numbers 7317.00.5503, 7317.00.5505, 7317.00.5507, 7317.00.5560, 7317.00.5580 or 7317.00.6560 only and not in other statistical reporting numbers of subheadings 7317.00.55 and 7317.00.65

(C) bumper stampings of steel, the foregoing comprising parts and accessories of the motor vehicles of headings 8701 to 8705 (described in subheading 8708.10.30); and

(D) body stampings of steel, for tractors suitable for agricultural use (described in subheading 8708.29.21).

“(m) The rates of duty set forth in heading 9903.81.90 apply to all imported derivative iron or steel products that are classified in the following subheadings of the HTSUS, unless the derivative iron or steel product was processed in another country from steel articles that were melted and poured in the United States: 7301.20.10; 7301.20.50; 7302.30.00; 7307.21.10; 7307.21.50; 7307.22.10; 7307.22.50; 7307.23.00; 7307.29.00; 7307.91.10; 7307.91.30; 7307.91.50; 7307.92.30; 7307.92.90; 7307.93.30; 7307.93.60; 7307.93.90;

7307.99.10; 7307.99.30; 7307.99.50; 7308.10.00; 7308.20.00; 7308.30.10; 7308.30.50; 7308.40.00; 7308.90.30; 7308.90.60; 7308.90.70; 7308.90.95; 7309.00.00; 7310.10.00; 7310.21.00; 7310.29.00; 7311.00.00; 7312.10.05; 7312.10.10; 7312.10.20; 7312.10.30; 7312.10.50; 7312.10.60; 7312.10.70; 7312.10.80; 7312.10.90; 7312.90.00; 7313.00.00; 7314.12.10; 7314.12.20; 7314.12.30; 7314.12.60; 7314.12.90; 7314.14.10; 7314.14.20; 7314.14.30; 7314.14.60; 7314.14.90; 7314.19.01; 7314.20.00; 7314.31.10; 7314.31.50; 7314.39.00; 7314.41.00; 7314.42.00; 7314.49.30; 7314.49.60; 7314.50.00; 7315.11.00; 7315.12.00; 7315.19.00; 7315.20.00; 7315.20.50; 7315.81.00; 7315.82.10; 7315.82.30; 7315.82.50; 7315.82.70; 7315.89.10; 7315.89.30; 7315.89.50; 7315.90.00; 7316.00.00; 7317.00.65; 7317.00.75; 7318.11.00; 7318.12.00; 7318.13.00; 7318.14.10; 7318.14.50; 7318.15.20; 7318.15.40; 7318.15.50; 7318.15.60; 7318.15.80; 7318.16.00; 7318.19.00; 7318.21.00; 7318.22.00; 7318.23.00; 7318.24.00; 7318.29.00; 7319.40.20; 7319.40.30; 7319.40.50; 7319.90.10; 7319.90.90; 7320.10.30; 7320.10.60; 7320.10.90; 7320.20.10; 7320.20.50; 7320.90.10; 7320.90.50; 7321.11.10; 7321.11.30; 7321.11.60; 7321.12.00; 7321.19.00; 7321.81.10; 7321.81.50; 7321.82.10; 7321.82.50; 7321.89.00; 7321.90.10; 7321.90.20; 7321.90.40; 7321.90.50; 7321.90.60; 7322.19.00; 7322.90.00; 7323.10.00; 7323.93.00; 7323.94.00; 7323.99.10; 7323.99.30; 7323.99.50; 7323.99.70; 7323.99.90; 7324.10.00; 7324.29.00; 7324.90.00; 7325.91.00; 7325.99.10; 7325.99.50; 7326.11.00; 7326.19.00; 7326.20.00; 7326.90.10; 7326.90.25; 7326.90.35; 7326.90.45; 7326.90.60; 7326.90.86.

For subheadings 7317.00.55 and 7317.00.65, this provision shall apply to those statistical reporting numbers not specifically enumerated in subdivision (l) above.

“(n) The rates of duty in heading 9903.81.91 apply to all imported derivative iron or steel products that are classified in the following subheadings 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 March 12, 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: 8431.31.00; 8431.42.00; 8431.49.10; 8431.49.90; 8432.10.00; 8432.90.00; 8547.90.00; 9403.20.00; 9405.99.20; 9405.99.40; 9406.20.00; 9406.90.01.

“For any derivative steel article that is classified in one of the subheadings of the HTSUS that is listed in this subdivision, the additional ad valorem duty imposed by heading 9903.81.91 shall only apply to the declared value of the steel content of the derivative article. The quantity of the steel content shall be reported in kg for heading 9903.81.91, in addition to the units provided in chapters 1 through 97 for the derivative steel article, in accordance with Statistical Note 1(b) of Chapter 99.

“(o) Any importer entering the iron or steel products covered by this note under headings 9903.81.87 or 9903.81.88, or any importer of the derivative iron or steel products covered by this note under headings 9903.81.89, 9903.81.90, 9903.81.91, 9903.81.92 or 9903.81.93 shall provide any information that may be required, and in such form, as is deemed necessary by CBP in order to permit the administration of these headings.”

b. Subchapter III of chapter 99 of the HTSUS is modified:

1. by inserting new headings 9903.81.87, 9903.81.88, 9903.81.89, 9903.81.90, 9903.81.91, 9903.81.92 and 9903.81.93 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1-Special” and “Rates of Duty 2”, respectively:

Heading/subheading	Article description	Rates of duty		
		1		2
		General	Special	
“9903.81.87	Except for derivative iron or steel products described in headings 9903.81.89, 9903.81.90 or 9903.81.91, products of iron or steel provided for in the tariff headings or subheadings enumerated in subdivision (j) of note 16 to this subchapter.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.
9903.81.88	Products of iron or steel provided for in the tariff headings or subheadings enumerated in subdivision (j) of note 16 to this subchapter, admitted to 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 March 12, 2025.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.
9903.81.89	Derivative iron or steel products provided for in the tariff provisions enumerated in subdivision (l) of note 16 to this subchapter.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.
9903.81.90	Except as provided in heading 9903.81.92, derivative iron or steel products provided for in the tariff subheadings enumerated in subdivision (m) of note 16 to this subchapter.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.
9903.81.91	Except as provided in heading 9903.81.92, derivative iron or steel products provided for in the tariff subheadings enumerated in subdivision (n) of note 16 to this subchapter.	The duty provided in the applicable sub-heading + a duty of 25% upon the value of the steel content.	The duty provided in the applicable sub-heading + a duty of 25% upon the value of the steel content.	The duty provided in the applicable sub-heading + a duty of 25% upon the value of the steel content.

Heading/subheading	Article description	Rates of duty		
		1		2
		General	Special	
9903.81.92	Derivative iron or steel products provided for in the tariff subheadings enumerated in subdivision (m) or subdivision (n) of note 16 to this subchapter, where the derivative iron or steel product was processed in another country from steel articles that were melted and poured in the United States.	The duty provided in the applicable sub-heading.	The duty provided in the applicable sub-heading.	The duty provided in the applicable sub-heading.
9903.81.93	Except as provided in headings 9903.81.91 or 9903.81.92, derivative products of iron or steel, as specified in subdivisions (l) and (m) of note 16 to this subchapter, admitted to 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 March 12, 2025.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.

B. Subdivisions (a) through (h) of note 16 to subchapter III of chapter 99 of the HTSUS and heading 9903.80.01 through 9903.81.86 shall continue to apply to goods entered for consumption, or withdrawn from warehouse for consumption, prior to 12:01 a.m. eastern daylight time on March 12, 2025.

[FR Doc. 2025-03598 Filed 3-3-25; 11:15 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 250226-0028]

XRIN 0694-XC113

Implementation of Duties on Aluminum Pursuant to Proclamation 10895 Adjusting Imports of Aluminum Into the United States

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: The President issued Proclamation 10895 “Adjusting Imports of Aluminum into the United States,” (Aluminum Presidential Proclamation) on February 10, 2025, imposing specified rates of duty on imports of aluminum. In Proclamation 10895, the President authorized and directed the Secretary of Commerce to publish modifications to the Harmonized Tariff Schedule of the United States (HTSUS) so that it conforms to the amendments and effective dates in the proclamation. The revised HTSUS is set out in Annex 1 to this notice.

DATES: The duties set out in the annex to this document 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 Standard Time on March 12, 2025.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2025, the President issued the Aluminum Presidential

Proclamation adjusting the imports of aluminum into the United States (Proclamation 10895 of February 10, 2025) (90 FR 9807). The Aluminum Presidential Proclamation instructed the United States International Trade Commission, in consultation with the Secretary of Commerce, the Commissioner of United States Customs and Border Protection (CBP) within the Department of Homeland Security, and the heads of other relevant executive departments and agencies, to revise the HTSUS so that it conforms to the amendments and effective dates directed in the Aluminum Presidential Proclamation within ten days of the issuance of the Proclamation. The Proclamation directed and authorized the Secretary of Commerce to publish any such modifications to the HTSUS in the **Federal Register**. Annex 1 to this notice is the modified HTSUS.

Note that importers are required to report to U.S. Customs and Border Protection (CBP) the primary country of smelt, secondary country of smelt, and country of cast on imports of all aluminum articles subject to the aluminum and aluminum derivatives Section 232 measures. Monitor CBP’s Cargo Systems Messaging Service for guidance on entry filing requirements.

Eric Longnecker,
Deputy Assistant Secretary for Technology Security.

Annex 1

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 March 12, 2025, except for subdivision (k) which shall be effective upon public notification of the Secretary of Commerce:

a. The following new subdivisions (f) through (m) are inserted in note 19 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) in numerical order:

“(f) Heading 9903.85.02 provides the ordinary customs duty treatment applicable to all entries of aluminum products, as

enumerated in subdivision (g) of this note, of all countries other than products of the United States. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in heading 9903.85.02 shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading. Goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable U.S. Customs and Border Protection (“CBP”) regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the aluminum products enumerated in subdivision (g) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.02. All antidumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed in addition to the duty in heading 9903.85.02.

“(g) The rates of duty set forth in heading 9903.85.02 apply to all entries of aluminum products classifiable in the headings and subheadings enumerated in this subdivision:

- (i) unwrought aluminum provided for in heading 7601;
- (ii) bars, rods and profiles provided for in heading 7604;
- (iii) wire provided for in heading 7605;
- (iv) plates, sheets and strip provided for in 7606;
- (v) foil provided for in heading 7607;
- (vi) tubes, pipes and tube or pipe fittings provided for in heading 7608 and 7609; and
- (vii) castings and forgings of aluminum provided for in subheading 7616.99.51.

“Any reference above to aluminum products classifiable in any heading or subheading of chapter 76, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is

covered by the provisions of this note and related tariff provisions.

“(h) Headings 9903.85.04, 9903.85.07 and 9903.85.08 provide the ordinary customs duty treatment applicable to all entries of derivative aluminum products from all countries classifiable in the headings or subheadings enumerated in subdivisions (i), (j) and (k), respectively, of this note. For any such derivative aluminum products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in such subheadings shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading. Derivative aluminum products for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provisions and applicable CBP regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for such derivative aluminum products under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in headings 9903.85.04, 9903.85.07 or 9903.85.08. All anti-dumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.

“(i) The rates of duty set forth in heading 9903.85.04 apply to all entries of derivative aluminum products classifiable in the subheadings enumerated in this subdivision:

(A) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and with steel core, not electrically insulated; the foregoing fitted with fittings or made up into articles (described in subheading 7614.10.50);

(B) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing comprising electrical conductors, not fitted with fittings or made up into articles (described in subheading 7614.90.20);

(C) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing not comprising electrical conductors, not fitted with fittings or made up into articles (described in subheading 7614.90.40);

(D) stranded wire, cables, plaited bands and the like, including slings and similar articles, of aluminum and not with steel core, not electrically insulated; the foregoing fitted with fittings or made up into articles (described in subheading 7614.90.50);

(E) bumper stampings of aluminum, the foregoing comprising parts and accessories of the motor vehicles of heading 8701 to 8705 (described in subheading 8708.10.30); and

(F) body stampings of aluminum, for tractors suitable for agricultural use (described in subheading 8708.29.21).

“(j) The rates of duty set forth in heading 9903.85.07 apply to all entries of derivative aluminum products classifiable in the following provisions of the HTSUS, unless the derivative aluminum product was processed in another country from aluminum articles that were smelted and cast in the United States: 7610.10.00; 7610.90.00; 7615.10.2015; 7615.10.2025; 7615.10.3015; 7615.10.3025; 7615.10.5020; 7615.10.5040; 7615.10.7125; 7615.10.7130; 7615.10.7155; 7615.10.7180; 7615.10.9100; 7615.20.0000; 7616.10.9090; 7616.99.1000; 7616.99.5130; 7616.99.5140; 7616.99.5190.

“(k) The rates of duty in heading 9903.85.08 apply to all entries of derivative aluminum products classifiable in the following HTSUS provisions, unless the derivative aluminum product was processed in another country from aluminum articles that were smelted and cast in the United States: 6603.90.8100; 8302.10.3000; 8302.10.6030; 8302.10.6060; 8302.10.6090; 8302.20.0000; 8302.30.3010; 8302.30.3060; 8302.41.3000; 8302.41.6015; 8302.41.6045; 8302.41.6050; 8302.41.6080; 8302.42.3010; 8302.42.3015; 8302.42.3065; 8302.49.6035; 8302.49.6045; 8302.49.6055; 8302.49.6085; 8302.50.0000; 8302.60.3000; 8302.60.9000; 8305.10.0050; 8306.30.0000; 8414.59.6590; 8415.90.8025; 8415.90.8045; 8415.90.8085; 8418.99.8005; 8418.99.8050; 8418.99.8060; 8419.50.5000; 8419.90.1000; 8422.60.0640; 8424.90.9080; 8473.30.2000; 8473.30.5100; 8479.89.9599; 8479.90.8500; 8479.90.9596; 8481.90.9060; 8481.90.9085; 8486.90.0000; 8487.90.0080; 8503.00.9520; 8508.70.0000; 8513.90.2000; 8515.90.2000; 8516.90.5000; 8516.90.8050; 8517.71.0000; 8517.79.0000; 8529.90.7300; 8529.90.9760; 8536.90.8585; 8538.10.0000; 8541.90.0000; 8543.90.8885; 8547.90.0020; 8547.90.0030; 8547.90.0040; 8708.10.3050; 8708.10.60; 8708.29.5160; 8708.80.6590; 8708.99.6890; 8716.80.5010; 8807.30.0060; 9013.90.8000; 9031.90.9195; 9401.99.9081; 9403.10.00; 9403.20.00; 9403.99.1040; 9403.99.9010; 9403.99.9015; 9403.99.9020; 9403.99.9040; 9403.99.9045; 9405.99.4020; 9506.11.4080; 9506.51.4000; 9506.51.6000; 9506.59.4040; 9506.70.2090; 9506.91.0010; 9506.91.0020; 9506.91.0030; 9506.99.0510; 9506.99.0520; 9506.99.0530; 9506.99.1500; 9506.99.2000; 9506.99.2580; 9506.99.2800; 9506.99.5500; 9506.99.6080; 9507.30.2000; 9507.30.4000; 9507.30.6000; 9507.30.8000; 9507.90.6000; 9603.90.8050.

“For any derivative aluminum product that is classified in one of the HTSUS provisions that is listed in this subdivision, the additional ad valorem duty imposed by heading 9903.85.08 shall only apply to the declared value of the aluminum content of the derivative article. The quantity of the aluminum content shall be reported in kg for heading 9903.85.08, in addition to the units provided in chapters 1 through 97 for the derivative aluminum article, in accordance with Statistical Note 1(b) of Chapter 99.”

“(l) Any importer entering the aluminum products covered by this note under heading 9903.85.02, or derivative aluminum products under headings 9903.85.04, 9903.85.07, 9903.85.08 or 9903.85.09 shall provide any information that may be required, and in such form, as is deemed necessary by CBP in order to permit the administration of these headings.

“(m)(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 March 12, 2025, headings 9903.85.67 and 9903.85.69 provides the ordinary duty treatment of aluminum articles that are products of Russia, as enumerated in subdivision (g) of this note, or where any amount of primary aluminum used in the manufacture of the aluminum articles is smelted in Russia, or where the aluminum articles are cast in Russia. For any such goods that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in such headings shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Any such goods for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable CBP regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any duty exemption or reduction shall be allowed for the aluminum products enumerated in subdivision (g) of this note under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.67 or 9903.85.69. All shipments of any such article that is otherwise eligible to be entered under a provision that is subject to quantitative limitations, and where any amount of primary aluminum used in the manufacture of the article is smelted in Russia, or the articles are cast in Russia, shall be entered under headings 9903.85.67 through 9903.85.70. Except as otherwise provided in this subdivision, the duty provided in these headings shall be collected on the full value of the article that contains primary aluminum smelted in Russia, or contains articles cast in Russia.

(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 March 12, 2025, headings 9903.85.68 and 9903.85.70 provides the ordinary duty treatment of derivative aluminum articles, as enumerated in subdivisions (i), (j) and (k) of this note, that are the product of Russia, or where any amount of primary aluminum used in the manufacture of the derivative aluminum articles is smelted in Russia, or where the derivative aluminum articles are cast in Russia. For any such products that are eligible for special tariff treatment under any of the free trade agreements or preference programs listed in general note 3(c)(i) to the tariff schedule, the duty provided in these headings shall be collected in addition to any special rate of duty otherwise applicable under the appropriate tariff subheading, except where prohibited by law. Derivative

aluminum articles for which entry is claimed under a provision of chapter 98 and which are subject to the additional duties prescribed herein shall be eligible for and subject to the terms of such provision and applicable CBP regulations, except that duties under subheading 9802.00.60 shall be assessed based upon the full value of the imported article. No claim for entry or for any exemption or reduction shall be allowed for such derivative aluminum products under a provision of chapter 99 that may set forth a lower rate of duty or provide duty-free treatment, taking into account information supplied by CBP, but any additional duty

prescribed in any provision of this subchapter or subchapter IV of chapter 99 shall be imposed in addition to the duty in heading 9903.85.68 or 9903.85.70. All shipments of any such derivative aluminum article that is otherwise eligible to be entered under a provision that is subject to quantitative limitations, and where any amount of primary aluminum used in the manufacture of the derivative aluminum article is smelted in Russia, or the articles are cast in Russia, shall be entered under headings 9903.85.67 through 9903.85.70. Except as otherwise provided in this subdivision, the duty provided in these

headings shall be collected on the full value of the article that contains primary aluminum smelted in Russia, or contains articles cast in Russia.”

b. Subchapter III of chapter 99 of the HTSUS is modified by inserting new headings 9903.85.02 through 9903.85.09 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1-Special” and “Rates of Duty 2”, respectively:

Heading/subheading	Article description	Rates of duty		
		1		2
		General	Special	
“9903.85.02	Except as provided in headings 9903.85.67 or 9903.85.69, products of aluminum provided for in the tariff headings or subheadings enumerated in subdivision (g) of note 19 to this subchapter.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.
9903.85.04	Except as provided in headings 9903.85.68 or 9903.85.70, derivative aluminum products provided for in the tariff headings or subheadings enumerated in subdivision (i) of note 19 to this subchapter.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.
9903.85.07	Except as provided in headings 9903.85.09, 9903.85.68 or 9903.85.70, derivative aluminum products, provided for in the tariff provisions enumerated in subdivision (j) of note 19 to this subchapter.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.	The duty provided in the applicable sub-heading + 25%.
9903.85.08	Except as provided in heading 9903.85.09, 9903.85.68 or 9903.85.70, derivative aluminum products, provided for in the tariff provisions enumerated in subdivision (k) of note 19 to this subchapter.	The duty provided in the applicable sub-heading + a duty of 25% upon the value of the aluminum content.	The duty provided in the applicable sub-heading + a duty of 25% upon the value of the aluminum content.	The duty provided in the applicable sub-heading + a duty of 25% upon the value of the aluminum content.
9903.85.09	Except as provided in heading 9903.85.68 or 9903.85.70, derivative aluminum products provided for in the tariff headings and subheadings enumerated in subdivision (j) or subdivision (k) of note 19 to this subchapter, where the derivative aluminum products were processed in another country from aluminum articles that were smelted and cast in the United States.	The duty provided in the applicable sub-heading.	The duty provided in the applicable sub-heading.	The duty provided in the applicable sub-heading”.

c. The article description of heading 9903.85.67 is modified by deleting “note 19(a)(vii)(A) to this subchapter and provided for in the tariff headings or subheadings enumerated in note 19(b) to this subchapter” and by inserting “note 19(a)(vii)(A) to this subchapter, or note 19(m)(A) to this subchapter, as applicable per the date of entry for consumption or withdrawal from warehouse for consumption,” in lieu thereof.

d. The article description of heading 9903.85.68 is modified by deleting “note 19(a)(iii) to this subchapter” and by inserting “note 19(a)(iii) to this subchapter, or notes 19(i), 19(j) or 19(k) to this subchapter, as applicable per the date of entry for consumption or withdrawal from warehouse for consumption ” in lieu thereof.

e. The article description of heading 9903.85.69 is modified by deleting “note 19(a)(vii)(A) to this subchapter and provided for in the tariff headings or subheadings enumerated in note 19(b) to this subchapter” and by inserting “note 19(a)(vii)(A) to this subchapter, or note 19(m)(A) to this subchapter, as applicable per the date of entry for consumption or withdrawal from warehouse for consumption ” in lieu thereof;

f. The article description of heading 9903.85.70 is modified by deleting “in note 19(a)(iii) to this chapter” and by inserting

“note 19(a)(iii) to this subchapter, or notes 19(i), 19(j) or 19(k) to this subchapter, as applicable per the date of entry for consumption or withdrawal from warehouse for consumption” in lieu thereof.

B. Subdivisions (a) through (e) of note 19 to subchapter III of chapter 99 of the HTSUS and heading 9903.85.01 through subheading 9903.85.66 and headings 9903.85.71 and 9903.85.72 shall continue to apply to goods entered for consumption, or withdrawn from warehouse for consumption, prior to 12:01 a.m. eastern daylight time on March 12, 2025.

C. Subdivision (a)(iii) of note 19 to subchapter III of chapter 99 of the HTSUS is modified by deleting “Heading 9903.85.03” and by inserting “Effective for goods entered for consumption, or withdrawn from warehouse for consumption, prior to 12:01 a.m. eastern daylight time on March 12, 2025, heading 9903.85.03” in lieu thereof.

D. Subdivision (a)(vii)(A) of note 19 to subchapter III of chapter 99 of the HTSUS is modified by deleting “Heading 9903.85.67 and 9903.85.69” and inserting “Effective for goods entered for consumption, or withdrawn from warehouse for consumption, prior to 12:01 a.m. eastern daylight time on March 12, 2025, heading 9903.85.67 and 9903.85.69” in lieu thereof.

E. Subdivision (a)(vii)(B) of note 19 to subchapter III of chapter 99 of the HTSUS is modified by deleting “Heading 9903.85.68 and 9903.85.70” and inserting “Effective for goods entered for consumption, or withdrawn from warehouse for consumption, prior to 12:01 a.m. eastern daylight time on March 12, 2025, heading 9903.85.68 and 9903.85.70” in lieu thereof.

[FR Doc. 2025–03596 Filed 3–3–25; 11:15 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979, C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: Notice of Final Results of Changed Circumstances Reviews; 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** of December 12, 2024 in which Commerce announced the final results of the changed circumstances reviews (CCR) of the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People's Republic of China (China), with respect to Hanwha Q CELLS Malaysia Sdn. Bhd (Hanwha). This notice corrects portions of the Appendix V certification, also attached herein.

FOR FURTHER INFORMATION CONTACT: Peter Shaw, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0697.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 2024, Commerce published in the **Federal Register** the final results of the CCRs of the AD and CVD orders on solar cells from China, with respect to Hanwha.¹ In this notice, Commerce incorrectly referenced the preliminary determination of circumvention in paragraph O of the importer certification, and paragraph L of the exporter certification. The complete corrected appendix is attached to this notice as Amended Appendix V Certification.

Correction

In the **Federal Register** of December 12, 2024, in FR Doc 2024-29328, on page 100469, in the third column, correct paragraph O as follows:

(O) This certification was completed and signed on, or prior to, the date of the entry summary if the entry date is more than 14 days after the date of publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**. If the entry date is on or before the 14th day after the date of publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**, this certification was completed and signed by no later than 45 days after publication of the notice of Commerce's corrected final results of

changed circumstances reviews in the **Federal Register**.

In the **Federal Register** of December 12, 2024, in FR Doc 2024-29328, on page 100470 in the second column, correct paragraph L as follows:

(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 more than 14 days after the date of publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**. If the shipment date is on or before the 14th day after the date of publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**, this certification was completed and signed, and a copy of the certification was provided to the importer, by no later than 45 days after publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(b)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.221(b)(1) and 19 CFR 351.221(c)(3).

Dated: February 27, 2025.

Christopher Abbott,

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

Amended Appendix V Certification

Certification for Entries of Inquiry Merchandise From Companies Found Not To Be Circumventing

COMPANY NAME: Hanwha Q CELLS Malaysia Sdn. Bhd.

Importer Certification

I hereby certify that:

(A) My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY}.

(B) I have direct personal knowledge of the facts regarding importation of the solar cells and solar modules produced in Malaysia that were entered into the Customs territory of the United States under the entry summary number(s) identified below which are covered by this certification. "Direct personal knowledge" refers to the facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the exporter and/or 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 solar cells and/or solar modules covered by this certification were imported by {NAME OF IMPORTING COMPANY} on behalf of {NAME 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 solar cells and/or solar modules covered by this certification were 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 and exportation of the solar cells and modules identified below. "Personal knowledge" includes facts obtained from another party, (e.g., correspondence received by the importer (or exporter) from the producer of the imported products regarding production).

(F) The solar cells and/or solar modules covered by this certification were:

1. Sold to the United States by Hanwha Q CELLS Malaysia Sdn. Bhd.

2. Exported to the United States by Hanwha Q CELLS Malaysia Sdn. Bhd.

3. Produced in Malaysia by Hanwha Q CELLS Malaysia Sdn. Bhd., using wafers manufactured in the People's Republic of China that were exported to Malaysia by: {CHECK THE RELEVANT WAFER EXPORTERS BELOW} (we have afforded business proprietary information (BPI) treatment to the names of the wafer exporters; for a table of the names of the wafer exporters, which must be included as part of this paragraph in the certificate submitted to CBP—please refer to the proprietary version of this certification on ACCESS).

(G) The U.S. Department of Commerce (Commerce) found that solar cells and/or solar modules produced by Hanwha Q CELLS Malaysia Sdn. Bhd., using wafers manufactured in China that were exported by the wafer supplier(s) listed in item F above, and exported by Hanwha Q CELLS Malaysia Sdn. Bhd. are not circumventing the antidumping duty and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China.

(H) This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:

Applicable Line Item # of the Entry Summary:

Foreign Seller's Invoice #:

Applicable Line Item # on the Foreign Seller's Invoice:

(I) I understand that {NAME OF 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, product specification sheets, production

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Notice of Final Results of Changed Circumstances Reviews*, 89 FR 100466 (December 12, 2024).

records, invoices, *etc.*) 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.

(J) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to information regarding the production and/or 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 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.

(K) I understand that {NAME OF IMPORTING COMPANY} is required to provide U.S. Customs and Border Protection (CBP) and/or Commerce with the importer certification, and any supporting documentation, and a copy of the exporter's certification, and any supporting documentation provided to the importer by the exporter, upon the request of either agency.

(L) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(M) I understand that failure to maintain the required certifications 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 entries of merchandise that is covered by the scope of the antidumping and countervailing duty orders on solar cells and solar modules from China. I understand that such a 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.

(O) This certification was completed and signed on, or prior to, the date of the entry summary if the entry date is more than 14 days after the date of publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**. If the entry date is on or before the 14th day after the date of publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**, this certification was completed and signed by no later than 45 days after publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**.

(P) 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 materially false statements to the U.S. government.

Signature
{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}

Date

Exporter Certification

Certification for Entries of Inquiry Merchandise From Companies Found Not To Be Circumventing

COMPANY NAME: Hanwha Q CELLS Malaysia Sdn. Bhd.

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 COMPANY}, located at {ADDRESS OF COMPANY}.

(B) I have direct personal knowledge of the facts regarding the production and exportation of the solar cells and solar modules 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 solar cells and/or solar modules covered by this certification were 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 solar cells and/or solar modules covered by this certification were:

1. Sold to the United States by Hanwha Q CELLS Malaysia Sdn. Bhd.
2. Exported to the United States by Hanwha Q CELLS Malaysia Sdn. Bhd.
3. Produced in Malaysia by Hanwha Q CELLS Malaysia Sdn. Bhd. using wafers manufactured in the People's Republic of China (China) that were exported to Malaysia by: {CHECK THE RELEVANT WAFER EXPORTERS BELOW}

(We have afforded business proprietary information (BPI) treatment to the names of the wafer exporters; for a table of the names of the wafer exporters, which must be included as part of this paragraph in the certificate submitted to CBP—please refer to the proprietary version of this certification on ACCESS).

(E) The U.S. Department of Commerce (Commerce) found that solar cells and/or solar modules produced by Hanwha Q CELLS Malaysia Sdn. Bhd., using wafers manufactured in China that were exported by the wafer supplier(s) listed in item D above, and exported by Hanwha Q CELLS Malaysia Sdn. Bhd. are not circumventing the antidumping duty and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China.

(F) 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):

of the Foreign Seller's Invoice to the U.S.

Customer:
Applicable Line Item # of the Foreign Seller's Invoice to the U.S. Customer:

(G) I understand that Hanwha Q CELLS Malaysia Sdn. Bhd. 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 specification sheets, customer specification sheets, production records, invoices, *etc.*) 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.

(H) I understand that Hanwha Q CELLS Malaysia Sdn. Bhd. is required to provide the U.S. importer with a copy of this certification and is required to provide U.S. Customs and Border Protection (CBP) and/or Commerce with a copy of this certification, and any supporting documents, upon the 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 sales of merchandise that is covered by the scope of the antidumping and countervailing duty orders on solar cells and solar modules from China. I understand that such a 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 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 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 more than 14 days after the date of publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**. If the shipment date is on or before the 14th day after the date of publication of the notice of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**, this certification was completed and signed, and a copy of the certification was provided to the importer, by no later than 45 days after publication of the notice

of Commerce's corrected final results of changed circumstances reviews in the **Federal Register**.

(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 materially false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}

Date

[FR Doc. 2025-03557 Filed 3-4-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-560-836]

Mattresses From Indonesia: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Duty Investigation; Notice of Amended Final Determination; and Notice of Revocation of Antidumping Order

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

SUMMARY: On February 18, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *PT. Zinus et al. v. United States*, Slip Op. 25-15, Consol. Ct. No. 21-277, (February 18, 2025) (*PT. Zinus III*), sustaining the U.S. Department of Commerce (Commerce)'s second remand redetermination pertaining to the antidumping (AD) duty investigation of mattresses from Indonesia covering the period of investigation January 1, 2019, through December 31, 2019. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in that investigation, and that Commerce is amending the final determination from affirmative to negative as a result of the dumping margin assigned to PT. Zinus Global Indonesia (Zinus Indonesia) changing from 2.22 percent to 0.00 percent. Thus, Commerce is revoking the AD order on mattresses from Indonesia.

DATES: Applicable February 28, 2025.

FOR FURTHER INFORMATION CONTACT: Brian Smith, 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) 482-1766.

SUPPLEMENTARY INFORMATION:

Background

On March 25, 2021, Commerce published its *Final Determination* in the AD investigation of mattresses from Indonesia. Commerce calculated a weighted-average dumping margin of 2.22 percent for Zinus Indonesia, the sole mandatory respondent in the investigation.¹ Commerce subsequently published the AD order on mattresses from Indonesia.²

Zinus Indonesia and the petitioner³ both appealed Commerce's *Final Determination*. On March 20, 2023, the CIT sustained Commerce's selection of financial statements for purposes of calculating profit, the profit cap, the sales deduction adjustment made to Zinus Indonesia's reported constructed export price (CEP) transactions, and, Commerce's decision not to request an unnecessary reconciliation, but remanded Commerce's U.S. sales allocation methodology for CEP inventory sales, Zinus Indonesia's parent company's (*i.e.*, Zinus Korea's) selling expenses calculation, and Commerce's use of Indonesian import data from Global Trade Atlas (GTA) data in applying the transactions disregarded rule.⁴

In its first remand redetermination, issued on June 9, 2023, Commerce further explained: (1) why certain models of subject mattresses in transit should continue to be included in the U.S. sales allocation methodology; (2) how information on the record demonstrated that Zinus Korea's role in the sales process was minimal and the treatment of its selling expenses had no impact on the margin calculation results; and (3) why it remained appropriate to use GTA data for the relevant inputs into Indonesia, rather than an average of Indonesia's import data with that of other countries.⁵

¹ See *Final Affirmative Determination of Sales at Less Than Fair Value*, 86 FR 15899 (March 25, 2021) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM).

² See *Mattresses from Cambodia, Indonesia, Malaysia, Serbia, Thailand, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders and Amended Final Affirmative Antidumping Determination for Cambodia*, 86 FR 26460 (May 14, 2021) (*Order*).

³ The petitioner is Brooklyn Bedding, LLC, Corsicana Mattress Company, Elite Comfort Solutions, FXI, Inc., Innocor, Inc., Kolcraft Enterprises Inc., Leggett & Platt, Inc., International Brotherhood of Teamsters, and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO.

⁴ See *PT. Zinus Global Indonesia et al. v. United States*, 628 F. Supp. 3rd 1252 (CIT 2023) (*First Remand Order* or *PT. Zinus I*).

⁵ See *Final Results of Redetermination Pursuant to Court Remand, PT. Zinus Global Indonesia et al. v. United States*, 628 F. Supp. 3rd 1252 (CIT 2023), dated June 9, 2023 (*First Remand Redetermination*),

Although the CIT sustained Commerce's use of Indonesian import data from GTA in applying the transactions disregarded rule, the CIT remanded for a second time Commerce's inclusion of the in-transit mattress quantity in the U.S. sales allocation methodology and suggested that Commerce consider reopening the record to address missing sales data, and inventory and in-transit mattress issues.⁶ Regarding Zinus Korea's selling expenses, Commerce requested a remand to correct existing deficiencies and contradictions in the record with respect to Zinus Korea's reported selling functions.

In its final remand redetermination, issued on May 16, 2024, Commerce determined that the additional information requested from Zinus Indonesia: (1) clearly established that the pre-existing mattress inventory and purchase data were sufficient to cover the reported sales and that it was no longer justified to include in-transit mattresses in the U.S. sales allocation methodology; and (2) information clarifying the selling functions performed by Zinus Korea and the associated selling expenses did not ultimately affect Zinus' margin. However, after making the above-mentioned adjustment to the U.S. sales allocation methodology, the resulting margin calculated for Zinus Indonesia was 0.00 percent, indicating a negative determination.⁷ The CIT sustained Commerce's *Second Remand Redetermination*.⁸

Timken Notice

In its decision in *Timken*,⁹ as clarified by *Diamond Sawblades*,¹⁰ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a

available at <https://access.trade.gov/public/FinalRemandRedetermination.aspx>.

⁶ See *PT. Zinus Global Indonesia et al. v. United States*, 686 F. Supp. 3rd 1349 (CIT 2024) (*Second Remand Order* or *PT. Zinus II*).

⁷ See *Final Results of Redetermination Pursuant to Court Remand, PT. Zinus Global Indonesia et al. v. United States*, 686 F. Supp. 3rd 1349 (CIT 2024), dated May 16, 2024 (*Second Remand Redetermination*), available at <https://access.trade.gov/public/FinalRemandRedetermination.aspx>.

⁸ See *PT. Zinus III*, Slip Op. 25-10, whereby the CIT sustained the Commerce's *Second Remand Redetermination*.

⁹ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁰ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

“conclusive” court decision. The CIT’s February 18, 2025, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Determination*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to Zinus Indonesia’s weighted-average dumping margin as follows:

Producer/exporter	Weighted average dumping margin (percent)
PT. Zinus Global Indonesia	0.00

Revocation of the Order

Pursuant to the CIT’s decision in *PT. Zinus III* affirming Commerce’s decisions as described above, Commerce is revoking the AD Order on mattresses from Indonesia pursuant to section 751(d) of the Act and 19 CFR 351.222(b)(2). As a result of this revocation, Commerce is discontinuing the current administrative review effective immediately and will not initiate any new administrative reviews of the AD Order.

Cash Deposit Requirements

Commerce will instruct U.S. Customs and Border Protection to discontinue the collection of cash deposits for estimated antidumping duties, effective February 28, 2025.

Pursuant to *Timken, Hosiden*,¹¹ and *Diamond Sawblades*, the suspension of all entries of mattresses from Indonesia within the scope of the AD Order entered, or withdrawn from warehouse, for consumption beginning on February 28, 2025, that remained unliquidated and are not deemed liquidated as of February 28, 2025, will continue until there is a “final and conclusive” court decision.

Similarly, the suspension of liquidation and cash deposits on all entries of mattresses of Zinus Indonesia, PT Ecos Jaya Indonesia (Ecos) and PT Grantec Jaya Indonesia (Grantec) subject to injunctions in litigation of the investigation and the first and second administrative review results will continue and be retained, respectively, until there is a “final and conclusive” court decision on the investigation and in accordance with the results of the respective litigations. For the entries

that are currently being administratively suspended for the third administrative review (*i.e.*, May 1, 2022 through April 30, 2023) for Zinus Indonesia, Ecos and Grantec, and any entries that entered between May 1, 2023 (*i.e.*, the date after end of third administrative review period) and February 28, 2025, the suspension of liquidation and cash deposits will likewise continue and be retained, respectively, until there is a “final and conclusive” court decision on the investigation. Once there is a final and conclusive court decision on the investigation, Commerce will take further action in accordance with the results of the litigation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: February 26, 2025.

Christopher Abbott,

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

[FR Doc. 2025–03529 Filed 3–4–25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–864, A–570–184, A–533–934, A–552–847]

Hard Empty Capsules From Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable March 5, 2025.

FOR FURTHER INFORMATION CONTACT:

Gemma Larsen at (202) 482–8125 (Brazil), Rebecca Janz at (202) 482–2972 (the People’s Republic of China (China)), Luke Caruso at (202) 482–2081 (India), and Jinny Ahn at (202) 482–0239 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 2024, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV)

investigations of imports of hard empty capsules from Brazil, China, India, and Vietnam.¹ Currently, the preliminary determinations of these investigations are due no later than April 2, 2025.

Postponement of Preliminary Determinations

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 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 petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On February 26, 2025, the petitioner² submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.³ The petitioner stated that it requests postponement in order to allow sufficient time to fully develop all aspects of the administrative records and so that Commerce can analyze forthcoming questionnaire responses, as necessary.⁴

For the reasons stated above and because there are no compelling reasons to deny the requests, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations in these investigations by 50 days (*i.e.*, 190 days after the date on which these investigations were initiated). As a result Commerce will issue its preliminary determinations no later than May 22, 2025. In accordance with section 735(a)(1) of the Act and 19 CFR

¹ See *Hard Empty Capsules from Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 89 FR 91684 (November 20, 2024).

² The petitioner is Lonza Greenwood LLC.

³ See Petitioner’s Letter, “Lonza’s Request for Postponement of the Department’s Antidumping Duty Preliminary Determinations,” dated February 26, 2025.

⁴ *Id.*

¹¹ See *Hosiden Corp. v. United States*, 861 F. Supp. 115 (Fed. Cir. 1994).

351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: February 27, 2025.

Christopher Abbott,

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

[FR Doc. 2025-03559 Filed 3-4-25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-111]

Vertical Metal File Cabinets From the People’s Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on vertical metal file cabinets (file cabinets) from the People’s Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

DATES: Applicable March 5, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3936.

SUPPLEMENTARY INFORMATION:

Background

On December 13, 2019, Commerce published the CVD order on file cabinets from China.¹ On November 4, 2024, Commerce published the notice of initiation of the first sunset review of the *Order*, pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended (the Act).² On November 12, 2024, Commerce received a notice of intent to participate from Hirsh Industries LLC (the domestic interested party), within the deadline specified in 19 CFR 351.218(d)(1)(i).³ The domestic interested party claimed interested party status under section 771(9)(C) of the Act as a U.S. producer engaged in the production of file cabinets in the United States.⁴ On December 2, 2024, Commerce received an adequate substantive response from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce received no substantive response from the Government of China or any respondent interested party.

On December 26, 2024, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from any respondent interested party.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 Order

The merchandise covered by this *Order* is freestanding vertical metal file cabinets containing two or more extendable file storage elements and having an actual width of 25 inches or less. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.⁷

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review is contained in the Issues and Decision Memorandum.⁸ A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, we determine that revocation of the *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 ad valorem)
Non-Responsive Companies	271.79
All Others	271.79

Administrative Protective Order (APO)

This notice serves as the only reminder to interested parties subject to an APO of their responsibility concerning the return/destruction or

conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely notification of the return or destruction of APO materials or conversion to judicial protective

order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

¹ See *Vertical Metal File Cabinets from the People’s Republic of China: Antidumping and Countervailing Duty Orders*, 84 FR 68121 (December 13, 2019), corrected by *Vertical Metal File Cabinets from the People’s Republic of China: Correction to Antidumping Duty Vertical Metal File Cabinets from the People’s Republic of China: Correction to Antidumping Duty and Countervailing Duty Orders*, 85 FR 3611 (January 22, 2020) (collectively, *Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 87543 (November 4, 2024).

³ See Domestic Interested Party’s Letter, “Domestic Interested Party Notice of Intent to Participate,” dated November 12, 2024.

⁴ *Id.*

⁵ See Domestic Interested Party’s Letters, “Domestic Interested Party’s Substantive Response,” dated December 2, 2024.

⁶ See Commerce’s Letter, “Sunset Reviews Initiated on November 4, 2024,” dated December 26, 2024.

⁷ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Vertical Metal File Cabinets from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁸ *Id.*

Notification to Interested Parties

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: February 26, 2025.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
 2. Net Countervailable Subsidy Rates Likely to Prevail
 3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2025-03558 Filed 3-4-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-857]

Certain Softwood Lumber Products From Canada: Preliminary Results of the Administrative Review; 2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on certain softwood lumber products (softwood lumber) from Canada. The period of review (POR) is January 1, 2023, through December 31, 2023. Commerce preliminarily determines that the producers/exporters subject to this review made sales of subject merchandise at less than normal value.

DATES: Applicable March 5, 2025.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen (Canfor) and Maisha Cryor (West Fraser), AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2769 and (202) 482-5831, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2018, Commerce published in the **Federal Register** the antidumping duty order on softwood lumber from Canada.¹ On March 5, 2024, based on timely requests for administrative reviews, Commerce initiated an administrative review covering 309 companies and has not rescinded the review of any of these companies.² Thus, the review covers 309 producers/exporters of the subject merchandise, including mandatory respondents Canfor³ and West Fraser, as identified in Appendix II of this notice.⁴ On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.⁵ On September 6, 2024, we extended the deadline to issue these preliminary results by 120 days.⁶ On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.⁷ The current deadline for the preliminary results is May 7, 2025.⁸

Scope of the Order

The product covered by this *Order* is softwood lumber from Canada. For a full description of the scope, see the Preliminary Decision Memorandum.⁹

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B)

¹ See *Certain Softwood Lumber Products from Canada: Antidumping Duty Order and Partial Amended Final Determination*, 83 FR 350 (January 3, 2018) (*Order*).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 15827 (March 5, 2024).

³ As described in the Preliminary Decision Memorandum, we have treated Canfor Corporation, Canadian Forest Products Ltd., Canfor Wood Products Marketing Ltd., Canfor Fox Creek Ltd., and Canfor Whitecourt Ltd. (collectively, Canfor) as a single entity. See Memorandum, “Decision Memorandum for Preliminary Results of the Antidumping Duty Administrative Review of Certain Softwood Lumber Products from Canada; 2023,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum), at 5–6.

⁴ As described in the Preliminary Decision Memorandum, we have treated West Fraser Mills Ltd., Blue Ridge Lumber Inc., Manning Forest Products Ltd., and Sundre Forest Products Inc. (collectively, West Fraser) as a single entity. See Preliminary Decision Memorandum at 6.

⁵ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

⁶ See Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2023,” dated September 6, 2024.

⁷ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated December 9, 2024.

⁸ See Memorandum, “Deadlines for New Factual Information and Pre-Preliminary Comments,” dated January 17, 2025.

⁹ See Preliminary Decision Memorandum at 2–4.

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

Rate for Non-Individually Examined Companies

Generally, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTVF) investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others rate, Commerce will exclude any zero and *de minimis* weighted-average dumping margins, as well as any weighted-average dumping margins based entirely on facts available. Accordingly, Commerce’s practice has been to average the margins for selected respondents, excluding margins that are zero, *de minimis*, or based entirely on facts available.

In this review, we calculated a weighted-average dumping margin of 34.61 percent for Canfor and 9.48 percent for West Fraser. In accordance with section 735(c)(5)(A) of the Act, Commerce has preliminarily assigned the weighted-average of these two calculated weighted-average dumping margins based on their publicly ranged sales data, 20.07 percent, to the non-selected companies.¹⁰

Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period January 1, 2023, through December 31, 2023:

¹⁰ See Memorandum, “Calculation of the Rate for Non-Selected Respondents,” dated concurrently with this notice, and Attachment II (containing a list of the non-selected companies under review).

Exporter/producer	Weighted-average dumping margin (percent)
Canfor Corporation/Canadian Forest Products Ltd./Canfor Wood Products Marketing Ltd./Canfor Fox Creek Ltd./Canfor Whitecourt Ltd	34.61
West Fraser Mills Ltd./Blue Ridge Lumber Inc./Manning Forest Products Ltd./Sundre Forest Products Inc	9.48
Review-Specific Rate for Non-Selected Companies	20.07

Disclosure

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

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to the Assistant Secretary for Enforcement and Compliance not later than 21 days after the date of publication of this notice, unless Commerce alters the time limit. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹¹ Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹²

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

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

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

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

amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹⁴

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

Assessment Rate

Upon issuance of the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.¹⁶ If a respondent's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).¹⁷ If a respondent's weighted-average dumping margin or an

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

¹⁵ See 19 CFR 351.310(c).

¹⁶ See 19 CFR 351.212(b).

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

importer-specific assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews*.¹⁸ The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable. Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a). If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of this review for all shipments of softwood lumber from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the dumping margin established in the final results of the review; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be the 6.04 percent, the all-others rate established

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

in the LTFV investigation.¹⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

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

Dated: February 27, 2025.

Christopher Abbott,

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

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Affiliation and Collapsing Determination
- V. Non-Examined Respondents
- VI. Discussion of the Methodology
- VII. Recommendation

Appendix II—Companies Under Review

1. 10104704 Manitoba Ltd O/A Woodstock Forest Product
2. 1074712 BC Ltd.; Quadra Cedar
3. 5214875 Manitoba Ltd.
4. 54 Reman
5. 752615 B.C Ltd., Fraserview Remanufacturing Inc., DBA Fraserview Cedar Products.
6. 9224–5737 Quebec Inc. (aka A.G. Bois)
7. AA Trading Ltd.
8. Absolute Lumber Products Ltd.
9. Adwood Manufacturing Ltd.
10. AJ Forest Products Ltd.
11. Aler Forest Products Ltd.
12. All American Forest Products Inc.
13. Alpa Lumber Mills Inc.
14. Andersen Pacific Forest Products Ltd.
15. Anglo American Cedar Products Ltd.;

¹⁹ See *Certain Softwood Lumber Products from Canada: Antidumping Duty Order and Partial Amended Final Determination*, 83 FR 350 (January 3, 2018).

- Anglo-American Cedar Products Ltd.
16. Antrim Cedar Corporation
17. Aquila Cedar Products Ltd.
18. Arbec Lumber Inc.; Arbec Bois Doeuvre Inc.
19. Aspen Pacific Industries Inc.
20. Aspen Planers Ltd.
21. B&L Forest Products Ltd.
22. B.B. Pallets Inc.; Les Palettes B.B. Inc.
23. Babine Forest Products Limited
24. Bakerview Forest Products Inc.
25. Bardobec Inc.
26. Barrette-Chapais Ltee
27. BarretteWood Inc.
28. Benoit & Dionne Produits Forestiers Ltee; Benoit & Dionne Forest Products Ltd.
29. Best Quality Cedar Products Ltd.
30. Blanchet Multi Concept Inc.
31. Blanchette & Blanchette Inc.
32. Bois Aise de Montreal Inc.
33. Bois Bonsai Inc.
34. Bois Daaquam Inc.; Daaquam Lumber Inc.
35. Bois D'oeuvre Cedrico Inc.; Cedrico Lumber Inc.
36. Bois et Solutions Marketing SPEC, Inc.; SPEC Wood & Marketing Solution; SPEC Wood and Marketing Solutions Inc.
37. Bois Weedon Inc.
38. Boisaco Inc.
39. Boscus Canada Inc.
40. Boucher Bros. Lumber Ltd.
41. BPWood Ltd.
42. Bramwood Forest Inc.
43. Brink Forest Products Ltd.
44. Brunswick Valley Lumber Inc.
45. Burrows Lumber (CD) Ltd., Theo A. Burrows Lumber Company Limited
46. Busque & Laflamme Inc.
47. Campbell River Shake & Shingle Co. Ltd.
48. Canada Pallet Corp.
49. Canadian Bavarian Millwork & Lumber Ltd.
50. Canadian Forest Products Ltd.; Canfor Wood Products Marketing Ltd.; Canfor Corporation; Canfor Fox Creek Ltd.; Canfor Whitecourt Ltd.
51. Canasia Forest Industries Ltd.
52. Canyon Lumber Company Ltd.
53. Careau Bois Inc.
54. CarlWood Lumber Ltd.
55. Carrier & Begin Inc.
56. Carrier Forest Products Ltd.
57. Carrier Lumber Ltd.
58. Carter Forest Products Inc.
59. Cedar Island Forest Products Ltd.
60. Cedar Valley Holdings Ltd.
61. Cedarcoast Lumber Products
62. Cedarland Forest Products Ltd.
63. Cedarline Industries Ltd.
64. Central Alberta Pallet Supply
65. Central Cedar Ltd.
66. Central Forest Products Inc.
67. Centurion Lumber Ltd.
68. Chaleur Forest Products Inc.
69. Chaleur Forest Products LP
70. Channel-ex Trading Corporation
71. CHAP Alliance, Inc.
72. Clair Industrial Development Corp. Ltd.
73. Clermond Hamel Ltee
74. CLG Enterprises Inc.
75. CNH Products Inc.
76. Coast Clear Wood Ltd.
77. Coast Mountain Cedar Products Ltd.
78. Columbia River Shake & Shingle Ltd./Teal Cedar Products Ltd., DBA the Teal Jones Group.
79. Commonwealth Plywood Co. Ltd.
80. Comox Valley Shakes Ltd. (2019); AKA Comox Valley Shakes (2019) Ltd.
81. Conifex Fibre Marketing Inc.
82. Coulson Manufacturing Ltd.
83. Cowichan Lumber Ltd.
84. CS Manufacturing Inc. (dba Cedarshed)
85. CWP—Industriel Inc.
86. CWP—Montreal Inc.
87. D & D Pallets Ltd.
88. Dakeryn Industries Ltd.
89. Decker Lake Forest Products Ltd.
90. Deep Cove Forest Products, Inc.
91. Delco Forest Products Ltd.
92. Delta Cedar Specialties Ltd.
93. Devon Lumber Co. Ltd.
94. DH Manufacturing Inc.
95. Direct Cedar Supplies Ltd.
96. Distribution Rioux Inc.
97. Doubletree Forest Products Ltd.
98. Downie Timber Ltd.
99. Dunkley Lumber Ltd.
100. EACOM Timber Corporation
101. East Fraser Fiber Co. Ltd.
102. Edgewood Forest Products Inc.
103. Elrod Cartage Ltd.
104. ER Probyn Export Ltd.
105. Falcon Lumber Ltd.
106. Fontaine Inc.
107. Foothills Forest Products Inc.
108. Forest Products Mauricie LP; Societe en commandite Scierie Opitciwan; Resolute Growth Canada Inc.; Resolute FP Canada Inc.; Resolute-LP Engineered Wood Larouche Inc.; Resolute-LP Engineered Wood St-Prime Limited Partnership
109. Fort St. James Forest Products Limited Partnership
110. Fraser Specialty Products Ltd.
111. FraserWood Industries Ltd.
112. Furtado Forest Products Ltd.
113. Galloway Lumber Company Ltd.
114. Glandell Enterprises Inc.
115. Goldband Shake & Shingle Ltd.
116. Goldwood Industries Ltd.
117. Goodfellow Inc.
118. Gorman Bros. Lumber Ltd.
119. Greendale Industries Inc.
120. GreenFirst Forest Products (QC) Inc.
121. GreenFirst Forest Products Inc.
122. Greenwell Resources Inc.
123. Griff Building Supplies Ltd.
124. Groupe Crete Chertsey Inc.
125. Groupe Crete Engineering St-Faustin Inc.
126. Groupe Lebel Inc.
127. Groupe Lignarex Inc.
128. H.J. Crabbe & Sons Ltd.
129. Haida Forest Products Ltd.
130. Halo Sawmill, a division of Delta Cedar Specialties Ltd.; Halo Sawmill Manufacturing Limited Partnership
131. Hampton Tree Farms, LLC (dba Hampton Lumber Sales Canada)
132. Hornepayne Lumber LP
133. Hudson Mitchell & Sons Lumber Inc.
134. Hy Mark Wood Products Inc.
135. Imperial Cedar Products Ltd.
136. Independent Building Materials Distribution Inc.
137. Interfor Corporation
138. Interfor Sales & Marketing Ltd.
139. Intertran Holdings Ltd. (dba Richmond Terminal)
140. Island Cedar Products Ltd.
141. Ivor Forest Products Ltd.
142. J&G Log Works Ltd.

143. J.D. Irving, Limited
 144. J.H. Huscroft Ltd.
 145. Jan Woodlands (2001) Inc.
 146. Jasco Forest Products Ltd.
 147. Jazz Forest Products Ltd.
 148. Jhajj Lumber Corporation
 149. Kalesnikoff Lumber Co. Ltd.
 150. Kan Wood Ltd.
 151. Kebois Ltee; Kebois Ltd.
 152. Kelfor Industries Ltd.
 153. Kermodé Forest Products Ltd.
 154. Keystone Timber Ltd.
 155. La Crete Sawmills Ltd.
 156. Lafontaine Lumber Inc.
 157. Langevin Forest Products Inc.
 158. Lecours Lumber Co. Limited
 159. Leisure Lumber Ltd.
 160. Les Bardeaux Lajoie Inc.
 161. Les Bois d'oeuvre Beaudoin Gauthier Inc.
 162. Les Bois Martek Lumber
 163. Les Bois Traites M.G. Inc.
 164. Les Chantiers de Chibougamau Ltee; Les Chantiers de Chibougamau Ltd.
 165. Les Industries P.F. Inc.
 166. Les Produits Forestiers D&G Ltee; D&G Forest Products Ltd.
 167. Les Produits Forestiers Sitka Inc. (aka Sitka Forest Products Inc.)
 168. Leslie Forest Products Ltd.
 169. Lignum Forest Products LLP
 170. Linwood Homes Ltd.
 171. Lonestar Lumber Inc.
 172. Lulumco Inc.
 173. Lumber Assets Holding LP
 174. Madera Forest Products INC
 175. Magnum Forest Products Ltd.
 176. Maibec Inc.
 177. Mainland Sawmill, a division of Terminal Forest Products
 178. Manitou Forest Products Ltd.
 179. Manning Forest Products Ltd.; Sundre Forest Products Inc.; Blue Ridge Lumber Inc.; West Fraser Mills Ltd.
 180. Marcel Lauzon Inc.
 181. Marwood Ltd.
 182. Matériaux Blanchet Inc.
 183. Metrie Canada Ltd.
 184. Mid Valley Lumber Specialties Ltd.
 185. Midway Lumber Mills Ltd.
 186. Mill & Timber Products Ltd.
 187. Millar Western Forest Products Ltd.
 188. Mirax Lumber Products Ltd.
 189. Mobilier Rustique (Beauce) Inc.
 190. Modern Terminal Ltd.
 191. Monterra Lumber Mills Limited
 192. Morwood Forest Products Inc.
 193. Multicedre Ltee
 194. Murray Brothers Lumber Company Ltd.
 195. Nagaard Sawmill Ltd.
 196. Nakina Lumber Inc.
 197. National Forest Products Ltd.
 198. Nicholson and Cates Ltd.
 199. Nickel Lake Lumber
 200. Norsask Forest Products Inc.
 201. Norsask Forest Products Limited Partnership
 202. North American Forest Products Ltd. (located in Abbotsford, British Columbia)
 203. North American Forest Products Ltd. (located in Saint-Quentin, New Brunswick)
 204. North Enderby Timber Ltd.
 205. Northland Forest Products Ltd.
 206. NSC Lumber Ltd.
 207. Oakwood Manufacturing A Division of Weston Forest Products Inc.
 208. Olympic Industries Inc.
 209. Olympic Industries ULC
 210. Oregon Canadian Forest Products; Oregon Canadian Forest Products Inc.
 211. Pacific Coast Cedar Products Ltd.
 212. Pacific Lumber Remanufacturing Inc.
 213. Pacific NorthWest Lumber Ltd.
 214. Pacific Pallet Ltd.
 215. Pacific Western Wood Works Ltd.
 216. PalletSource Inc.
 217. Parallel Wood Products Ltd.
 218. Partap Forest Products Ltd.
 219. Partap Industries
 220. Pat Power Forest Products Corporation
 221. Peak Industries (Cranbrook) Ltd.
 222. Phoenix Forest Products Inc.
 223. Pine Ideas Ltd.
 224. Pioneer Pallet & Lumber Ltd.
 225. Porcupine Wood Products Ltd.
 226. Portbec Forest Products Ltd.; Les Produits Forestiers Portbec Ltee
 227. Power Wood Corp.
 228. Precision Cedar Products Corp.
 229. Produits Forestiers Petit Paris Inc.
 230. Produits Matra Inc.; Sechoirs de Beauce Inc.
 231. Promobois G.D.S. Inc.
 232. R.A. Green Lumber Ltd.
 233. Rembos Inc.
 234. Rene Bernard Inc.
 235. Rick Dubois
 236. Rielly Industrial Lumber Inc.
 237. River City Remanufacturing Inc.
 238. S&R Sawmills Ltd.
 239. S&W Forest Products Ltd.
 240. San Group
 241. San Industries Ltd.
 242. Sapphire Lumber Company
 243. Sawarne Lumber Co. Ltd.
 244. Scierie Alexandre Lemay & Fils Inc.
 245. Scierie St-Michel Inc.
 246. Scierie West Brome Inc.
 247. Scott Lumber Sales; Scott Lumber Sales Ltd.
 248. Shakertown Corp.
 249. Sigurdson Forest Products Ltd.
 250. Silvaris Corporation
 251. Sinclar Group Forest Products Ltd.
 252. Skana Forest Products Ltd.
 253. Skeena Sawmills Ltd.
 254. Smart Wood Forest Products Ltd.
 255. Sonora Logging Ltd.
 256. Source Forest Products
 257. South Beach Trading Inc.
 258. South Coast Reman Ltd.; Southcoast Millwork Ltd.
 259. South Fraser Container Terminals
 260. Specialiste du Bardeau de Cedre Inc.; Specialiste du Bardeau de Cedre Inc. (SBC)
 261. Sprucelands Millworks Inc.
 262. Star Lumber Canada Ltd.
 263. Suncoast Industries Inc.
 264. Suncoast Custom Lumber Ltd.
 265. Sundher Timber Products Inc.
 266. Surplus G Rioux
 267. Surrey Cedar Ltd.
 268. Swiftwood Forest Products Ltd.
 269. T&P Trucking Ltd.
 270. T.G. Wood Products
 271. Taan Forest Limited Partnership (aka Taan Forest Products)
 272. Taiga Building Products Ltd.
 273. Tall Tree Lumber Company
 274. Temrex Forest Products LP; Produits Forestiers Temrex SEC.
 275. Tenryu Canada Corporation
 276. Terminal Forest Products Ltd.
 277. The Wood Source Inc.
 278. Tolko Industries Ltd.; Tolko Marketing and Sales Ltd.; Gilbert Smith Forest Products Ltd.
 279. Top Quality Lumber Ltd.
 280. Trans-Pacific Trading Ltd.
 281. Triad Forest Products Ltd.
 282. Twin Rivers Paper Co. Inc.
 283. Tyee Timber Products Ltd.
 284. Universal Lumber Sales Ltd.
 285. Usine Sartigan Inc.
 286. Vaagen Fibre Canada ULC
 287. Valley Cedar 2 Inc.
 288. Vancouver Specialty Cedar Products Ltd.
 289. Vanderhoof Specialty Wood Products Ltd.
 290. Vanderwell Contractors (1971) Ltd.
 291. Visscher Lumber Inc.
 292. W.I. Woodtone Industries Inc.
 293. Waldun Forest Product Sales Ltd.
 294. Watkins Sawmills Ltd.
 295. West Bay Forest Products Ltd.
 296. West Coast Panel Cutters
 297. Western Forest Products Inc.
 298. Western Lumber Sales Limited
 299. Western Timber Products, Inc.
 300. Westminster Industries Ltd.
 301. Weston Forest Products Inc.
 302. Westrend Exteriors Inc.
 303. Weyerhaeuser Co.
 304. White River Forest Products L.P.
 305. Winton Homes Ltd.
 306. Woodline Forest Products Ltd.
 307. Woodstock Forest Products
 308. Woodtone Specialties Inc.
 309. WWW Timber Products Ltd.

[FR Doc. 2025-03613 Filed 3-4-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE442]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Lubec Harbor Project in Lubec, Maine

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from Maine Department of Transportation (ME DOT) for authorization to take marine mammals incidental to Lubec Harbor Project in Lubec, Maine. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment

authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 4, 2025.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.owens@noaa.gov. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Summer Owens, Office of Protected Resources, NMFS, and (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than

commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

Summary of Request

On August 29, 2024, NMFS received a request from ME DOT for an IHA to take marine mammals incidental to construction activities in Johnson Bay in Lubec, Maine. Following NMFS’ review of the application, ME DOT submitted a revised version on December 19, 2024. The application was deemed adequate

and complete on December 20, 2024. ME DOT’s request is for take of five species of marine mammals, by Level B harassment only. Neither ME DOT nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

The Maine Department of Transportation and the Town of Lubec are planning to construct a boat launch and breakwater structure that would extend into Johnson Bay from the northern coast of Lubec. The Town was once one of Maine’s most active commercial fishing ports, consisting of several large herring processing operations until the late 1970s. A collapse of the herring fishery led to the closure of those processing canneries; however, there is a rebound of the fishing industry in the area due to lobster fishing, shellfish harvesting, and growth of salmon farming. The project will address the lack of sheltered boat access and safe launch locations. The breakwater is expected to provide a sheltered area that mariners may launch behind and recover and moor their vessels during periods of inclement weather. This project is proposed in order to provide a safer harbor for the mariners and townspeople of Lubec.

This construction project would include installation of a falsework platform, a pile supported platform (PSP), and two floating docks. The falsework platform will be installed using impact and vibratory pile driving, while the PSP and floating docks will require DTH (down the hole) drilling. ME DOT is requesting authorization of take by Level B harassment for five marine mammal species over an estimated 234 days of pile driving/drilling activities.

Dates and Duration

In-water construction at the Lubec Harbor is planned to start in March 2025. The estimated maximum number of pile driving days is 234 with a maximum of 24 installation days per month. The PSP and floating dock are estimated to include installation of half a pile per day, with each full pile taking 780 minutes (13 hours) to install. The falsework platform is estimated to include installation of five piles per day, each requiring 30 minutes of vibratory pile driving following 150 impact hammer strikes per pile.

Specific Geographic Region

The Town of Lubec is a coastal town on a peninsula in Maine that is

surrounded by the Johnson, South, and Cobscook Bays to the north, the Lubec and Quoddy Narrows and the United States-Canada border to the east, and the Gulf of Maine to the south. Construction will take place in Johnson Bay in Lubec, Maine. Previous efforts to install a marina at Lubec, consisting of floating docks and floating breakwater units, have failed. The excessive wind and wave action in Johnson Bay from severe northeast storms have contributed to destruction of valuable infrastructure.

The estimated extent of area in which noise will exceed the relevant Level B harassment criterion, for DTH drilling only, extends into Canadian territorial waters. See the Estimated Take section for more detail. However, the MMPA does not apply in Canadian territorial waters. NMFS has calculated the expected level of incidental take in the entire activity area (including Canadian territorial waters) as part of the analysis supporting our preliminary determination under the MMPA that the

activity will have a negligible impact on the affected species (see Estimated Take and Negligible Impact Analysis and Determination Sections). However, NMFS proposes to authorize only take that is expected to occur in U.S. territorial waters.

Detailed Description of the Specified Activity

The proposed project will include vibratory pile driving and removal, impact pile driving, and DTH drilling to install the PSP, floating dock, and falsework platform. The falsework platform will require impact and vibratory pile driving of five temporary 14-inch steel H-piles. The falsework platform will be moved up to 13 times throughout the project. The vibratory hammer will be used to upend the piles and then vibrate them into the first few feet of the soil. The vibratory pile driving will take about 30 minutes per pile. Impact driving will be used to drive the pile to refusal and ensure the

piles are properly placed in the bedrock. Impact driving will need about 150 blows per pile. Due to the shallowness of the bedrock, the PSP will require DTH of seventy-two 36-inch steel pipe piles and take 144 days and up to 780 minutes (13 hours) per pile. The platform would extend from the breakwater and have a bay-side concrete wave screen to protect from wind and waves. The platform will also have a 28-foot wide travel lane for vehicles. The floating docks will require DTH drilling of thirty-two 24–30-inch steel pipe piles and take 64 days. These piles could range in size anywhere from 24 to 30 inches, but 30-inch is conservatively assumed for the purposes of this analysis. Floating dock 1 is attached to PSP and directly shore-side, while floating dock 2 is located along the boat ramp and is connected to floating dock 1 along the shore-side of the breakwater and PSP complex. The following construction activities are anticipated for the project.

TABLE 1—NUMBER AND TYPES OF PILES TO BE INSTALLED

Project component	Pile diameter and type	Number of piles	Impact strikes per pile	Vibratory duration per pile (minutes)	DTH drilling duration per pile (minutes)	Production rate (piles per day)	Days of installation
Pile Supported Platform	36" steel pipe pile	72	.....	.....	780	0.5	144.
Floating Docks	24–30" steel pipe pile	32	.....	.....	780	0.5	64.
Falsework Platform	14" steel H pile	65	150	30	.....	5	13 Install, 13 Removal.
Total .....	.....	169	.....	.....	.....	.....	234.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs); <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about

these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 2 lists all species or stocks for which take is expected and proposed to be authorized for 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. Atlantic SARs. All values presented in table 2 are the most recent available at the time of publication and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 2—SPECIES LIKELY AFFECTED BY THE SPECIFIED ACTIVITIES ¹

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
<i>Family Balaenopteridae (rorquals):</i>						
Minke Whale	<i>Balaenoptera acutorostrata</i>	Canadian Eastern Coastal	- , - , N	21,968 (0.31, 17,002, 2021) ..	170	9.4
Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Delphinidae:</i>						
Atlantic White-Sided Dolphin	<i>Lagenorhynchus acutus</i>	Western N Atlantic	- , - , N	93,233 (0.71, 54,443, 2021) ..	544	28
Common Dolphin	<i>Delphinus delphis</i>	Western N Atlantic	- , - , N	93,100 (0.56, 59,897, 2021) ..	1,452	414
<i>Family Phocoenidae (porpoises):</i>						
Harbor Porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/Bay of Fundy ...	- , - , N	85,765 (0.53, 56,420, 2021) ..	649	145
Order Carnivora—Pinnipedia						
<i>Family Phocidae (earless seals):</i>						
Gray Seal	<i>Halichoerus grypus</i>	Western N Atlantic	- , - , N	27,911 (0.20, 23,624, 2021) ..	1,512	4,570
Harbor Seal	<i>Phoca vitulina</i>	Western N Atlantic	- , - , N	61,336 (0.08, 57,637, 2018) ..	1,729	339

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies>).
² Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.
³ NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.
⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI (mortality/serious injury) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

As indicated above, all six species (with six managed stocks) in table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. All species that could potentially occur in the proposed project area are included in table 3 of the IHA application. While fin whales, humpback whales, North Atlantic right whales, sei whales, sperm whales, Atlantic spotted dolphins, Risso's dolphins, common bottlenose dolphins, harp seals, and hooded seals have been documented in the area, the temporal and/or spatial occurrence of these species is such that take is not expected to occur. Those species occur in the Gulf of Maine (GOM), but are mainly migratory and/or present offshore and therefore should not be present in the project area. Given that the project location is situated in Johnson Bay, which is characterized by less than 15 meters (m) of water depth and is separated from the GOM by the Lubec and Quoddy Narrows, species which prefer deeper water (e.g., sperm whale, Risso's dolphin, and hooded seal) are unlikely to occur in the Project Area. Additionally, none of the 10 species mentioned above were observed during the Eastport Breakwater Project (<https://www.fisheries.noaa.gov/action/incidental-take-authorization-maine->

dot-eastport-breakwater-project), and they are not discussed further beyond the explanation provided here.

Minke Whale

Minke whales in the area are from the Canadian Eastern Coastal stock. Minke whales migrate seasonally and can be found both inshore and offshore (NOAA Fisheries 2022). They are a cosmopolitan species and can be found anywhere from polar, temperate, to tropical waters. Minke whales are most commonly seen in Maine from June through September when they are feeding and breeding (New England Eco Adventures 2023). During the Eastport Breakwater Project from 2015–2017, 28 minke whales were observed during the 2015–2016 construction season NOAA Fisheries 2017).

Atlantic White-Sided Dolphin

Atlantic white-sided dolphins in the area would be from the North Atlantic stock. Atlantic white-sided dolphins have documented seasonal movements, including shifting inshore and northwards in the summer, then shifting offshore and southwards in the winter (NOAA Fisheries 2022). Atlantic white-sided dolphins are most commonly in the GOM in late spring, summer, and fall (MARCO n.d.; NROC 2023), and are typically found from Georges Bank

north to the GOM from June through September (BOEM 2013). During the Eastport Breakwater Project from 2015 to 2017 there were no Atlantic white-sided dolphins observed (NOAA 2017).

The Western North Atlantic stock of Atlantic white-sided dolphins ranges from Greenland to North Carolina. A current trend analysis has not been conducted for this stock (Waring *et al.* 2016). Any Atlantic white-sided dolphins encountered during the proposed project would likely be part of the GOM population and are most common in continental shelf waters from Hudson Canyon (approximately 39° N) to Georges Bank, and in the GOM and lower Bay of Fundy (Waring *et al.* 2016). During January to May, low numbers of white-sided dolphins are found from Georges Bank to Jeffrey's Ledge (off New Hampshire), with even lower numbers south of Georges Bank (Waring *et al.* 2016). From June through September, large numbers of white-sided dolphins are found from Georges Bank to the lower Bay of Fundy. From October to December, white-sided dolphins occur at intermediate densities from southern Georges Bank to southern GOM (Payne and Heinemann 1990 as cited in Waring *et al.* 2016). Atlantic white-sided dolphins are found in temperate and sub-polar waters,

primarily in continental shelf waters to the 100-m contour and exhibit seasonal movements between inshore northern waters and southern offshore waters (Waring *et al.* 2016).

Common Dolphin

Common dolphins in the area would be from the western North Atlantic stock. Common dolphins have a seasonal migration pattern, usually spending January to May from Cape Hatteras to Georges Bank (Hain *et al.* 1981; CETAP 1982; Payne *et al.* 1984). From mid-summer to autumn the species moves from Georges Bank, the GOM, and the Scotian Shelf. The species will be most prevalent in the project area from late summer to fall when they are most common in the GOM (NOAA Fisheries 2022). No common dolphins were observed during the Eastport Breakwater Project from 2015 to 2017 (NOAA 2017).

Harbor Porpoise

Harbor porpoises in the area would be from the GOM/Bay of Fundy Stock. July through September harbor porpoises can be found in the northern GOM, southern Bay of Fundy, and the southern tip of Nova Scotian waters less than 150 m deep (Gaskin 1977; Kraus *et al.* 1983; Palka 1995). They are more widely dispersed from Maine to New Jersey during fall and spring. During the winter, they can be found as far south as North Carolina (NOAA Fisheries 2022). Harbor porpoises were the most commonly observed cetacean during the Eastport Breakwater project, observing 76 in the 2015–2016 project season (NOAA 2017).

In the Western North Atlantic, the harbor porpoise stock is found in U.S. and Canadian Atlantic waters. Any harbor porpoises encountered during the proposed project would be part of the Gulf of Maine-Bay of Fundy stock. A current trend analysis has not been conducted for this stock (Waring *et al.* 2016). During the winter months (January to March), medium densities are found in waters off of New Brunswick, Canada to NY. During the spring (April to June) and fall (October to December), harbor porpoises are widely dispersed from ME to NJ, with lower densities farther north and south (Waring *et al.* 2016). In the summer (July to September), harbor porpoises are

concentrated in the northern Gulf of Maine and southern Bay of Fundy region, generally in waters less than 150 m deep (Gaskin 1977; Kraus *et al.* 1983; Palka 1995a, 1995b as cited in Waring *et al.* 2016), with a few sightings in the upper Bay of Fundy and on Georges Bank (Palka 2000 as cited in Waring *et al.* 2016). Harbor porpoises reside in northern temperate and subarctic coastal and offshore waters. They are commonly found in bays, estuaries, harbors, and fjords less than 200 m (650 feet) deep.

Gray Seal

Gray seals in the area would be from the Western North Atlantic stock which ranges from New Jersey to Labrador (Davies 1957; Mansfield 1966; Katona *et al.* 1993; Lesage and Hammill 2001). Pupping occurs in January and February and mainly occurs on rocky ledges in Maine (Kenny 2020). Over the past 30 years, gray seal pupping has increased in Maine and Massachusetts (MA) (Wood *et al.* 2019), with 515 pups observed between 2 sites in Maine 2008 (Kenny 2020), and 2 more additional pupping sights identified in 2010 (Waring *et al.* 2010). After the breeding season in January and February, gray seals have a pelagic feeding period February through April, and then a molting period in which they are hauled-out May through June (Kenny 2020). Harbor seals and gray seals are frequently observed together (NOAA Fisheries 2022) which is why in the Eastport monitoring project harbor and gray seal observations were combined. During the 2015–2016 construction period, 916 harbor seals and gray seals were observed in the area (Maine DOT 2017). According to NMFS Northeast Fisheries Science Center (NEFSC), there are two nearby haulouts, Quoddy Narrow Rocks and Spectacle Island Ledge 2 (NEFSC 2025), but overall gray seals are not as commonly seen in the project area as harbor seals.

Harbor Seal

Harbor seals in the project area would be from the Western North Atlantic stock (Katona *et al.* 1993). This stock can be found from Canada to the northern United States, but they mainly reside and reproduce in Maine where they can be found year-round (Hayes *et al.* 2023). The number of harbor seals

will likely increase in the project area before and during pupping season which usually occurs May through June (Temte *et al.* 1991, NOAA Fisheries 2021, Marine Mammals of Maine 2024). As previously mentioned, harbor seals and gray seals are generally observed together, so their observations were combined in the Eastport Breakwater Project. During the 2015–2016 construction period, 916 harbor seals and gray seals were observed, and during the 2016–2017 project season, 44 harbor seals were observed (NOAA 2017).

On the east coast, harbor seals range from the Canadian Arctic to southern New England, New York, and occasionally the Carolinas. Seals are year-round inhabitants of the coastal waters of Maine and eastern Canada (Katona *et al.* 1993 as cited in Waring *et al.* 2016). Harbor seals can be observed year-round in Cobscook Bay. According to NEFSC, between 2010 and 2018 there was an average of 550 adults harbor seals observed and around 100 pups observed each year in Cobscook Bay (Sigourney *et al.* 2021).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.*, Richardson *et al.* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Subsequently, NMFS (2024) updated generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). Marine mammal hearing groups and their associated hearing ranges are provided in table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS
[NMFS 2024]

Hearing group	Generalized hearing range*
Underwater	
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.
In-Air	
Phocid pinnipeds (PA) (true seals)	42 Hz to 52 kHz.
Otariid pinnipeds (OA) (sea lions and fur seals)	90 Hz to 40 kHz.

* Represents the generalized hearing range for the entire group as a composite (i.e., all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.* 2007; Southall *et al.* 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section provides a discussion of the ways in which components of the specified activity may impact marine mammals and their habitat. The Estimated Take of Marine Mammals section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take of Marine Mammals section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and whether those impacts are reasonably expected to, or reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far (ANSI 1995). The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (e.g., waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (e.g., sounds produced by marine mammals, fish, and invertebrates), and

anthropogenic sound (e.g., vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time which comprise "ambient" or "background" sound depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.*, 1995). The result is that, depending on the source type and its intensity, sound from the specified activities may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the project would include impact pile driving, vibratory pile driving, vibratory pile removal, and DTH drilling. The sounds produced by these activities fall into one of two general sound types: impulsive and non-impulsive. Impulsive sounds (e.g., explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI, 1986; NIOSH, 1998; ANSI, 2005; NMFS, 2024). Non-

impulsive sounds (e.g., aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with rapid rise/decay time that impulsive sounds do (ANSI, 1995; NIOSH, 1998; NMFS, 2024). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (e.g., Southall *et al.* 2007).

Three types of hammers would be used on this project: impact, vibratory, and DTH. Impact hammers 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 characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment. Vibratory hammers produce significantly less sound than impact hammers. Peak Sound Pressure Levels (SPLs) may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.*, 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.*, 2005). A DTH hammer is essentially a drill bit that drills through the bedrock using a rotating function like a normal drill, in concert with a hammering mechanism operated by a pneumatic (or sometimes

hydraulic) component integrated into the DTH hammer to increase speed of progress through the substrate (*i.e.*, it is similar to a “hammer drill” hand tool). The sounds produced by the DTH method contain both a continuous, non-impulsive component from the drilling action and an impulsive component from the hammering effect. Therefore, we treat DTH systems as both impulsive and continuous, non-impulsive sound source types simultaneously.

Potential or likely impacts on marine mammals from ME DOT’s proposed construction include both non-acoustic and acoustic stressors. Non-acoustic stressors include the physical presence of equipment, vessels, and personnel. However, impacts from ME DOT’s proposed construction is expected to primarily be acoustic in nature. Expected stressors from ME DOT’s proposed activities are expected to be a result of heavy equipment operation for impact driving, DTH drilling, and vibratory driving and removal.

Acoustic Impact

The introduction of anthropogenic noise into the aquatic environment from pile driving and removal and DTH equipment is the primary means by which marine mammals may be harassed from ME DOT’s specified activities. In general, animals exposed to natural or anthropogenic sound may experience behavioral, physiological, and/or physical effects, ranging in magnitude from none to severe (Southall *et al.*, 2007). Generally, exposure to pile driving and removal and DTH noise has the potential to result in behavioral reactions (*e.g.*, avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior) and, in limited cases, auditory threshold shifts (TS). Exposure to anthropogenic noise can also lead to non-observable physiological responses such as an increase in stress hormones. Additional noise in a marine mammal’s habitat can mask acoustic cues used by marine mammals to carry out daily functions such as communication and predator and prey detection. The effects of pile driving and removal and DTH noise on marine mammals are dependent on several factors, including but not limited to sound type (*e.g.*, impulsive vs. non-impulsive), the species, age and sex class (*e.g.*, adult male vs. mother with calf), duration of exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.*, 2003; Southall *et al.*, 2007). Here we discuss physical auditory effects (TSs) followed by

behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced TS as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual’s hearing range above a previously established reference level (NMFS, 2024). The amount of TS is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2024), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.*, impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.*, spectral content), the hearing and vocalization frequency range of the exposed species relative to the signal’s frequency spectrum (*i.e.*, how 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).

Permanent Threshold Shift (PTS)—NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual’s hearing range above a previously established reference level (NMFS, 2024). Available data from humans and other terrestrial mammals indicate that a 40 dB TS approximates PTS onset (Ward *et al.*, 1958; Ward *et al.*, 1959; Ward, 1960; Kryter *et al.*, 1966; Miller, 1974; Henderson *et al.*, 2008). PTS levels for marine mammals are estimates, because there are limited empirical data measuring PTS in marine mammals (*e.g.*, Kastak *et al.*, 2008), largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS, 2024).

Temporary Threshold Shift (TTS)—NMFS defines TTS as a temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual’s hearing range above a previously established reference level (NMFS, 2024). Based on data from cetacean TTS measurements (Southall *et al.*, 2007), a TTS of 6 dB is considered the minimum TS clearly larger than any day-to-day or session-to-session variation in a subject’s normal hearing ability (Schlundt *et al.*, 2000; Finneran *et al.*, 2000; Finneran *et al.*, 2002). As described in Finneran (2016), marine mammal studies have shown the amount of TTS increases with

cumulative sound exposure level (SEL_{cum}) in an accelerating fashion: At low exposures with lower SEL_{cum} , the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL_{cum} , the growth curves become steeper and approach linear relationships with the noise SEL.

Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in *Masking*, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.*, 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaorientalis*) and five species of pinnipeds exposed to a limited number of sound sources (*i.e.*, mostly tones and octave-band noise) in laboratory settings (Finneran, 2015). TTS was not observed in trained spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to impulsive noise at levels matching previous predictions of TTS onset (Reichmuth *et al.*, 2016). In general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. No data are available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007), Finneran and Jenkins (2012), Finneran (2015), and table 4 in NMFS Updated Acoustic Guidance (2024).

Activities for this project include impact and vibratory pile driving, vibratory pile removal, and DTH drilling. There would likely be pauses in activities producing the sound during each day. Given these pauses and the fact that many marine mammals are likely moving through the project areas and not remaining for extended periods of time, the potential for TS declines.

Behavioral Effects—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 to sound are highly variable and context-specific, and any reactions depend on numerous intrinsic and extrinsic factors (e.g., species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (e.g., Richardson *et al.*, 1995; Wartzok *et al.*, 2003; Southall *et al.*, 2007; Weilgart, 2007; Archer *et al.*, 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.*, 2012), and can vary depending on characteristics associated with the sound source (e.g., whether it is moving or stationary, number of sources, distance from the source). Please see appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.*, 2003). 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). Animals are most likely to habituate to sounds that are predictable and unvarying. 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.

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine

mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely, and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (e.g., Frankel and Clark, 2000; Costa *et al.*, 2003; Ng and Leung, 2003; Nowacek *et al.*, 2004; Goldbogen *et al.*, 2013). 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. 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; Melcón *et al.*, 2012). In addition, behavioral state of the animal plays a role in the type and severity of a behavioral response, such as disruption to foraging (e.g., Wensveen *et al.*, 2017). An evaluation of whether foraging disruptions would be likely to incur fitness consequences considers temporal and spatial scale of the activity in the context of the available foraging habitat and, in more severe cases may necessitate consideration of 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.

Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (e.g., those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation; Richardson *et al.* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (e.g., snapping shrimp, wind, waves, precipitation) or anthropogenic (e.g., pile driving, shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (e.g., signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (e.g., sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (e.g., on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked.

Airborne Acoustic Effects—Pinnipeds that occur near the project site could be exposed to airborne sounds associated with pile driving and removal that have the potential to cause behavioral harassment, depending on their distance from pile driving activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise would primarily be an issue for pinnipeds that are swimming near the project site within the range of noise levels exceeding the acoustic thresholds. 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 pinnipeds to exhibit changes in their

normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been "taken" because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Anticipated Effects on Marine Mammal Habitat

The proposed activities at the project site would not result in permanent impacts to habitats used directly by marine mammals, such as haul-out sites, but may have potential short-term impacts to food sources such as forage fish. There are no rookeries or major haul-out sites nearby, foraging hotspots, or other ocean bottom structures of significant biological importance to marine mammals that may be present in the marine waters in the vicinity of the project area. Therefore, the main impact issue associated with the proposed activity would be temporarily elevated sound levels and the associated direct effects on marine mammals, as discussed previously in this document. The most likely impact to marine mammal habitat occurs from pile driving effects on likely marine mammal prey (*i.e.*, fish) near the pier and minor impacts to the immediate substrate during installation of piles and removal of the old structure during the breakwater replacement project.

In-Water Construction Effect on Potential Foraging Habitat

Benthic communities at the Project site would be disturbed by construction of the Project due to seabed-disturbing activities such as impact pile driving, vibratory driving, DTH drilling, and vessel anchoring and spudding. However, the footprint of direct benthic disturbances (about 0.0142 km²) is relatively small when compared to the rest of Johnson Bay (about 11.53 km²) and the larger area of available, suitable, marine mammal habitat. Benthic disturbance is not expected to result in a significant permanent loss or alteration of habitat for marine mammals or their prey. The greatest potential impact on marine mammal habitat resulting from construction of the project would be the temporary loss of habitat, short-term displacement, and

decrease in availability of prey due to elevated noise levels and localized increased turbidity associated with pile installation activities.

In-water pile driving and drilling activities associated with the project will result in short-term increases in underwater noise levels. Underwater sounds could have physiological and behavioral impacts on fish, which are a primary dietary component of the marine mammals discussed in this application. Additionally, pile installation and vessel anchoring/spudding could cause temporary increases in turbidity and loss of bottom habitat, which could impact fish, in addition to the potential for direct injury or mortality to bottom-dwelling species within the limits of disturbance. Given that the construction schedule for the project is limited to 234 days of activity, permanent deterrence of fish from the area for foraging would not occur. In addition, noise impacts would be localized to the immediate vicinity of the breakwater and associated project components. Similar habitat is found throughout the surrounding bays; it is anticipated that displaced fish species would find suitable habitat nearby during active construction. Based on the short duration of pile driving and drilling activities, the abundance of available fish habitat adjacent to the project site, and implementation of mitigation and minimization measures, impacts on fish and thereby cetacean foraging from in-water construction would be short term and minor.

Effects on Potential Prey

Construction activities would produce both impulsive (*i.e.*, impact pile driving and DTH) and continuous (*i.e.*, vibratory pile driving and DTH) sounds. Fish react to sounds which are especially strong and/or intermittent low-frequency sounds. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005, 2009) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving (or other types of continuous sounds) on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.*, Scholik and Yan 2001, 2002; Popper and Hastings 2009). Sound pulses at received levels of 160 dB re 1 μ Pa may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.* 1992; Skalski *et al.* 1992). SPLs of sufficient strength may cause injury to fish and fish mortality. The most likely

impact to fish from pile driving at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of this area after these activities stop is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. In general, impacts to marine mammal prey species are expected to be minor and temporary due to the short timeframe for the pier replacement project.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHA, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses. Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as certain construction activities (*i.e.*, pile driving and DTH drilling) have the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for very high frequency cetacean species and phocids because predicted auditory injury zones are larger than for low-frequency and high-frequency cetacean species. Auditory injury is unlikely to occur for low frequency and high frequency cetacean species. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the proposed take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes the best available science indicates marine mammals will likely be behaviorally harassed or incur some degree of auditory injury; (2) the area or volume of water that will be ensonified above these levels in a day;

(3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (e.g., previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur auditory injury (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 discussed 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 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.

ME DOT’s proposed activity includes the use of continuous (vibratory pile driving and removal and DTH drilling) and impulsive (impact pile driving and DTH drilling), and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μ Pa are applicable.

Level A Harassment—NMFS’ 2024 Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Technical Guidance, 2024) identifies dual criteria to assess auditory injury (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). ME DOT’s proposed activity includes the use of impulsive (impact pile driving and DTH drilling) and non-impulsive (vibratory pile driving and removal) 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 4—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	Cell 4: $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	Cell 6: $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	Cell 8: $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	Cell 10: $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization (ISO) standards (ISO 2017; ISO 2020). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (i.e., 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic

thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the

proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (i.e., pile driving and removal and DTH drilling). The

maximum (underwater) area ensounded above the thresholds for behavioral harassment referenced above is approximately 29 km² for the total area, and 11 km² in U.S. waters.

The project includes vibratory pile installation and removal, impact pile

driving, and DTH drilling. Source levels for these activities are based on reviews of measurements of the same or similar types and dimensions of piles available in the literature and proxies from similar, previous projects. Source levels for each pile size and activity are

presented in table 5. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 5—PROXY SOUND SOURCE LEVELS FOR PILE INSTALLATION ACTIVITY

Project component	Pile type	Installation method	Proxy	Reference	Distance to measurement (m)	Source levels (re 1µPa)		
						Peak	SEL	RMS
PSP	36" Diameter Steel Pipe Piles.	DTH Drilling	25" to 42" piles	NMFS 2022b, Denes <i>et al.</i> 2019, Reyff and Heyvaert 2019, Reyff 2020.	10	194	164	174
Floating Docks	24–30" Diameter Steel Pipe Piles. ²	Vibratory Pile Driving. Impact Pile Driving	14" steel H pile	Caltrans 2015, NMFS 2022a.	10	.....	.....	150
Falsework Platform	14" Diameter Steel H Piles.				10	200	183	170

¹ As a conservative measure, the same proxy measurements were used for both the PSP and the floating docks due to their pile design and installation method similarities.

² For the purpose of this IHA, it is assumed that a 30-inch pile would be used to install the floating docks.

³ DTH drilling is considered an impulsive sound source for Level A harassment calculations, and a non-impulsive source for Level B harassment calculations.

NMFS recommends treating DTH systems as both impulsive and continuous, non-impulsive sound source types simultaneously. Thus, impulsive thresholds are used to evaluate Level A harassment, and continuous thresholds are used to evaluate Level B harassment. With regards to DTH mono-hammers, NMFS recommends proxy levels for Level A harassment based on available data regarding DTH systems of similar sized piles and holes (Denes *et al.*, 2019, Reyff and Heyvaert 2019, Reyff 2020) (table 1 and table 6 includes number of piles and duration; table 5 includes sound pressure and sound exposure levels for each pile type).

ME DOT proposed to use bubble curtains for all PSP and floating dock construction which will use DTH drilling. We assume here that use of the bubble curtain would result in a reduction of 5 dB from the assumed SPL (rms) and SPL (peak) source levels for these pile sizes, and reduce the applied source levels accordingly.

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:

$$TL = B \times \text{Log}_{10} (R_1/R_2),$$

where:

TL = transmission loss in dB

B = transmission loss coefficient

R₁ = the distance of the modeled SPL from the driven pile, and

R₂ = 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*log [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*log [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, the applicant and NMFS used acoustic monitoring data from other

locations to develop proxy source levels for the various pile types, sizes and methods. The project includes vibratory and impact pile installation of steel H piles and vibratory removal of steel H piles and DTH drilling of 36-inch steel pipe piles and 24 to 30-inch steel pipe piles. NMFS consulted multiple sources to determine valid proxy source levels for the construction planned. This is the best available data for pile source levels, and source levels for each pile size and driving method are presented in table 5.

The ensounded area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ. Inputs used in the optional User

Spreadsheet tool, and the resulting estimated isopleths, are reported below.

TABLE 6—USER SPREADSHEET INPUTS FOR CALCULATING LEVEL A AND B HARASSMENT ISOPLETHS

Pile size and installation method	Spreadsheet tab used	Weighting factor adjustment (kHz)	Number of strikes per pile	Number of piles per day	Activity duration (minutes)
14" H Pile Vibratory Installation	A.1 Vibratory pile driving	2.5	N/A	5	30
14" H Pile Vibratory Removal	A.1 Vibratory pile driving	2.5	N/A	5	30
14" H Pile Impact Installation	E.1 Impact pile driving	2	150	5	N/A
24"–30" Steel Pipe Piles DTH Drilling	E.2 DTH Drilling	2	N/A	0.5	780
36" Steel Pipe Piles DTH Drilling	E.2 DTH Drilling	2	N/A	0.5	780

TABLE 7—CALCULATED LEVEL A AND LEVEL B HARASSMENT ISOPLETHS

Project component	Pile type	Installation method	Sound signal	Broadband noise attenuation ^b (dB)	Level A harassment (m)				Level B harassment (m)
					LF cetaceans	HF cetaceans	VHF cetaceans	PW pinnipeds	All marine mammals
PSP & Floating Docks. ^a Falsework Platform	24–30" Diameter Steel Pipe Piles. 14" Diameter Steel H Piles.	DTH Drilling	Non-Impulsive & Impulsive.	5	1,243.6	158.7	1,924.5 (1,817.0)	1,104.8	18,478.5 (6,335.9)
			Non-Impulsive	0	3.1	1.2	2.6	4.0	1,000
			Impulsive	0	821.4	104.8	1,271.0	729.7	46.4

^a The isopleths for PSP & floating dock piles for Level A harassment (VHF cetaceans) and Level B harassment (all marine mammals) extend into Canadian waters. Isopleths in parentheses represent the truncated radii within US waters only.

^b A NAS (noise attenuation system) will be deployed during all phases of PSP/floating dock pile installation. No NAS is planned during falsework platform installation and removal.

TABLE 8—THE CALCULATED ZOIS (ZONE OF INFLUENCE) FOR EACH PROJECT COMPONENT AND INSTALLATION AND REMOVAL ACTIVITY

Project component	Pile type	Installation method	Broadband noise attenuation ^b (dB)	Level A ZOI (km ²)				Level B ZOI (km ²)
				LF cetaceans	HF cetaceans	VHF cetaceans	PW pinnipeds	All marine mammals
PSP & Floating Docks. ^a	36" Diameter Steel Pipe Piles. 24–30" Diameter Steel Pipe Piles.	DTH Drilling	5	2.633	0.079	4.485 (4.480)	2.167	29,336 (11,330)
				0.00003	0.000005	0.000021	0.00005	1.833
Falsework Platform	14" Diameter Steel H Piles.	Vibratory Pile Driving and Removal. Impact Pile Driving	0	1.337	0.035	2.726	1.121	0.007

^a The ZOIs for PSP & floating dock piles for Level A VHF cetaceans and Level B harassment all marine mammals both extend into Canadian waters. ZOIs in parentheses represent the truncated zones within US waters only.

^b A NAS will be deployed during all phases of PSP/floating dock pile installation. No NAS is planned during falsework platform installation and removal.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density and other relevant information which will inform the take calculations. Density estimates, scientific literature, local information, and monitoring data from the previous nearby Eastport Breakwater Project (Maine DOT 2015 & 2017) were used to inform take calculations. Density estimates were calculated using the 2023 density models from the Duke University Marine Geospatial Ecological Laboratory (Roberts *et al.*, 2016, 2023). The density models have 5 x 5 km spatial resolution cells with monthly density values for each cell. At the

mouth of the Quoddy Narrows Inlet, ME are three density cells which represent the nearest density data to the project location. The maximum monthly density data from these three cells were used to determine density estimates for all cetacean species with regular or common presence in the area, *i.e.*, Atlantic white-sided dolphin, minke whale, common dolphin, and harbor porpoise (table 9). Local and recent monitoring data are available for harbor and gray seals near the project area. For seals, sighting records from nearby monitoring surveys are preferred because the data represent reliable detections of local species and may provide more detail and context to each

sighting than what can be inferred from model results. Two nearby monitoring reports have been reviewed, and each contain sufficient detection data to calculate exposure estimates for this project (ME DOT 2015, 2017) (table 10 and table 11). Both monitoring reports contain PSO (protected species observer) detections during breakwater construction at Eastport, Maine, located in Washington County, in Cobscook Bay and situated approximately 4.83 km (3 mi) from the Lubec Safe Harbor Project Area.

TABLE 9—MAXIMUM ESTIMATED DENSITIES (ANIMALS/km²) USED FOR EXPOSURE ESTIMATION

Species	Monthly densities (animals/km ²)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Minke whale	0.0001	0.0001	0.0002	0.002	0.005	0.009	0.008	0.007	0.004	0.003	0.0001	0.0001
Harbor seal ¹	0.128	0.162	0.120	0.134	0.228	0.855	1.268	1.037	0.669	0.473	0.043	0.063
Gray seal ¹	0.058	0.074	0.055	0.061	0.104	0.389	0.577	0.472	0.304	0.215	0.019	0.029
Harbor porpoise	0.073	0.102	0.099	0.116	0.101	1.661	2.951	3.205	2.531	1.966	1.743	0.050
Atlantic white-sided dolphin	0.021	0.017	0.013	0.017	0.032	0.049	0.038	0.025	0.037	0.054	0.033	0.033
Common dolphin	0.005	0.001	0.001	0.001	0.003	0.005	0.008	0.014	0.015	0.017	0.019	0.016

Source: Roberts *et al.*, 2016, 2023.

Note: Blue cells with bold values indicate the highest monthly density for each species.

¹ Density was adjusted by their relative abundance.

TABLE 10—INDIVIDUALS OBSERVED PER MONTH AT EASTPORT, MAINE BREAKWATER PROJECT 2015–2016 SEASON

Month	Number of seals observed
July 2015	190
August 2015	133
September 2015	139
November 2015	170
December 2015	20
January 2016	42
February 2016	13
March 2016	27
April 2016	22
May 2016	3
June 2016	11
Total	916

TABLE 11—INDIVIDUALS OBSERVED PER MONTH AT EASTPORT, MAINE BREAKWATER PROJECT 2017 SEASON

Month (2017)	Number of seals observed
January	0
February	3
March	14
April	12
May	15
Total	44

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.

ME DOT estimated the take of marine mammals for the Lubec Safe Harbor Project using two different methods. Take for cetaceans was calculated using the 2023 density models from Duke University Marine Geospatial Ecological Laboratory (Roberts *et al.*, 2016, 2023). Take for seals was calculated based on monitoring data from two construction seasons of the nearby Eastport Breakwater Project in Eastport, Maine which is about 5 km away from Lubec.

As previously noted, NMFS cannot authorize incidental take under the MMPA that may occur within the territorial seas of foreign nations (from 0–12 nmi (nautical miles) (22.2 km) from shore), as the MMPA does not apply in those waters. However, NMFS

has still calculated the estimated level of incidental take in the entire activity area (including Canadian territorial waters) as part of the analysis supporting our determination under the MMPA that the activity will have a negligible impact on the affected species. The total estimated take in U.S. and Canadian waters is presented in table 17 (see Negligible Impact Analysis and Determination). Take calculations for cetaceans used the maximum monthly density and equation 1 below. Take calculations for gray and harbor seals used monitoring data recorded from two construction seasons at the Eastport Breakwater Project and equation 2 below.

(1) Estimated Take = maximum monthly density (table 9) × ZOI for the specific pile-related activity (table 8) × total number of days of specific pile-related activity (table 1).

(2) Estimated Take = average daily number of observed individuals per

month (table 13) × total number of days of specific pile-related activity per month (table 14).

Minke Whale

A total of 28 minke whales were observed during the Eastport Breakwater Project, and there is a small potential for them to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 56 minke whale takes, by Level B harassment only. However, NMFS proposes to authorize only the take of minke whales estimated to occur in US waters (23).

The largest Level A harassment zone for minke whales extends 1,244 m (table 7). ME DOT is planning to implement shutdown zones for low-frequency cetaceans that exceed the Level A harassment isopleth for all activities. Therefore, when considered in context of the expected low occurrence of minke whales in the area, implementation of the proposed shutdown zones is

expected to eliminate the potential for take by Level A harassment of minke whales. Therefore, no take by Level A harassment is anticipated or proposed for authorization for minke whales.

Atlantic White-Sided Dolphin

No Atlantic white-sided dolphins were observed during the Eastport Breakwater Project, and there is a small potential for them to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 334 Atlantic white-sided dolphin takes by Level B harassment only. However, NMFS proposes to authorize only the take of Atlantic white-sided dolphins estimated to occur in US waters (132). The largest Level A harassment zone for Atlantic white-sided dolphins extends 159 m from the noise source (table 7). ME DOT is planning to implement shutdown zones for high-frequency cetaceans that exceed the Level A harassment isopleth for all activities. Therefore, when considered in context of the expected rare occurrence of Atlantic white-sided dolphins in the area, implementation of the proposed shutdown zones is expected to eliminate the potential for take by Level A harassment of Atlantic white-sided dolphins. Therefore, no take by Level A harassment is anticipated or proposed for authorization for Atlantic white-sided dolphins.

Common Dolphin

No common dolphins were observed during the Eastport Breakwater Project, and there is a small potential for them to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 117 common dolphin takes by Level B harassment. However, NMFS proposes to authorize only the take of common dolphins estimated to occur in US waters (46).

The largest Level A harassment zone for common dolphins extends 159 m from the noise source (table 7). ME DOT is planning to implement shutdown zones for high-frequency cetaceans that exceed the Level A harassment isopleth for all activities. Therefore, when considered in context of the expected rare occurrence of common dolphins in the area, implementation of the proposed shutdown zones is expected to eliminate the potential for take by Level A harassment of common dolphins. Therefore, no take by Level A harassment is anticipated or proposed for authorization for common dolphins.

Harbor Porpoise

A total of 76 harbor porpoises were observed during the Eastport Breakwater Project, and they are expected to occur within the Lubec Project area. Use of the information and equation described above results in an estimated total of 17,580 harbor porpoise takes by Level B harassment. However, NMFS proposes

to authorize only the take of harbor porpoises estimated to occur in US waters (5,473).

To estimate expected take by Level A harassment for species with larger Level A harassment zones and which are expected to occur more frequently (*i.e.*, harbor porpoise and seals), while accounting for implementation of shutdown zones (table 16), exposures within the estimated Level A harassment zones but outside the shutdown zones (where the Level A harassment zones are larger than the shutdown zones) (table 12) were calculated. Proportions of the total Level A harassment areas that are outside of the shutdown zones are shown in table 12. These percentages are then applied to the total Level A harassment estimates to calculate the expected instances of take by Level A harassment that are proposed for authorization. Where the estimated Level A harassment zones extend into Canadian waters, the associated estimates of take by Level A harassment are adjusted as described above for Level B harassment to ensure that only takes expected to occur within U.S. waters are authorized. Use of the information and equation described above results in an estimated total of 2,285 harbor porpoise takes by Level A harassment. However, NMFS proposes to authorize only the take of harbor porpoises estimated to occur in US waters (2,236).

TABLE 12—PROPORTION OF LEVEL A HARASSMENT ZOIS NOT PLANNED FOR CLEARANCE AND SHUTDOWN PROCEDURES ¹

Project component	Installation method	Proportion of Level A harassment areas outside of shutdown zones	
		VHF cetaceans (percent)	PW pinnipeds (percent)
PSP & Floating Docks	DTH Drilling	72.48 (74.02)	54.74
Falsework Platform	Impact Pile Driving	60.66	31.48

¹ The parenthetical percentage represent the proportion of ZOIs extending into Canadian waters and are not planned for clearance and shutdown procedures. The rest of the percentages are indicative of US-waters only.

Gray Seal

A total of 916 seals were observed during the 2015–2016 Eastport Breakwater Project 2015–2016 season. Seal data were combined as observers had difficulty differentiating in the field between harbor and gray seals. There is potential for gray seals to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 268 gray seal takes. However, NMFS proposes to authorize only the take of gray seals estimated to occur in US

waters (132), with 92 (228 including Canadian waters) by Level B harassment and 40 by Level A harassment. Instances of Level A harassment versus Level B harassment was proportioned out by the number of days per activity and proportion of Level A and B harassment zone size. The number of days of DTH reflects 88.9% of activity while vibratory and impact pile driving represent 5.5% each. Once take was proportioned out into each activity it was further proportioned based on the size of the Level A and Level B

harassment zone. DTH has about 10.5% of its Level A harassment zone within the Level B harassment zone, while due to shutdown procedures and zone size vibratory driving will only cause potential take by Level B harassment and impact driving will only cause potential take by Level A harassment.

Harbor Seal

A total of 916 seals were observed during the 2015–2016 Eastport Breakwater Project 2015–2016 season, seal data were combined as observers

had difficulty differentiating in the field between harbor and gray seals. However, there were 44 harbor seals observed during the 2017 construction season of the Eastport Project. There is potential for harbor seals to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 548 harbor seal takes. However, NMFS proposes to authorize only the take of gray seals estimated to occur in U.S.

waters (301), with 220 (548 including Canadian waters) by Level B harassment and 81 by Level A harassment. Take by Level A versus Level B harassment was proportioned out by the number of days per activity and proportion of Level A and B harassment zone size. The number of days of DTH reflects 88.9% of activity while vibratory and impact pile driving represent 5.5% each. Once take was proportioned out into each activity it was further proportioned

based on the size of the Level A and Level B harassment zone. DTH has about 10.5% of its Level A harassment zone within the Level B harassment zone, while due to shutdown procedures and zone size vibratory driving will only cause potential take by Level B harassment and impact driving will only cause potential take by Level A harassment.

TABLE 13—AVERAGE DAILY OBSERVED INDIVIDUAL ANIMALS DETECTED PER MONTH AT EASTPORT, MAINE BREAKWATER PROJECT

Observation month	Species detected at Eastport, Maine	
	Harbor seal	Gray seal
January	0.96	0.88
February	0.84	0.68
March	0.82	0.37
April	0.88	0.34
May	0.85	0.16
June	0.42	0.19
July	6.53	2.97
August	5.08	2.31
September	5.31	2.42
October	5.02	2.28
November	6.87	3.13
December	1.15	0.52

* Source Maine DOT

TABLE 14—MONTHLY CONSTRUCTION SCHEDULE FOR THE SAFE HARBOR PROJECT

Year	Month	Number of piles installed per month			Number of piles removed per month	Days of activity per month
		PSP piles	Floating dock piles	Falsework piles		
2025	March	6		5	5	14
	April	6		5	5	14
	May	6		5	5	14
	June	6		5	5	14
	July	6		5	5	14
	August	6		5	5	14
	September	6		5	5	14
	October	6		5	5	14
	November	6		5	5	14
	December	6	8	5	5	30
	January	6	8	5	5	30
	2026	February	6	8	5	5	30
March			8	5	5	18
Total Piles		72	32	65	65	234
Total Days		144	64	13	13	234

The total take estimates that are proposed for authorization for each

species for the Lubec Harbor Project can be found below in table 15.

TABLE 15—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT BY SPECIES¹

Common name	Stock	Stock abundance	Level A	Level B	Total proposed take—U.S. waters authorized only	Proposed take percentage of stock in U.S. waters
Minke Whale	Canadian Eastern Coast	21,968	0	23 (56)	23 (56)	<1
Atlantic White-Sided Dolphin	Western North Atlantic	31,506	0	132 (334)	132 (334)	<1
Common Dolphin	Western North Atlantic	93,100	0	46 (117)	46 (117)	<1
Harbor Porpoise	Gulf of Maine/Bay of Fundy	85,765	2,236 (2,285)	5,473 (17,580)	7,709 (19,865)	9
Harbor Seal	Western North Atlantic	61,336	81	220 (467)	301 (548)	<1
Gray Seal	Western North Atlantic	394,311	40	92 (228)	132 (268)	<1

¹ The parenthetical number represents the total number of takes including those estimated to occur in Canadian waters.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be

effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

Mitigation for Marine Mammals and Their Habitat

Implementation of Shutdown Zones— For all pile driving/removal activities, ME DOT would implement shutdowns within designated zones. The purpose of a shutdown zone is generally to define an area within which shutdown of activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Implementation of shutdowns would be used to avoid or minimize incidental Level A harassment takes from vibratory, impact pile driving and removal, and DTH drilling (table 16). For all vibratory pile driving/removal activities, a minimum 10-m shutdown zone would be established for marine mammals as outlined in ME DOT’s IHA application. Shutdown zones for impact pile driving and DTH drilling are based on the Level A harassment zones and monitoring feasibility and therefore vary by marine mammal hearing group (table 16). The shutdown zones for DTH drilling for low frequency and high frequency cetaceans were rounded up from the estimated Level A harassment

zone for each particular activity. The largest Level A harassment zone for low frequency cetaceans from DTH is 1,244 m, and a shutdown zone of 1,245 m is proposed, given the expected ability to detect those species at that distance. The largest Level A harassment zone from DTH for high frequency cetaceans is 159 m, and a shutdown zone of 160 m is proposed, given the expected ability to detect those species at that distance. The same methodology was used for impact pile driving for low frequency and high frequency cetaceans. The largest Level A harassment zone for low frequency cetaceans is 821 m, so a shutdown zone of 825 m is proposed, given the expected ability to detect those species at that distance. The largest Level A harassment zone for high frequency cetaceans for impact pile driving is 105 m, so a shutdown zone of 105 m is proposed, given the expected ability to detect those species at that distance. The Level A harassment zones for DTH drilling and impact pile driving for very high frequency cetaceans and phocids are considered too large to effectively monitor (Table 7). Therefore a shutdown zone of 500m is proposed, as we consider that distance to be the largest reasonable zone a PSO can monitor for more cryptic species like harbor porpoises and seals in this circumstance. The placement of PSOs during all pile driving activities (described in detail in the Monitoring and Reporting section) would ensure the full extent of shutdown zones are visible to PSOs.

TABLE 16—PROPOSED SHUTDOWN AND CLEARANCE ZONES (m) FOR EACH PROJECT COMPONENT

Project component	Pile installation activity	Bubble curtain used	Shutdown & clearance distances			
			LF cetaceans	HF cetaceans	VHF cetaceans	PW pinnipeds
PSP	DTH Drilling	Yes	1,245	160	1 500	1 500
Floating Docks.	Vibratory Setting & Removal	No	10	10	10	10
Falsework Platform		No	825	105	1 500	1 500

Note: Mitigation ranges were selected based on the acoustic isopleth results, plus an added buffer of rounding up to the nearest 5 m for PSO clarity.

¹ It is NMFS' recommendation for this Project that a 500-m maximum shutdown and clearance zone be assumed for VHF cetaceans and pinnipeds for monitoring feasibility.

Monitoring for Level A and Level B harassment—ME DOT has identified monitoring zones correlated with the Level B harassment zones. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone and thus prepare for a potential cessation of activity should the animal enter the shutdown zone. PSOs would monitor the entire visible area to maintain the best sense of where animals are moving relative to the zone boundaries defined in table 16. A minimum of two PSOs will be required to be on duty at all times during pile activity. ME DOT will send a Marine Mammal Monitoring Plan 90 days prior to the project's starting date with specific PSO locations.

Bubble Curtain—A bubble curtain would be used for all DTH drilling activities for construction of the PSP and floating dock. Bubble curtains are not proposed for installation or removal of the piles for the falsework platform. Bubble curtains will be used to achieve a broadband noise attenuation which will effectively minimize the extent of the SELcum isopleths and reduce the sizes of the overall ZOIs. It is anticipated that a 5-dB broadband attenuation level will consistently be achieved; therefore, all exposure estimates and the resulting take request account for all stages of structural pile installation activities associated with this project and are based on 5 dB attenuation (not including falsework pile installation and removal). The bubble curtain must distribute air bubbles around 100 percent of the piling circumference for the full depth of the water column. The lowest bubble ring must be in contact with the substrate for the full circumference of the ring, and the weights attached to the bottom ring shall ensure 100 percent substrate contact. No parts of the ring or other objects shall prevent full substrate contact. Air flow to the bubblers must be balanced around the circumference of the pile.

Pre-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs would observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone would be considered cleared when a marine mammal has not been

observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. If the monitoring zone has been observed for 30 minutes and marine mammals are not present within the zone, soft-start procedures can commence and work can continue. Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones, indicated in table 16, are clear of marine mammals. When a marine mammal for which take by Level B harassment is authorized is present in the Level B harassment zone, activities may begin. If work ceases for more than 30 minutes, the pre-activity monitoring of both the monitoring zone and shutdown zone would commence.

Soft Start—The use of a soft start procedure is believed to provide additional protection to marine mammals by warning marine mammals or providing them with a chance to leave the area prior to the hammer operating at full capacity. ME DOT will utilize soft start techniques for impact pile driving. We require an initial set of three strikes from the impact hammer at reduced energy, followed by a 30-second waiting period, then two subsequent three-strike sets. Soft start will be required at the beginning of each day's impact pile driving work and at any time following a cessation of impact pile driving of 30 minutes or longer; the requirement to implement soft start for impact driving is independent of whether vibratory driving has occurred within the prior 30 minutes. Soft start is not required during vibratory pile driving activities.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that

requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (e.g., presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (e.g., source characterization, propagation, ambient noise); (2) affected species (e.g., life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (e.g., age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (e.g., marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

Visual Monitoring—Marine mammal monitoring during pile driving activities would be conducted by PSOs meeting NMFS' standards and in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;
- At least one PSO would have prior experience performing the duties of a PSO during construction activity

pursuant to a NMFS-issued incidental take authorization;

- Other PSOs may substitute education (degree in biological science or related field) or training for experience; and

- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator would be designated. The lead observer would be required to have prior experience working as a marine mammal observer during construction.

- PSOs must be approved by NMFS prior to beginning any activities subject to this IHA.

PSOs should have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;

- Experience or training in the field identification of marine mammals, including the identification of behaviors;

- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Monitoring would be conducted 30 minutes before, during, and 30 minutes after pile driving/removal activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving/removal activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

A minimum of two PSO would be on duty during all in-water construction activities. Locations from which PSOs would be able to monitor from will be determined by ME DOT 90 days prior to the start of construction in their NMFS-approved Marine Mammal Monitoring Plan.

PSOs would scan the waters using binoculars or spotting scopes and would

use a handheld range-finder device to verify the distance to each sighting from the project site. PSOs would be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator via a radio.

Reporting—A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal activities. It would include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring.

- Construction activities occurring during each daily observation period, including the number and type of piles driven or removed and by what method (*i.e.*, impact driving) and for each pile or total number of strikes for each pile (impact driving).

- PSO locations during marine mammal monitoring.

- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;

- Upon observation of a marine mammal, the following information: Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; time of 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 marine mammal observed relative to the pile being driven for each sighting (if pile driving was occurring at time of sighting); estimated number of animals (min/max/best estimate); estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*); animal's closest point of approach and estimated time spent within the harassment zone; description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);

- Number of marine mammals detected within the harassment zones, by species; and,

- Detailed information about any implementation of any mitigation triggered (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft final report would constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Dead or Injured Marine Mammals—In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS (PR.ITP.MonitoringReports@noaa.gov and itp.owens@noaa.gov), and to the Greater Atlantic Marine Mammal Stranding Network as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number

of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’ implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 2, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving, removal, and DTH drilling activities associated with the project as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile driving, removal, and DTH drilling. Potential takes could occur if individuals of these species are present in zones ensonified above the thresholds for Level A or Level B harassment identified above when these activities are underway.

Take by Level A and Level B harassment would be due to potential behavioral disturbance, TTS, and PTS. No serious injury or mortality is anticipated or proposed for authorization given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. Take by Level A harassment is only anticipated for

harbor porpoises, harbor seals, and gray seals. The potential for harassment is minimized through the construction method (*i.e.*, vibratory methods to the extent practical) and the implementation of the proposed mitigation measures (see Proposed Mitigation section).

Behavioral responses of marine mammals to pile driving, removal, and drilling at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues that they are disturbed by activities or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. However, given the project schedule and appropriate mitigation, any harassment would be temporary.

In addition to the expected effects resulting from Level B harassment, we anticipate that harbor porpoises, harbor seals, and gray seals may sustain some limited Level A harassment in the form of PTS. However, any PTS is expected to be of a small degree (*i.e.*, minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by pile driving (below 2 kHz)) 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 PTS. If hearing impairment occurs, it is most likely that the affected animal would lose a few decibels in its hearing sensitivity, which in most cases is not likely to meaningfully affect its ability to forage and communicate with conspecifics, as it would be minor and not in the region of greatest hearing sensitivity.

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 PTS or TTS potentially incurred here would not be expected to adversely impact individual fitness, let alone annual rates of recruitment or survival.

The pile driving activities are also not expected to have significant adverse effects on these affected marine mammals’ habitats. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals’ foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known

particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the specified activities will have only minor, short-term effects on individuals that will not have any bearing on those individuals’ fitness. Thus the specified activities are not expected to impact rates of recruitment or survival and will therefore have a negligible impact on those species or stocks.

As described above, we propose to authorize only the takes estimated to occur in United States waters (table 15); however, for the purposes of our negligible impact analysis and determination, we consider the total number of takes that are anticipated to occur as a result of the entire project (including the portion of the Level B harassment zone that extends into Canadian waters) (table 17).

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- The anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior;
- The potential impacts of Level A harassment on harbor porpoises, harbor seals, and gray seals are not anticipated to increase individual impacts to a point where any population-level impacts might be expected;
- The absence of any significant habitat within the industrialized project areas, including known areas or features of special significance for foraging or reproduction; and
- The presumed efficacy of the proposed mitigation measures in reducing the effects of the specified activity to the level of least practicable adverse impact.
- Effects on species that serve as prey for marine mammals from the activities are expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue to adverse impacts on their populations from either project;
- The ensonified areas from the project are very small relative to the overall habitat ranges of all species and

stocks, and will not cause more than minor impacts

- There are no ESA-designated critical habitat, Biologically Important Areas, or any other areas of known biological importance near the project site.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from

the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most

appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is less 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.

TABLE 17—TOTAL ESTIMATED TAKE INCLUDING CANADIAN TERRITORIAL WATERS

Common name	Stock	Stock abundance	Level A	Level B	Total take	Proposed take percentage of stock
Minke Whale	Canadian Eastern Coast	21,968	0	56	56	<1
Atlantic-White Sided Dolphin.	Western North Atlantic	31,506	0	334	334	1
Common Dolphin	Western North Atlantic	93,100	0	117	117	<1
Harbor Porpoise	Gulf of Maine/Bay of Fundy	85,765	2,285	17,580	19,865	23.2
Harbor Seal	Western North Atlantic	61,336	81	467	548	<1
Gray Seal	Western North Atlantic	394,311	40	228	268	<1

Table 17 demonstrates the number of animals that NMFS anticipates could be taken by Level A and Level B harassment for the proposed work. Our analysis shows that at most 23.2 percent of each affected stock could be taken by harassment. The numbers of animals proposed to be taken for these stocks would be considered small relative to the relevant stock's abundances, even if each estimated taking occurred to a new individual, which is an unlikely scenario.

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 Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to ME DOT for conducting the Lubec Safe Harbor Project in Lubec, Maine from March 25, 2025 through March 24, 2026, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed Lubec Safe Harbor Project. We also request comment on the

potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses,

mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: February 28, 2025.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2025-03542 Filed 3-4-25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE543]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Small Boat Harbor Preconstruction Activities (Geotechnical Surveys) in St. George, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the United States Army Corps of Engineers (USACE) for authorization to take marine mammals incidental to geotechnical drilling in St. George, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any

final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 4, 2025.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.Fleming@noaa.gov. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Kate Fleming, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have

an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

Summary of Request

On October 30, 2024, NMFS received a request from USACE for an IHA to take marine mammals incidental to geotechnical surveys to be conducted as part of preconstruction activities associated with a new small boat harbor in St. George, Alaska. Following NMFS’ review of the application, and discussions between NMFS and USACE, the application was deemed adequate and complete on January 29, 2025. The USACE submitted a final revised version on February 19, 2025. The USACE’s request is for take of northern fur seal, by Level A and Level B harassment and, of harbor seal, by Level B harassment only. Neither USACE nor NMFS expect serious injury or mortality

to result from this activity and, therefore, an IHA is appropriate.

This proposed IHA would cover 1 year of preconstruction activity associated with a larger project involving construction of a new small boat harbor.

Description of Proposed Activity

Overview

The USACE is in the preconstruction, engineering, and design (PED) phase for constructing a small boat harbor in St. George, Alaska. Between April 15, 2025 and June 15, 2025, USACE would conduct Large Penetration Testing (LPT) and borehole drilling. These methods would introduce underwater sounds that may result in take, by Level A and Level B harassment, of marine mammals.

Dates and Duration

The proposed IHA would be effective from April 15, 2025 to June 15, 2025,

reflecting a proposed seasonal work window designed to minimize effects on northern fur seal reproductive behavior. See Proposed Mitigation for further detail. The project would require approximately 15 days of geotechnical drilling. In-water construction activities would occur during daylight hours only, between a 14 to 18 hour daily work window.

Specific Geographic Region

St. George is on St. George Island, the southernmost and second largest group of five inactive volcanic islands that compose the Pribilof Archipelago located in the southern Bering Sea, approximately 760 miles [(mi.), (1,223 kilometers, (km))] west of Anchorage, Alaska and 220 mi. (354 km) north-northwest of Unalaska Island. St. George Island's position at the western margin of Alaska's continental shelf puts it in close proximity to much deeper waters of the Bering Sea's abyssal plain. The

abrupt change in seafloor elevation occurring at the continental slope facilitates natural upwelling processes; as a result, surface waters in the region are extremely productive.

The project site is adjacent to St. George, on the north side of St. George Island, and spans the embayment between the Old Jetty (eastern side of the project area) east across to North Rookery (western side of the project area), which is the largest northern fur seal rookery in the world (Williams, 2024 personal communication) (see figure 2). Water depths at borehole locations range from approximately 3 feet [(ft.) (0.9 meters (m))] deep nearshore to approximately 20 ft. deep (6.1 m) near the entrance channel. The site experiences strong northerly winds and swell. Fog is highly variable but can persist for days or weeks, though USACE indicates that fog is most consistent in July and August.

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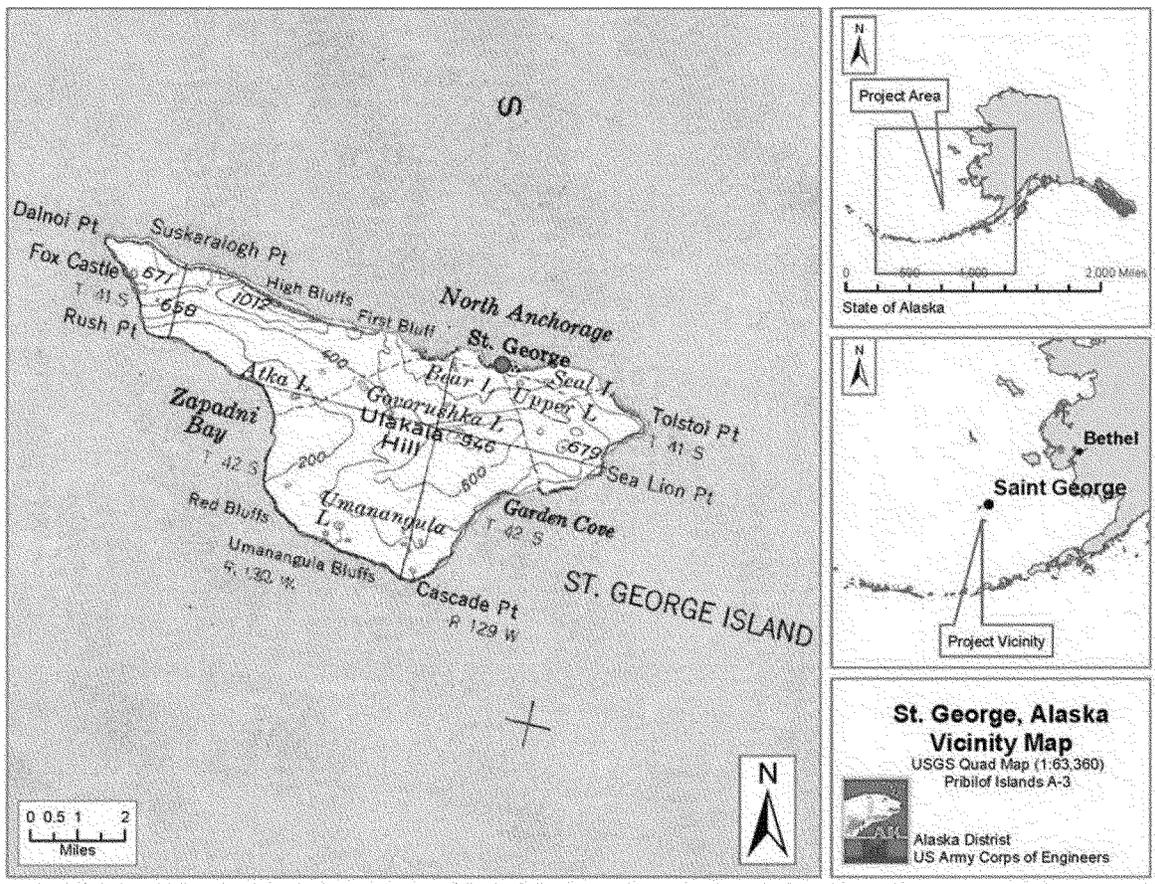


Figure 1 -- Location of North Anchorage, Where the St. George Island Geotechnical Survey Project Area is Planned

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Detailed Description of the Specified Activity

USACE plans to conduct geotechnical surveys in the embayment between the Old Jetty west to North Rookery, to inform preconstruction, engineering, and design for construction of a small boat harbor on St. George Island, Alaska. Activities to be completed during the period of the proposed IHA include geotechnical sampling at 15 borehole sites within the harbor footprint (figure 1–2 in application). Two additional sites would be sampled on land to the east of the in-water footprint. The geotechnical sampling would involve two components: (1) LPT, using a 2.5 in (6.4 centimeter) (inside diameter) to 3.0-inch (7.6 centimeter) (outside diameter) split

barrel sampler, and impact hammer weighing 340 pounds (154 kilograms) falling 30 inches (76.2 centimeters), and (2) borehole drilling from a barge that will be positioned by a tugboat and held in position with a 4-point anchoring system or spuds.

The LPT is an impulsive sampling method, in which the sample tube is hammered into the ground at the bottom of the borehole. For all holes, LPT split barrel or grab samples would be obtained at the surface (a split barrel is a casing that can be split in half at the surface so that the soil can be examined), followed by LPT drive samples at 2.5 ft. (0.76 m), 5 ft. (1.5 m), 7.5 ft. (2.3 m), and 10 ft. (3 m) and at intervals of 5 ft. (1.5 m) to refusal depth (typically when bedrock is encountered). The number of blows

needed for the tube to penetrate a fixed depth relates to the hardness of the ground.

Upon refusal, LPT equipment would be removed and borehole drilling, in which a drill rod lowered inside casings and driven by a motor to rotate advance along the substrate, would continue in the same hole that was created by LPT and the drill bit would be used to obtain rock core samples. USACE assumes that bedrock would be encountered 0–15 ft. below ground surface in all boreholes. Rock core samples would be obtained to the borehole termination depth indicated in figure 1–2 in USACE’s application.

USACE estimates that one hole will be completed each day, with the boring component taking 10 hours and the LPT component taking 1 hour (table 1).

TABLE 1—SUMMARY OF PLANNED ACTIVITIES

Activity type	Total holes	Holes/day	Duration per hole (min)	Strikes per hole	Strikes or minutes per day
Borehole drilling	15	1	540	N/A	540
LPT			60	3,600	3,600

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS’ Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about

these species (e.g., physical and behavioral descriptions) may be found on NMFS’ website (<https://www.fisheries.noaa.gov/find-species>).

Table 2 lists all species or stocks for which take is expected and proposed to be authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS’ SARs). While no serious injury or mortality is anticipated or proposed to be authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are

included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS’ stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS’ U.S. Alaska SARs. All values presented in table 2 are the most recent available at the time of publication and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 2—SPECIES¹ THAT MAY BE IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status/strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/S ⁴
Order—Odontoceti (toothed whales, dolphins, and porpoises)						
<i>Family Delphinidae:</i> Killer whale	<i>Orcinus orca</i>	Eastern North Pacific Alaska Resident.	- , - , N	1920 (N/A, 1,920, 2019) ⁵	19	1.3

TABLE 2—SPECIES¹ THAT MAY BE IMPACTED BY THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status/ strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/S ⁴
		Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	-, -, N	587 (N/A, 587, 2012) ⁵	5.9	0.8
Order Carnivora—Pinnipedia						
<i>Family Otariidae (eared and sea lions):</i>						
Northern fur seal	<i>Callorhinus ursinus</i>	Eastern Pacific	-, D, Y	626,618 (0.2, 530,376, 2019) ⁶ .	11,403	373
Steller sea lion	<i>Eumetopias jubatus</i>	Western	E, D, Y	49,837 (N/A, 49,837, 2022) ⁷ .	299	267
<i>Family Phocidae (earless seals):</i>						
Harbor seal	<i>Phoca vitulina</i>	Pribilof Islands	-, -, N	229 (N/A, 229, 2018) ⁸	7	0

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy; [<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies>].

² Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal stock assessment reports online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range.

⁵ Nest is based upon counts of individuals identified from photo-ID catalogs.

⁶ Survey years = Sea Lion Rock—2014; St. Paul and St. George Is.—2014, 2016, 2018; Bogoslof Is.—2015, 2019.

⁷ Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only. The overall N_{min} is 73,211 and overall PBR is 439.

⁸ Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys.

In addition, the northern sea otter and Pacific walrus may be found in the Pribilof Islands. However, these species are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

Killer Whale

Both transient and resident killer whales occur in the Pribilof Island region. While data are limited, the transient ecotype has been observed and reported in nearshore waters of the Pribilof Islands preying on pinnipeds, including from vantage points near the project area in the spring and summer (Robson *et al.*, 2010).

Northern Fur Seal

About half of the world's population of northern fur seals breeds on the Pribilof Islands (St. George Island, St. Paul Island, and Sea Lion Rock) (NMFS, 2024). There are six northern fur seal rookeries on St. George Island. North Rookery, directly adjacent to the western portion of the project site, represents 28 percent of all northern fur seals breeding and resting on St. George and is the largest northern fur seal colony on the island (Williams, 2024 personal communication). Northern fur seals exhibit strong natal site fidelity, sexual segregation, and seasonally migrate (Gentry, 1998).

While northern fur seals spend a majority of their days each year at sea, they will haul out on land during the

spring and summer to breed and molt (NMFS, 2024). Adult males are the first to return from their seasonal migration, landing and hauling out along the shoreline as early as April. Adult males will land at a number of sites where they begin to determine which site to establish their breeding territory for the arrival of females in mid-June and July. Specifically at North Rookery, the distribution of adult male breeding territories has shifted south and east along the shoreline towards the Old Jetty and dock (Williams, 2024, personal communication). In April and May, non-breeding aged (*i.e.*, those less than 7 years old) males will land and haul out along the rocky shoreline adjacent to the Access Ramp labeled in figure 4–3 in the USACE's application. Depending on the distribution and density of territories and adult male defensive behavior the non-breeding males will navigate up the access ramp area inland or spread south along the narrow shoreline bounded by a cliff that prevents inland access. Meanwhile, territorial males will occupy and defend prime breeding territories before females arrive (the green areas in figure 4–3 in the USACE's application). Pregnant females arrive around mid-June each year and primarily concentrate in the yellow shaded areas of figure 4–3 in the USACE's application. They give birth just days after arrival on land and then mate (NMFS, 2024). In August, most territorial males will abandon their

breeding sites. Females will begin their winter migration in November. Pups are nursed until weaning (about 4 months) and leave their breeding site before their mothers to forage independently for the first time.

While breeding, territorial males fast and do not leave their territories. Females cycle between land to nurse their pups and sea to forage, with their foraging bouts at sea increasing as their pup grows (Gentry, 1998). Non-breeding males are excluded by territorial males from this terrestrial habitat that is often referred to as the rookery or breeding area. Thus non-breeding males occupy separate habitat inland or adjacent on the coast, often called hauling grounds, during the breeding season, and they cycle between resting on the hauling grounds and foraging at sea (Sterling and Ream, 2004).

The NMFS Alaska Regional Office estimates that land-based counts of females represent one-third to one-quarter of the northern fur seals that utilize the immediate area across a 1–3 week period (Williams, 2024, personal communication). Less information is available regarding non-breeding males utilizing the site in April and May. Historic counts of non-breeding males for North Rookery are not available.

USACE estimated 126 to 300 northern fur seals hauled out in the project site during monitoring events conducted on 5 days in April and June, 2024 (see

Appendix B in the USACE’s application).

Steller Sea Lion

Steller sea lions are year-round residents of the Pribilof Islands with critical habitat identified at Walrus Island (NMFS, 2008). The spring-time occurrence of Steller sea lions on St. George Island near the project area is highly variable across years, with consistently occupied non-breeding hauling grounds at East Reef Rookery, Dalnoi Point and Tolstoi Points. Steller sea lions may also be found intermittently resting at North and South Rookery or in the water transiting among resting sites at times intermixed with northern fur seals (Williams 2024, personal communication). Typically there are no Steller sea lions present on land adjacent to the bay where the project is to occur in the spring, but occasionally they haul out at sites across North Rookery (primarily the western end, but extending east towards the work site), East Reef rookery, and East Cliffs rookery in groups of up to 100 (Williams 2024, personal communication). When present, they tend to travel through the project area and do not linger. During monitoring

events conducted on 5 days in April and June 2024, USACE observed 3 to 14 Steller sea lions traveling near the western portion of the project area each survey day.

Harbor Seal

Harbor seals inhabit the Pribilof Island region year-round in far smaller numbers than northern fur seal. The Pribilof Islands stock of harbor seals inhabit all of the Pribilof Islands with the highest numbers found on Otter Island followed by St. George Island (Muto *et al.*, 2019). Harbor seals occur to the west of the project area on the north shore of St. George Island at a site named Needlerock (Williams, 2024, personal communication). Additionally, USACE reports that local residents of St. George indicate that it is uncommon to observe harbor seals in the area of Harbor Cove (see application). However, between three and eight harbor seals were observed near the Old Jetty on 3 days in April, 2024, during USACE’s monitoring events. No harbor seals were observed on land or in the water during monitoring events conducted on 2 days in June, 2024.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.*, Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS 2024) as reflected below in table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS [NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <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.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and

far [American National Standards Institute (ANSI), 1995]. The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.*, waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.*, sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.*, vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise “ambient” or “background” sound—depends not only on the source levels (as determined by current

weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.*, 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water activities associated with this project would include use of geotechnical survey techniques (LPT and borehole drilling). The sounds produced by these activities fall into one of two general sound types: impulsive and non-impulsive. Impulsive sound (*e.g.*, explosions, gunshots, sonic booms, impact pile driving, LPT) produce signals that are brief (typically considered to be less than 1 second), broadband, atonal transients (ANSI, 1986; National Institute for Occupational Safety and Health (NIOSH), 1998; International Organization for Standardization (ISO), 2003; ANSI, 2005) and occur either as isolated events or repeated in some succession. Impulsive sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-impulsive sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-impulsive sounds can be transient signals of short duration but without the essential properties of impulses (*e.g.*, rapid rise time). Examples of non-impulsive sounds include those produced by vessels, aircraft, machinery operations such as borehole drilling or dredging, vibratory pile driving, and active sonar systems. The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

LPT is an impulsive sound source, similar to impact pile driving. Sound

generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper, 2005). Borehole drilling is a continuous non-impulsive sound source similar to vibratory pile driving. Non-impulsive sounds are typically characterized by slow rise times and often lower source levels, which reduces the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards, 2002; Carlson *et al.*, 2005).

The likely or possible impacts of USACE's proposed activity on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of equipment and personnel; however, any impacts to marine mammals are expected to be primarily acoustic in nature. Acoustic stressors include effects of heavy equipment operation during geotechnical surveys.

Acoustic Effects

The introduction of anthropogenic noise into the aquatic environment from geotechnical surveys is the means by which marine mammals may be harassed from USACE's specified activity. In general, animals exposed to natural or anthropogenic sound may experience behavioral, physiological, and/or physical effects, ranging in magnitude from none to severe (Southall *et al.*, 2007, 2019). In general, exposure to impact hammering and drilling noise has the potential to result in behavioral reactions (*e.g.*, avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior) and, in limited cases, an auditory threshold shift (TS). Exposure to anthropogenic noise can also lead to non-observable physiological responses such as an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions such as communication and predator and prey detection. The effects of geotechnical surveys on marine mammals are dependent on several factors, including, but not limited to, sound type (*e.g.*, impulsive vs. non-impulsive), the species, age and sex class (*e.g.*, adult male vs. mom with calf), duration of exposure, the distance between the sampling site and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.*, 2004; Southall *et al.*, 2007). Here, we discuss physical auditory effects (TSs) followed by behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced TS as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018, 2024). The amount of TS is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018, 2024), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.*, impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.*, spectral content), the hearing and vocalization 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 and Permanent Threshold Shift (PTS)—NMFS defines auditory injury as “damage to the inner ear that can result in destruction of tissue . . . which may or may not result in PTS” (NMFS, 2024). NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024). Available data from humans and other terrestrial mammals indicate that a 40-dB TS approximates PTS onset (Ward *et al.*, 1958, 1959; Ward, 1960; Kryter *et al.*, 1966; Miller, 1974; Ahroon *et al.*, 1996; Henderson *et al.*, 2008). PTS levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.*, 2008), there are no empirical data measuring PTS in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS, 2018).

Temporary Threshold Shift (TTS)—A temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). Based on data from cetacean TTS measurements (Southall *et al.*, 2007, 2019), a TTS of 6 dB is considered the minimum TS clearly larger than any day-to-day or session-to-session

variation in a subject's normal hearing ability (Schlundt *et al.*, 2000; Finneran *et al.*, 2000, 2002). As described in Finneran (2015), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SEL_{cum}) in an accelerating fashion: At low exposures with lower SEL_{cum} , the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL_{cum} , the growth curves become steeper and approach linear relationships with the noise SEL .

Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in *Auditory Masking*, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.*, 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Many studies have examined noise-induced hearing loss in marine mammals (see Finneran (2015) and Southall *et al.* (2019) for summaries). TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 2013). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. For cetaceans, published data on the onset of TTS are limited to captive bottlenose dolphin (*Tursiops truncatus*), beluga whale, harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiatorientalis*) (Southall *et al.*, 2019). For pinnipeds in water, measurements of TTS are limited to harbor seals, elephant seals (*Mirounga angustirostris*), bearded seals (*Erignathus barbatus*) and California sea lions (*Zalophus*

californianus) (Kastak *et al.*, 2007; Kastelein *et al.*, 2019b, 2019c, 2021, 2022a, 2022b; Reichmuth *et al.*, 2019; Sills *et al.*, 2020). TTS was not observed in spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to single airgun impulse sounds at levels matching previous predictions of TTS onset (Reichmuth *et al.*, 2016). These studies examine hearing thresholds measured in marine mammals before and after exposure to intense or long-duration sound exposures. The difference between the pre-exposure and post-exposure thresholds can be used to determine the amount of threshold shift at various post-exposure times.

The amount and onset of TTS depends on the exposure frequency. Sounds at low frequencies, well below the region of best sensitivity for a species or hearing group, are less hazardous than those at higher frequencies, near the region of best sensitivity (Finneran and Schlundt, 2013). At low frequencies, onset-TTS exposure levels are higher compared to those in the region of best sensitivity (*i.e.*, a low frequency noise would need to be louder to cause TTS onset when TTS exposure level is higher), as shown for harbor porpoises and harbor seals (Kastelein *et al.*, 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 sound exposure level (SEL) (Mooney *et al.*, 2009; Finneran *et al.*, 2010; Kastelein *et al.*, 2014, 2015). This means that TTS predictions based on the total, cumulative SEL will overestimate the amount of TTS from intermittent exposures, such as sonars and impulsive sources. Nachtigall *et al.* (2018) describe measurements of hearing sensitivity of multiple odontocete species (bottlenose dolphin, harbor porpoise, beluga, and false killer whale (*Pseudorca crassidens*)) when a relatively loud sound was preceded by a warning sound. These captive animals were shown to reduce hearing sensitivity when warned of an impending intense sound. Based on these experimental observations of captive animals, the authors suggest that wild animals may dampen their hearing during prolonged exposures or if conditioned to anticipate intense sounds. Another study showed that echolocating animals (including odontocetes) might have anatomical specializations that might allow for

conditioned hearing reduction and filtering of low-frequency ambient noise, including increased stiffness and control of middle ear structures and placement of inner ear structures (Ketten *et al.*, 2021). Data available on noise-induced hearing loss for mysticetes are currently lacking (NMFS, 2018). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, and there is no PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several decibels above that inducing mild TTS (*e.g.*, a 40-dB threshold shift approximates PTS onset (Kryter *et al.*, 1966; Miller, 1974), while a 6-dB threshold shift approximates TTS onset (Southall *et al.*, 2007, 2019). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulsive sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.*, 2007, 2019). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

Activities for this project include LPT and borehole drilling. For the proposed project, these activities would not occur at the same time and there would likely be pauses in activities producing the sound during each day. Given these pauses and the fact that many marine mammals are likely moving through the project areas and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment—Exposure to noise from borehole drilling and LPT also has the potential to behaviorally disturb marine mammals. 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); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006). Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (e.g., species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (e.g., Richardson *et al.*, 1995; Wartzok *et al.*, 2004; Southall *et al.*, 2007, 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 showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.*, 1997; Finneran *et al.*, 2003). Observed responses of wild marine mammals to loud pulsed sound sources (e.g., seismic airguns) have been varied but often consist of avoidance behavior or other behavioral changes (Richardson *et al.*, 1995; Morton and Symonds, 2002; Nowacek *et al.*, 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (e.g., Frankel and Clark, 2000; Costa *et al.*, 2003; Ng and Leung, 2003; Nowacek *et al.*, 2004; Goldbogen *et al.*, 2013a, 2013b). 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. 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.

Variations in respiration naturally vary 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 rate increased in response to pile driving sounds at and above a received broadband Sound Pressure Level (SPL) of 136 dB (zero-peak SPL: 151 dB re 1 micropascal (μPa); SEL of a single strike: 127 dB re 1 $\mu\text{Pa}^2\text{-s}$) (Kastelein *et al.*, 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 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). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.*, 1994).

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 are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.*, 1984). 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.

Stress Responses—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.*, Seyle, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in

the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.*, Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.*, 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and “distress” is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.*, Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.*, 2002b) and, more rarely, studied in wild populations (*e.g.*, Romano *et al.*, 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as “distress.” In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003), however distress is an unlikely result of this project based on observations of marine mammals during previous, similar projects in the area.

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 (Hotchkinn and Parks, 2013).

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 (Hotchkinn 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).

Marine mammals at or near the project site may be exposed to anthropogenic noise, which may lead to some habituation, but is also a source of masking. Vocalization changes may result from a need to compete with an increase in background noise and include increasing the source level, modifying the frequency, increasing the call repetition rate of vocalizations, or ceasing to vocalize in the presence of increased noise (Hotchkinn and Parks, 2013).

Masking is more likely to occur in the presence of broadband, relatively continuous noise sources such as borehole drilling. Energy distribution of borehole drilling covers a broad frequency spectrum, and sound from borehole drilling would be within the audible range of pinnipeds and cetaceans present in the proposed action area. While some construction during the USACE's activities may mask some acoustic signals that are relevant to the daily behavior of marine mammals, the short-term duration and time of year make it very unlikely that the fitness of individual marine mammals would be impacted.

Airborne Acoustic Effects—Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above the acoustic criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled out pinnipeds to exhibit changes in their normal behavior, such as

reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been "taken" because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Marine Mammal Habitat Effects

The USACE's proposed construction activities could have localized, temporary impacts on marine mammal habitat and their prey by increasing in-water SPLs and slightly decreasing water quality. Increased noise levels may affect acoustic habitat (see *Auditory Masking*) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During LPT and borehole drilling, elevated levels of underwater noise would ensonify a portion of the embayment between Old Jetty and North Rookery, where activities are planned, where both fish and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during survey activities; however, displacement due to noise is expected to be temporary and is not expected to result in long-term effects to the individuals or populations. In-water geotechnical survey activities could also cause short-term effects on water quality due to increased turbidity. It is not expected that turbidity associated with geotechnical surveys would be different from pile installation, which is typically localized to about a 25 ft (7.6 m) radius around the pile (Everitt *et al.*, 1980). It is expected that the sediments of the project site would settle out rapidly when disturbed. Cetaceans are not expected to be close enough to the geotechnical survey areas to experience effects of turbidity, and any pinnipeds could avoid localized areas of turbidity.

In-water Construction Effects on Potential Foraging Habitat—The proposed activities would not result in permanent impacts to habitats used directly by marine mammals. The total seafloor area affected by geotechnical survey activities is small compared to the vast foraging areas available to

marine mammals, and the localized areas affected by the activity are not of particular value.

Avoidance by potential prey (*i.e.*, fish or, in the case of transient killer whales, other marine mammals) of the immediate area due to the temporary loss of this foraging habitat is also possible. The duration of fish and marine mammal avoidance of this area after geotechnical survey activities 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.

In-water Construction Effects on Potential Prey—Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.*, crustaceans, cephalopods, fish, zooplankton). Marine mammal prey varies by species, season, and location and, for some, is not well documented. Here, we describe studies regarding the effects of noise on known marine mammal prey.

Fish utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (*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 which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (*e.g.*, feeding, spawning, migration), and other environmental factors. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of underwater anthropogenic

noise on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.*, Popper and Hastings, 2009; Scholik and Yan 2001; Scholik and Yan 2002). 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.*, Pena *et al.*, 2013; Wardle *et al.*, 2001; Jorgenson and Gyselman, 2009; Cott *et al.*, 2012). More commonly, though, the impacts of noise on fish are temporary.

SPLs of sufficient strength have been known to cause injury to fish and fish mortality. However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012a) showed that a TTS of 4–6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long. Injury caused by barotrauma can range from slight to severe and can cause death, and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.*, 2012b; Casper *et al.*, 2013).

The greatest potential impact to fishes during geotechnical survey activities would occur during LPT sampling, which is estimated to occur on up to 15 days for a maximum of 1 hour and 3600 strikes per day. In-water construction activities would only occur during daylight hours, allowing fish to forage and transit the project area in the evening. Borehole drilling would possibly 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.

The most likely impact to fishes from geotechnical survey activities in the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of the area after geotechnical survey activity stops is unknown but a rapid return to normal recruitment, distribution, and behavior is anticipated. There are times of known seasonal marine mammal foraging when fish are aggregating but the impacted areas are small portions of the total foraging habitats available in the

regions. In general, impacts to marine mammal prey species are expected to be minor and temporary. Further, it is anticipated that preparation activities for geotechnical surveys and upon initial startup of devices would cause fish to move away from the affected area where injuries may occur. Therefore, relatively small portions of the proposed project area would be affected for short periods of time, and the potential for effects on fish to occur would be temporary and limited to the duration of sound-generating activities.

In summary, given the short daily duration of sound associated with individual geotechnical survey events and the relatively small areas being affected, geotechnical survey activities associated with the proposed action are not likely to have a permanent adverse effect on any fish habitat, or populations of fish species. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. Thus, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes proposed for authorization through the IHA, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of acoustic sources (LPT and borehole drilling) 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, for northern fur seal because fur seals are common in the immediate vicinity of the planned activity and predicted AUD INJ are larger than planned shutdown zones. AUD INJ is unlikely to occur for other species. 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 μPa)) for continuous (e.g., vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μPa for non-explosive impulsive (e.g., seismic airguns) or intermittent (e.g., scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any

likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

USACE’s geotechnical survey activities includes the use of continuous (borehole drilling) and impulsive (LPT) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μPa, respectively 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). USACE’s proposed activity includes the use of impulsive (i.e., LPT) and non-impulsive (i.e., borehole drilling) 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 4—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 μPa , and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 $\mu\text{Pa}^2\text{s}$. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization (ISO) standards (ISO 2017; ISO 2020). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.*, 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of

the project (*i.e.*, LPT and borehole drilling).

Sound Source Levels of Proposed Activities— The intensity of geotechnical survey activity sounds is greatly influenced by factors such as the size of hammers and the physical environment (*e.g.*, sediment type) in which the activity takes place. The USACE evaluated sound source level (SL) measurements available for similar geotechnical surveys to determine suitable proxies for the planned activities. The proxy source levels initially proposed by USACE were less

conservative compared to what might be realized by the actual activities taking place, as the values were derived in one case, from a project that was conducted in a dissimilar sediment type from a jacked up drill rig, and in another case, from a project that did not report its parameters and environmental characteristics. NMFS has instead relied on alternative proxy SLs in our evaluation of the impacts of the USACE’s planned activities (table 1) on marine mammals, with USACE concurrence.

TABLE 5—ESTIMATES OF MEAN UNDERWATER SOUND LEVELS GENERATED DURING GEOTECHNICAL SURVEYS

	dB RMS	dB Peak	dB SEL	Reference distance (m)	Reference
LPT	197	213	182	1	Huang <i>et al.</i> , 2023.
Borehole Drilling	155.9	N/A	N/A		

Note: dB peak = peak sound level; rms = root mean square; SEL = sound exposure level.

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:

$$TL = B \times \text{Log}_{10} (R_1/R_2),$$

Where

TL = transmission loss in dB

B = transmission loss coefficient

*R*₁ = the distance of the modeled SPL from the driven pile, and

*R*₂ = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured *TL*, a practical spreading value of 15 is used as the *TL* coefficient in the above

formula. Site-specific *TL* data for the Sitka Sound are not available; therefore, the default coefficient of 15 is used to determine the distances to the Level A harassment and Level B harassment thresholds.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth

estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as geotechnical survey activities (LPT and borehole drilling), 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 (*e.g.*, number of holes per day, duration, and strikes/hole) are presented in table 6 and the resulting estimated isopleths, are reported below in table 7.

TABLE 6—USER SPREADSHEET INPUTS

	Impact	Vibratory
	LPT	Borehole drilling
Spreadsheet Tab Used	E.1) Impact Pile Driving	A.1) Vibratory Pile Driving.
Source Level (SPL)	182 SEL	155.9 RMS.
Transmission Loss Coefficient	15	
Weighting Factor Adjustment (kHz)	2	2.5.
Activity Duration per day (minutes)	60	540.

TABLE 6—USER SPREADSHEET INPUTS—Continued

	Impact	Vibratory
	LPT	Borehole drilling
Number of strikes per pile	3,600	N/A
Number of piles per day		1
Distance of sound pressure level measurement		1

TABLE 7—LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS AND ASSOCIATED AREAS FROM GEOTECHNICAL SURVEYS

Activity type	Level A harassment: isopleths (m)					Level B harassment isopleth (m)
	LF	HF	VHF	PW	OW	
LPT	200.5	25.6	310.2	178.1	66.4	293
Drilling	1.8	0.7	1.5	2.3	0.8	247

Abbreviations: LF = low-frequency cetaceans, HF = high-frequency cetaceans, VHF = very high-frequency cetaceans, PW = phocid pinnipeds in water, OW = otariid pinnipeds in water.

Level A harassment zones are typically smaller than Level B harassment zones. Calculation of Level A harassment isopleths include a duration component, which in the case of LPT, is estimated through the total number of daily strikes and the associated pulse duration. For a stationary sound source such as LPT, we assume there that an animal is exposed to all of the strikes expected within a 24-hour period. Calculation of a Level B harassment zone does not include a duration component.

Marine Mammal Occurrence and Take Estimation

In this section, we provide information about the occurrence of

marine mammals, including density or other relevant information which will inform the take calculations. We also 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.

Potential exposures to LPT and borehole drilling noise for each acoustic threshold were estimated using data reported by the USACE from monitoring events conducted on 5 days across April and June 2024 (table 8). Northern fur seal were the only pinnipeds observed on land. The USACE reported an estimate of a single daily point count of the number of northern fur seals present

at north rookery and along the shoreline towards the Old Jetty. For pinnipeds observed in the water (northern fur seal, Steller sea lion, and harbor seal), USACE reported the total number of each species observed over the course of a day. Individual sightings of pinniped groups in the water were not reported. Northern fur seal in the water were described to be moving from west to east. Steller sea lion were described to be observed near the Old Jetty in groups up to 8 to 10, and were passing through rather than lingering. On 3 days, groups of up to eight harbor seal were observed inside the Old Jetty.

TABLE 8—MONITORING DATA COLLECTED AND REPORTED BY USACE BETWEEN OLD JETTY AND NORTH ROOKERY IN 2024

Date	Hours of observation	Total hours of observation	Daily total marine mammals observed in water ¹			Daily estimates of marine mammals observed on land		
			NOFS	HASL	STSL	NOFS ²	HASL	STSL
4/23/2024	14:30–22:00	7.5	16	6	3	No Data	No Data	No Data.
4/24/2024	08:15–22:30	14.25	22	8	11	126	0	0.
4/25/2024	08:30–23:45	15.25	32	3	14	No Data	No Data	No Data.
6/14/2024	18:00–0000	6	98	0	5	245	0	0.
6/15/2024	09:00–23:45	13.75	110	0	4	300	0	0.

¹ Individual sightings of groups of marine mammals throughout the observation period were not reported.

² The USACE indicated that they counted northern fur seal hauled out along approximately 1/3 of the rookery and extrapolated this number to estimate the total number of seals present along the rest of the shoreline.

The take estimate was determined using the following equation: take estimate = number of expected animals * number of planned survey days.

Northern Fur Seal

Initially, the USACE used both land-based and in-water counts to estimate the number of expected northern fur seals to be taken each survey day. For the six boreholes closest to North

Rookery, USACE used the maximum number estimated on the beach across all five surveys (n = 300) and maximum number estimated in the water across all five surveys (n = 110). For the remaining nine boreholes, USACE assumed half the maximum number on the shore across all five surveys would be taken (n = 150) and the maximum number estimated in the water across all five surveys (n = 110). NMFS agrees with

USACE’s rationale for estimating take using on-land numbers, but disagrees that in-water counts should be used in take estimates. These observations were not recorded in concert with land-based observations and as such would double-count the number of northern fur seals that might be taken. Additionally since fine-scale data regarding pinniped use in the area are not available, NMFS finds that it is more appropriate to base

take estimates on the maximum number estimated on land for all borehole locations and the USACE agreed. The USACE concurred with this approach. As noted previously, NMFS assumes, that the number of hauled out northern fur seals at north rookery represent approximately one-third of the total population of northern fur seal in the area (Williams 2024, personal communication), and as such, the maximum count of land-based seals is multiplied by 3. As such, a total of 13,500 takes by Level B harassment of northern fur seal are proposed for authorization (15 construction days × 300 northern fur seals × 3 = 13,500 takes by Level B harassment).

During LPT activities, the Level A harassment zone (66.4 m) is larger than the shutdown zone (50 m) for northern fur seal. As such, and given the frequent occurrence of fur seals in the immediate vicinity of the project area, it is possible that northern fur seal may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. The ratio of the Level A harassment area that exceeds the shutdown zone (0.007 km²) to the largest Level B harassment area (0.27 km²) is 0.026. This activity is predicted to take place 10 percent of each survey day. As such, 35 takes by Level A harassment is proposed for authorization (0.026 × 900 northern fur seal × 15 survey days × .10 = 35 takes by Level A harassment).

Any individuals exposed to the higher levels associated with the potential for PTS closer to the source might also be behaviorally disturbed; however, for the

purposes of quantifying take we do not count those exposures of one individual as a take by both Level A harassment and Level B harassment. Therefore, NMFS proposes to authorize 35 takes by Level A harassment and 13,465 takes by Level B harassment for northern fur seal, for a total of 13,500 takes.

Harbor Seal

To estimate take for harbor seal, USACE used the maximum number of harbor seal observed in one day, across all survey days (n = 8). Because harbor seal are uncommon in the area and were only observed near the Old Jetty, USACE estimated take by Level B harassment to occur on 7 of the 15 construction days to correspond with the surveys that are completed closer to the Old Jetty. However, since fine-scale data regarding harbor seal use in the area are not available, NMFS finds it more appropriate to estimate that take by Level B harassment might occur at any of the borehole locations, and USACE agreed. As such, 120 takes by Level B harassment are proposed for authorization (8 harbor seal × 15 construction days). No takes by Level A harassment are requested or proposed for authorization given the relative rarity of harbor seal occurrence in conjunction with planned shutdown requirements.

Steller Sea Lion

The spring-time occurrence of Steller sea lions on St. George Island near the project area is highly variable across years. Typically there are no Steller sea

lions present on land adjacent to the bay where the project is to occur in the spring, but occasionally they haul out at sites across North Rookery (primarily the western end, but extending east towards the work site), East Reef rookery, and East Cliffs rookery in groups of up to 100 (Williams 2024, personal communication). When present, they tend to travel through the project area and do not linger. During monitoring events conducted on 5 days in April and June 2024, USACE observed 3 to 14 Steller sea lions traveling near the western portion of the project area each survey day. USACE plans to shut down upon observation of Steller sea lions. Given the plan to shut down, and because Steller sea lions inconsistently occur in the project area, are conspicuous, and do not tend to linger, no takes are expected to occur and none are proposed for authorization.

Killer Whale

Killer whale have been observed in nearshore habitats of the Pribilofs including from viewing locations near the project site. Killer whale are conspicuous and USACE plans to shut down upon observation of killer whale nearing the Level B harassment zone. Shutdown zones for killer whale have been established at 300 m during borehole drilling and 400 m during LPT, whereas the calculated Level B harassment zones are 247 m and 293 m, respectively. As such, no takes by Level B or Level A harassment is requested or authorized.

TABLE 9—TAKE BY STOCK AND HARASSMENT TYPE AND AS A PERCENTAGE OF STOCK ABUNDANCE

Species	Stock	Level A harassment	Level B harassment	Take as percentage of stock abundance
Harbor Seal	Pribilof	0	120	152
Northern Fur Seal	E. Pacific	35	13,465	2
Steller Sea Lion	Western DPS	0	0	0
Killer Whale	Eastern North Pacific Alaska Resident	0	0	0
	Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	0	0	0

¹ These numbers represent the estimated incidents of take, not the number of individuals taken (see Small Numbers section).

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock

for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

- (1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine

mammals, marine mammal species or stocks, and their habitat. 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.

Mitigation for Marine Mammals and Their Habitat

Temporal Work Restriction— Temporal restrictions in places where

marine mammals are concentrated, engaged in biologically important behaviors, and/or present in sensitive life stages are effective measures for reducing the magnitude and severity of human impacts. NMFS is requiring a temporal work restriction to minimize the consequences of noise exposure to northern fur seal at North Rookery incidental to USACE’s geotechnical surveys. This temporal work restriction is expected to greatly reduce the number and severity of northern fur seal takes that would otherwise occur should activities be conducted after arrival of pregnant females to the area in mid-June.

*Shutdown Zones—*For all in-water survey activities, USACE proposes to implement shutdowns within

designated zones. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones vary based on the activity type and marine mammal hearing group (table 10). For harbor seal, the shutdown zones are based on the estimated Level A harassment isopleth. For northern fur seal, the shutdown zone for LPT is set at 50 m (slightly less than the estimated Level A harassment zone of 66 m) to minimize practicability concerns, *i.e.*, that increased shutdowns may result in failure to complete the project in a timely fashion (given that non-breeding male northern fur seal are common in the project area).

TABLE 10—PROPOSED SHUTDOWN ZONES

Activity	Shutdown zones (m)					
	LF	HF	VHF	PW	OW	
					Northern fur seal	Other OW
Borehole Drilling	300			10	10	300
LPT	400			200	50	400

Construction supervisors and crews, Protected Species Observers (PSOs), and relevant USACE 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. If an activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone indicated in table 10, or 15 minutes have passed without re-detection of the animal.

Finally, construction activities must be halted upon observation of a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met entering or within any harassment zone. If a marine mammal species not covered under the IHA enters a harassment zone, all in-water activities will cease until the animal leaves the zone or has not been observed for at least 15 minutes, and NMFS would be

notified about species and precautions taken. Borehole drilling and LPT will proceed if the unauthorized species is observed leaving the harassment zone or if 15 minutes have passed since the last observation.

*Protected Species Observers (PSOs)—*The number and placement of PSOs during all construction activities (described in the Proposed Monitoring and Reporting section) would ensure that the entire shutdown zone is visible during all in-water LPT and borehole drilling activities. In such cases, PSOs would monitor the shutdown zone and beyond to the greatest extent practicable. USACE would employ at least two PSOs for all geotechnical survey activities.

*Monitoring for Level A and Level B Harassment—*PSOs would monitor the shutdown zones and beyond to the extent that PSOs can see. Monitoring beyond the shutdown zones enables observers to be aware of and communicate the presence of marine mammals in the project areas outside the shutdown zones and thus prepare for a potential cessation of activity should the animal enter the shutdown zone. If a marine mammal enters either harassment zone, PSOs will document

the marine mammal’s presence and behavior.

*Pre- and Post-Activity Monitoring—*Prior to the start of daily in-water construction activity, or whenever a break in geotechnical survey activities of 30 minutes or longer occurs, PSOs would observe the shutdown zones and as much as the harassment zones as possible for a period of 30 minutes. 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. If the shutdown zone is obscured by fog or poor lighting conditions, in-water construction activity will not be initiated until the entire shutdown zone is visible. Geotechnical survey activities may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals. If a marine mammal is observed entering or within shutdown zones, geotechnical survey activity must be delayed or halted. If geotechnical survey activities are delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the

shutdown zone or 15 minutes have passed without re-detection of the animal. If a marine mammal for which take by Level B harassment is authorized is present in the Level B harassment zone, activities may begin.

Soft Start—Note that while NMFS typically requires soft starts for impact pile driving activities, USACE indicated this mitigation measure is not appropriate for LPT because it is not possible to decrease the impact from the LPT because the number of blows per fixed distance driven is an indicator of soil properties that are used in design.

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, and on the availability of such species or stock for subsistence.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;

- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,

- Mitigation and monitoring effectiveness.

Visual Monitoring—Marine mammal monitoring during geotechnical survey activities must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- PSOs must be independent (*i.e.*, not construction personnel), and have no other assigned tasks during monitoring periods;

- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;

- Other PSOs may substitute other relevant experience, education (degree in biological science or related field) or training for experience performing the duties of a PSO during construction activities pursuant to a NMFS-issued incidental take authorization;

- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator will be designated. The lead observer will be required to have prior experience working as a marine mammal observer during construction activity pursuant to a NMFS-issued incidental take authorization; and,

- PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

PSOs should also have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;

- Experience or training in the field identification of marine mammals, including identification of behaviors;

- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

- Writing skills sufficient to prepare a report of observations including, but not limited to, the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times,

and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and,

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Visual Monitoring of the Project Area—Visual monitoring of the project area would be conducted by a minimum of two trained PSOs positioned at suitable vantage points (see figure 3–2 in the Marine Mammal Mitigation and Monitoring Plan). During all geotechnical activities, at least two PSOs would be assigned to each active survey location to monitor the shutdown zones and harassment zones. At least one of these PSOs would observe from the cliffs adjacent to the project site. When conducting geotechnical survey activities at offshore locations, one of these PSOs would be placed on the barge.

Monitoring of the project area would be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, PSOs will record all incidents of marine mammal occurrence, regardless of distance from activity, and will document any behavioral reactions in concert with distance from geotechnical survey activities. Geotechnical survey activities include the time to conduct LPT and borehole drilling, as long as the time elapsed between uses of the geotechnical survey equipment is no more than 30 minutes.

Visual Monitoring of North Rookery—To inform take estimates for future construction activities, PSOs would also conduct daily morning counts of hauled out pinnipeds at North Rookery, from the Northern Point of north Rookery and following the rocky shoreline to the south, during the project period and in the morning, prior to commencing work. USACE would determine the site specific counting area each day based on accessibility, any need to avoid seals above the cliffs, and visibility below the cliffs. USACE would provide coordinates identifying the PSO monitoring location and the start and end location of where counts are conducted each day.

Reporting

USACE would submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of geotechnical survey activities, or 60 days prior to a requested date of issuance of any future IHAs for the project, or other projects at the same location, whichever comes first. The

marine mammal monitoring report will include an overall description of work completed, a narrative regarding marine mammal sightings during all visual monitoring, and associated PSO data sheets. Specifically, the report will include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Geotechnical survey activities occurring during each daily observation period, including: (1) the number and type of survey activities completed and the method (*e.g.*, LPT or borehole drilling); and, (2) total duration of driving time for each survey location (borehole drilling) and number of strikes for each survey location (LPT);
- PSO locations during marine mammal monitoring;
- Start and end location of monitoring area associated with Visual Monitoring of North Rookery morning counts;
- 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;
- During all monitoring efforts, upon observation of a marine mammal, the following information: (1) name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; (2) time of sighting; (3) identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; (4) distance and location of each observed marine mammal relative to the survey location for each sighting; (5) estimated number of animals (min/max/best estimate); (6) estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*);
- During monitoring associated with geotechnical activities only, the following information (1) animal's closest point of approach and estimated time spent within the harassment zone; and, (2) description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the harassment zones, by species; and,

- Detailed information about implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final. All PSO data would be submitted electronically in a format that can be queried, such as a spreadsheet or database, and would be submitted with the draft marine mammal report.

In the event that personnel involved in the geotechnical activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS (PR.ITP.MonitoringReports@noaa.gov and itp.fleming@noaa.gov) and Alaska Regional Stranding network (877-925-7773) as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and,
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number

of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition the majority of our analysis applies to all the species listed in table 2, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Geotechnical surveys associated with the project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B and Level A harassment, from underwater sounds generated by borehole drilling and LPT. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

Takes by Level B harassment would be due to potential behavioral disturbance and TTS.

Takes by Level A harassment would be due to auditory injury. No serious injury or mortality would be expected, even in the absence of required mitigation measures, given the nature of the activities. The potential for harassment would be further minimized through the implementation of planned mitigation measures (see Proposed Mitigation section). A low amount of

take by Level A harassment is expected for northern fur seal ($n=35$) to account for the possibility that an animal would enter the Level A harassment zone and remain within that zone for a duration long enough to incur auditory injury before moving away. Any take by Level A harassment of northern fur seal is expected to arise from, at most, a small degree of PTS (*i.e.*, minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by LPT such as the low-frequency region below 2 kHz), not severe hearing impairment or impairment within the ranges of greatest hearing sensitivity. 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 PTS. Some subset of northern fur seal or harbor seal that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual's long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, let alone adversely affect rates of recruitment or survival of the species or stock. Likewise, due to the small degree anticipated, any PTS potential would not be expected to affect the reproductive success or survival of any individuals, much less result in adverse impacts on the species or stock.

Effects on individuals that are taken by Level B harassment in the form of behavioral disruption, on the basis of reports in the literature as well as monitoring from other similar activities, would likely be limited to reactions such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.*, Thorson and Reyff, 2006). Most likely, individuals would simply move away from the sound source and temporarily avoid the area where geotechnical surveys are occurring. If sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activities are occurring. We expect that any avoidance of the project areas by marine mammals would be temporary in nature and that any marine mammals that avoid the project areas during geotechnical surveys would not be permanently displaced. Indirect effects on marine mammal prey

during the geotechnical surveys are expected to be minor, and these effects are unlikely to cause substantial effects on marine mammals at the individual level. Given the time of year in which project activities are planned, short-term avoidance of the project areas and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that would affect the rates of recruitment or survival of any affected stock.

For harbor seal, take would occur within a limited, relatively confined area of the stock's range, which is not of particular importance for harbor seal that may occur there. Given the availability of suitable habitat nearby, any displacement of marine mammals from the project areas is not expected to affect marine mammals' fitness, survival, and reproduction due to the limited geographic area that would be affected in comparison to available habitat elsewhere on the island. Additionally, NMFS anticipates that the prescribed mitigation will minimize the duration and intensity of expected harassment events.

While the project site is located adjacent to the largest northern fur seal rookery in the world, the exposure of northern fur seal to sound from the proposed activities would be minimized by the time of year the work is planned and required proposed mitigation measures (*e.g.*, shutdown zones). Beginning in April, adult males will land at a number of sites where they begin to determine which site to establish their breeding territory before the arrival of females in mid-June and July. Non-breeding aged males will land and haul out along the rocky shoreline adjacent to the Access Ramp labeled in figure 4–3 in the USACE's application, while, territorial males will occupy and defend prime breeding territories before females arrive in mid-June and July. Pregnant females arrive around mid-June each year. They give birth just days after arrival on land and then mate (NMFS, 2024). Pups are nursed until weaning (about 4 months) and leave their breeding site before their mothers to forage independently for the first time.

All in-water geotechnical survey activities would be conducted between April 15 and June 15. The planned temporal work restriction is established to ensure that project activities do not impact northern fur seals during sensitive life stages (*i.e.*, when pregnant and pupping northern fur seals are

present). The temporal work restriction would also greatly reduce the overall number of takes of northern fur seal as fewer northern fur seal are present in the spring compared to the summer.

While the project site is adjacent to the largest northern fur seal rookery in the world, the effects of the activities on marine mammal habitat generally, such as sedimentation and impacts to the availability of prey species, are expected to be limited both spatially and temporally, constrained to the immediate area around each geotechnical survey location and returning to baseline levels quickly. Some fish may leave the area of disturbance, thus temporarily impacting foraging opportunities for non-breeding male northern fur seals (territorial males do not forage after establishing territories) and harbor seal in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on each stock's ability to recover. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities would have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and would therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- Level A harassment, for northern fur seal only, would be very small amounts of a low degree;
- Anticipated take by Level B harassment are relatively low for all stocks;
- Level B harassment would be primarily in the form of behavioral disturbance, resulting in avoidance of the project areas around where borehole drilling or LPT is occurring, with some low-level TTS that may limit the detection of acoustic cues for relatively brief amounts of time in relatively confined footprints of activities;
- Effects on species that serve as prey for marine mammals from the activities

are expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue to adverse impacts on their populations;

- The ensouffled areas are very small relative to the overall habitat ranges of all species and stocks, and would not adversely affect any areas of known biological importance;

- The lack of anticipated significant or long-term negative effects to marine mammal habitat; and,

- USACE would implement mitigation measures including visual monitoring, and shutdown zones to minimize the numbers of marine mammals exposed to injurious levels of sound.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS proposed to authorize is below one-third of the estimated stock abundance for all species, except for Pribilof Island harbor seals (table 2).

The total number of takes proposed for authorization of harbor seal, if assumed to accrue solely to new individuals of the Pribilof Island stock, is >50 percent of the total stock abundance, which is currently estimated as 229. However, these

numbers represent the estimated incidents of take, not the number of individuals taken. That is, it is expected that a relatively small subset of these harbor seal would be harassed by project activities, as harbor seal primarily occur to the west on the far side of St. George Island. (Williams, 2024, personal communication). Given that the specified activity will be stationary within an area not recognized as any special significance that would serve to attract or aggregate harbor seals we therefore believe that the estimated numbers of takes, were they to occur, likely represent repeated exposures of a much smaller number of harbor seals and that these estimated incidents of take represent small numbers of harbor seal.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an “unmitigable adverse impact” on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined “unmitigable adverse impact” in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Alaska Natives on St. George Island harvest subsistence resources, including northern fur seal, harbor seal, and Steller sea lion. Pribilovians on St. George Island may harvest up to a total of 500 male fur seals each year over the course of both the sub-adult harvest and the male young of the year harvest (50 CFR 216.72). On St. George Island, the open season for male sub-adult fur seal harvest runs from June 23 through August 8 annually, while the male young of the year fur seal open season spans from September 16 through November 30 annually. The most recent monitoring report available indicates

that only 10 male sub-adult fur seal and 6 male young of the year fur seal were harvested in 2023 (Kashevarof, 2023a; Kashevarof, 2023b). There are no formal seasons for harbor seals or Steller sea lion, but historically they are spring, winter, and fall (Williams, 2025, personal communication).

USACE contacted Mark Mercurief, the mayor of St. George, Alaska, and described him as a subsistence hunter who personally knows every subsistence hunter in St. George community. Mayor Mercurief indicated that in recent years there have been no subsistence efforts for marine mammals during the planned project period.

The proposed project is not likely to adversely impact the availability of any marine mammal species or stocks that are commonly used for subsistence purposes or impact subsistence harvest of marine mammals in the region because:

- Geotechnical surveys are planned to be conducted prior to the opening of subsistence hunting for northern fur seal and during a time when other pinnipeds have not been subsistence harvested in recent years;

- Geotechnical surveys are temporary and localized to between the Old Jetty and North Rookery;

- Mitigation measures will be implemented to avoid disturbance of Steller sea lion in the area and minimize disturbance of harbor seal and northern fur seal;

- The project is not expected to result in significant changes to availability of subsistence resources.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from USACE's proposed activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

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 Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to USACE for conducting geotechnical survey activities in St. George, Alaska between April 15, 2025 and June 15, 2025, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed geotechnical survey activities. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned or (2) the activities as described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA);
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with

the exception of reducing the type or amount of take); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized; and

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: February 28, 2025.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025-03543 Filed 3-4-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE691]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public hybrid meeting of its Joint Skate and Monkfish Committees to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, March 20, 2025 at 9 a.m.

ADDRESSES: *Meeting address:* This meeting will take place at Hampton Inn, 20 Hotel Drive, South Kingstown, RI 02879; telephone: (401) 788-3500.

Webinar registration URL information: <https://nefmc-org.zoom.us/j/9tEYs9ePBCCBueA>.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New

England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Joint Skate and Monkfish Committees will meet to discuss Overview of 2025 Council work priorities for the Skate and Monkfish Fishery Management Plans. They will review research updates on skate and monkfish. The committees will also discuss the plans for the 2025 Monkfish and Skate Management Track Assessments. Also, on the agenda is the development of separate specifications actions for the Monkfish and Skate Fishery Management Plans (a) Fishing years 2026-2028 monkfish specifications; initiate Framework Adjustment 17, (b) Fishing years 2026-2027 skate specifications, (c) Range of potential measures (monkfish and skate possession limits, Monkfish Days-At-Sea). They will also review plans for the Joint Monkfish-Skate Plan Development Teams to develop joint analyses on monkfish and skate fisheries overlap. Other business will be discussed if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: February 28, 2025.

Diane M. DeJames-Daly,

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

[FR Doc. 2025-03553 Filed 3-4-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**Advisory Committee on Excellence in Space (ACES); Notice of Cancellation**

AGENCY: Office of Space Commerce (OSC), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of Meeting; Cancellation.

SUMMARY: The National Oceanic and Atmospheric Administration published a notice in the **Federal Register** concerning a public meeting of the Advisory Committee on Excellence in Space. The notice is in the **Federal Register** of January 29, 2025, in FR Doc. 2025–01885, on page 8387. The meeting scheduled for Wednesday, March 5, 2025, from 9 a.m. to 5 p.m. (ET) is cancelled.

FOR FURTHER INFORMATION CONTACT:

Jason Y. Kim, Designated Federal Officer, Advisory Committee on Excellence in Space (ACES), NOAA Office of Space Commerce, U.S. Department of Commerce, Washington, DC 20230. Telephone: 202–482–5827. Email: space.commerce@noaa.gov.

Dated: February 28, 2025.

Janice Starzyk,

Acting Director of the Office of Space Commerce.

[FR Doc. 2025–03566 Filed 3–4–25; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RTID 0648–XE677

Issuance of Permit; Marine Mammals, File No. 28229

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

ACTION: Notice.

SUMMARY: Notice is hereby given that a permit has been issued to Humble Bee Wild Ltd (subsidiary of Humble Bee Films Ltd), 8 Elmdale Road, Bristol, BS8 1SL, United Kingdom, (Responsible Party: Natasha Busjeet) to conduct commercial and educational photography on humpback whales (*Megaptera novaeangliae*).

ADDRESSES: The permit and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Carrie Hubbard or Erin Markin, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On November 29, 2024, notice was published in the **Federal Register** (89 FR 94713) that a request for a permit to conduct commercial and educational photography had been submitted by the above-named applicant. The requested permit was issued on February 27, 2025, under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The permit authorizes the applicant to film up to 540 humpback whales annually in the Auau Channel, Hawaii. Filming may occur from vessels, unmanned aircraft systems, and underwater divers. Fifty common bottlenose (*Tursiops truncatus*) and 50 spinner (*Stenella longirostris*) dolphins may be filmed while interacting with humpback whales. Footage will be used for an episode of a natural history television series. The permit is valid through April 30, 2026.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: February 28, 2025.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–03567 Filed 3–4–25; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0030]

Agency Information Collection Activities; Extension of Approval of Information Collection; Testing and Recordkeeping Requirements for Carpets and Rugs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of information collection; request for comment.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval of information collection requirements for manufacturers and importers of carpets

and rugs in the Standard for the Surface Flammability of Carpets and Rugs and the Standard for the Surface Flammability of Small Carpets and Rugs, issued under the Flammable Fabrics Act (FFA). OMB previously approved the collection of information under Control Number 3041–0017. OMB's most recent extension of approval will expire on March 31, 2025. On December 10, 2024, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. The Commission did not receive any public comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information.

DATES: Submit comments on the collection of information by April 4, 2025.

ADDRESSES: Submit comments about this request by email: OIRA_submission@omb.eop.gov or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. Written comments that are sent to OMB also should be submitted electronically at <http://www.regulations.gov>, under Docket No. CPSC–2012–0030.

FOR FURTHER INFORMATION CONTACT:

Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7791, or by email to: pra@cpsc.gov.

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Standard for the Flammability of Carpets and Rugs (FF–1–70), 16 CFR 1630, and Standard for the Flammability of Small Carpets and Rugs (FF 2–70), 16 CFR 1631.

OMB Number: 3041–0017.

Type of Review: Renewal of collection.

Frequency of Response: On occasion. *Affected Public:* Manufacturers and importers of carpets and rugs.

General Description of Collection: Under the FFA, the Standard for the Surface Flammability of Carpets and Rugs (16 CFR part 1630) and the Standard for the Surface Flammability of Small Carpets and Rugs (16 CFR part 1631) establish requirements to reduce the flammability of carpets and rugs. 15 U.S.C. 1191–1204. The standards' provisions include requirements for testing and recordkeeping for

manufacturers and importers who furnish guaranties subject to the carpet and rug flammability standards. The Consumer Product Safety Improvement Act of 2008 (CPSIA) established product certification requirements for applicable consumer product safety standards and rules. 15 U.S.C. 2063. Manufacturers and importers of carpets and rugs intended for general use must certify in a general conformity certificate (GCC) that the product complies with the applicable standards based on testing or a reasonable testing program. 16 CFR part 1110. Manufacturers and importers of children's carpets and rugs must certify in a children's product certificate (CPC) that the product complies with the applicable standards based on testing by a CPSC-accredited third-party conformity assessment body. *Id.* Under the FFA, a manufacturer or importer can issue a guaranty of compliance, based on reasonable and representative testing, to retailers, distributors, or other manufacturers to declare that a product conforms with the applicable flammability standards. 15 U.S.C. 1197. 16 CFR 1608.

Estimated Number of Respondents: Approximately 120 manufacturers and importers of carpets and rugs are subject to the information collection requirements under the FFA. An estimated 100 manufacturers and importers of carpets and rugs issue a GCC or a CPC. In addition, an estimated 20 such firms elect to issue a guaranty of compliance with the FFA. Staff estimates that the average firm issuing a GCC, CPC, or guaranty under the FFA is required to conduct, on average, 100 tests per year, although the actual number of tests required by a given firm may vary, depending upon the number of carpet styles and the annual production volume.

Estimated Time per Response: For firms issuing a GCC or CPC, staff estimates that the time to conduct each test is two hours, including the time required to establish and maintain the test records. For firms issuing a guaranty of compliance, staff estimates that the time to conduct each test is 2.5 hours, including the time required to establish and maintain the test records.

Total Estimated Annual Burden: The total estimated annualized burden to respondents is 25,000 hours (20,000 hours for firms that issue a GCC/CPC plus 5,000 hours for firms that issue a guaranty of compliance).

Total Estimated Annual Cost to Respondents: The total annualized costs to all respondents for the hour burden for the collection of information is estimated to be as high as \$1,840,250, using a mean hourly employer cost-per-

hour-worked of \$73.61 (Bureau of Labor Statistics: Total compensation rates for private industry workers in management, professional, and related occupations, Table 4, June 2024, https://www.bls.gov/news.release/archives/ecec_09102024.pdf) (25,000 hours × \$73.61).

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2025–03519 Filed 3–4–25; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Meeting cancellation notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 the Department of Defense announces that the Federal advisory committee meeting for March 11, 2025 will not take place.

FOR FURTHER INFORMATION CONTACT: The Committee's Designated Federal Officer or Point of Contact is Mr. David Nagle, (845) 938–3716, david.nagle@westpoint.edu or bov@westpoint.edu.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer, the United States Military Academy Board of Visitors is unable to provide public notification required by 41 CFR 102–3.150(a) concerning the cancellation of its March 11, 2025 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

1. **Name of Committee:** United States Military Academy Board of Visitors.
2. **Date:** Tuesday, March 11, 2025.
3. **Time:** 9–12 p.m.
4. **Location:** Caucus Room, Cannon House Office Building, 27 Independence Avenue SE, Washington, DC 20003.
5. **Reason for Cancellation:** Due to unforeseen circumstances, the USMA Board of Visitors organizational meeting originally scheduled for Tuesday, March 11, 2025, is cancelled.

1. **Committee's Designated Federal Officer or Point of Contact:** Mr. David

Nagle, (845) 938–3716, david.nagle@westpoint.edu.

James W. Satterwhite Jr.,

Army Federal Register Liaison.

[FR Doc. 2025–03528 Filed 3–4–25; 8:45 am]

BILLING CODE 3711–CC–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board

Committee and Quarterly Board Meetings; Correction

AGENCY: National Assessment Governing Board, Department of Education.

ACTION: Notice; correction.

SUMMARY: The National Assessment Governing Board (hereafter referred to as the Board or Governing Board) published a document in the **Federal Register** on Thursday, February 20, 2025, announcing the schedule and proposed agenda of the Thursday, March 6, 2025, quarterly meeting of the Governing Board. The meeting agenda has been revised to reflect the below changes to the Thursday, May 6, 2025, session of the Governing Board meeting.

FOR FURTHER INFORMATION CONTACT: Angela Scott (202) 357–7502.

SUPPLEMENTARY INFORMATION:

Correction

Notice of the in-person meeting was published in the **Federal Register** on Thursday, February 20, 2025, in FR Doc. 2025–02864 at 90 FR 9964–9966. The meeting notice is being amended to update the **SUMMARY** section, including the addition of instructions for registering for the meeting, and the **SUPPLEMENTARY INFORMATION** to revise to reflect the new times for these meetings. On page 9964 in the 3rd column make the following correction. The meeting will be held either in person and/or virtually, as noted below. Members of the public must register in advance to attend the meeting virtually. A registration link will be posted on the Governing Board's website, www.nagb.gov, five (5) business days prior to each meeting. The Quarterly Board meeting will be held on the following dates: Originally scheduled for March 6, 2025, 7:15 a.m. to 3:25 p.m. will now be held from 8:00 a.m. to 3:00 p.m. On page 9965 in the 3rd column, the session originally scheduled for Thursday, March 6, 2025, 8:00 a.m.–3:25 p.m. (ET) (In-Person) will now be held from 8:00 a.m.–3:00 p.m. (ET) (Hybrid). There is no change to the Open Session originally scheduled from

8:00 a.m.–8:35 a.m. (ET). There is no change to the Closed Session times originally scheduled from 8:35 a.m. to 11:05 a.m. On page 9965 in the 3rd column, the welcome, review and approval of the agenda and minutes originally scheduled for Thursday, March 6, 2025, from 8:00 a.m. to 8:05 a.m. will now be held from 8:00 a.m. to 8:10 a.m. The Executive Director's update originally scheduled for 8:05 a.m. to 8:15 a.m. will now be held at 8:10 a.m. to 8:30 a.m. The NCES Commissioner's update originally scheduled from 8:15 a.m. to 8:25 a.m. is cancelled. Following a brief transitional break to closed session, the briefing and discussion on the NAEP Budget and Contracts and the discussion on the Assessment Schedule originally scheduled for 8:35 a.m. to 10:35 a.m. will now be led by NCES Acting Commissioner Chris Chapman.

On page 9966, 3rd column, the session on the AI Landscape in Large Scale Assessment originally scheduled from 1:50 p.m. to 2:45 p.m. will now be held from 2:30 p.m. to 3:00 p.m. The discussion and action on the Assessment Framework Development Policy originally scheduled from 2:45 p.m. to 3:15 p.m. will now be held from 1:50 p.m. to 2:20 p.m. The discussion and action on the 2025 slate of finalists to be submitted to the Secretary of Education for Governing Board membership terms beginning October 1, 2025, originally scheduled from 3:15 p.m. to 3:25 p.m. will now be held from 2:20 p.m. to 2:30 p.m. The Thursday, March 6, 2025, session of the meeting originally scheduled to adjourn at 3:25 p.m. will now adjourn at 3:00 p.m.

Elizabeth Schneider,

Deputy Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2025-03530 Filed 3-4-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-81-000]

Seaspan Energy Ltd.; Notice of Petition for Declaratory Order

Take notice that on February 7, 2025, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, Seaspan Energy Ltd. (Seaspan) filed a petition for declaratory order requesting the Commission issue an order stating that the sale and

loading of liquefied natural gas (LNG) from a bunkering facility to a bunkering barge for the sole purpose of using that LNG as marine vessel fuel would not be subject to the Commission's jurisdiction under the sections 3 and 7 of Natural Gas Act, 15 U.S.C. 717(b), 717(f).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original copy of the pleading by U.S. mail to Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions by any other courier in docketed proceedings should be delivered to, Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5 p.m. Eastern time on March 31, 2025.

Dated: February 27, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-03551 Filed 3-4-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 190-106]

Moon Lake Electric Association, Inc.; Notice of Application for Surrender of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of license.

b. *Project No:* P-190-106.

c. *Date Filed:* December 31, 2024.

d. *Applicant:* Moon Lake Electric Association, Inc.

e. *Name of Project:* Uintah Hydroelectric Project.

f. *Location:* The project is located near the town of Neola, Duchesne County, Utah and diverts water from primarily the Uinta River as well as Big Springs Creek and Pole Creek. All project features, with the exception of a 0.4-acre portion of transmission line, are located entirely on Tribal lands of the Uintah and Ouray Native American Reservation and federal lands managed by the U.S. Forest Service, Ashley National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Yankton Johnson, General Manager, Moon Lake Electric Association, 800 W Highway 40, Roosevelt, Utah, 84066, 435-722-5482, yjohnson@mleainc.com,

i. *FERC Contact:* Diana Shannon, (202) 502-6136, diana.shannon@ferc.gov.

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FEREC ¶ 61,076 (2001).

k. *Water Quality Certification:* A water quality certificate under section 401 of the Clean Water Act is required for this proposal from the Environmental Protection Agency and the Utah Department of Environmental Quality, Division of Water Quality. The applicant must file no later than 60 days following the date of issuance of this notice either: (1) a copy of the request for water quality certification submitted to these agencies; or (2) a copy of the water quality certification or evidence of waiver of water quality certification.

l. *Deadline for filing comments, motions to intervene, and protests:* March 31, 2025.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests 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 at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-190-106. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on

each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

m. *Description of Request:* Following the 2017 filing of a license application and continued consultation with parties regarding potential licensing recommendations, the applicant ultimately determined that the appropriate course of action is to surrender the project license. The project includes two concrete diversion structures, two canals, a forebay, a penstock, a powerhouse with two generating units, and interconnection facilities. Under the proposal, some of these project features will be removed while leaving others in place. Those retained features will then be transferred to the Ute Indian Tribe. Project features to be removed include the scour protection weir which traverses the Uinta River; the elevated pipeline that supplies water to the main canal; the Pole Creek diversion structure; the substation; and two operator houses. Features to be retained include: the main canal heading structure and main canal, the Big Springs diversion structure (and access road); the project forebay, the powerhouse; and garage. The transmission line that provides electricity to legacy cabins and the nearby Ute Fish Hatchery will be retained. Some of the project fencing will also be retained.

The applicant included an applicant-prepared environmental assessment with its surrender application. Documentation of consultation with the Ute Indian Tribe and federal and state resource agencies was included with the application.

n. *Locations of the Application:* This filing may be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <https://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

o. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

p. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

r. 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: February 27, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-03554 Filed 3-4-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 15022–001]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications; Warrior Hydro, LLC

On January 15, 2024, Warrior Hydro, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of hydropower project to be located at the U.S. Army Corps of Engineers' (Corps) William Bacon Oliver Lock and Dam, on the Black Warrior River, near City of Tuscaloosa, Tuscaloosa County, Alabama. 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 Oliver Hydropower Project would consist of the following: (1) a 100-foot-wide, 30-foot-long intake structure, situated at the southern abutment of the dam that would direct flow from the river to the turbines; (2) eight submersible, 4.9-foot-diameter propeller turbines mounted on the upstream face of the abutment, each connected to a 5-foot-diameter conduit cored through the existing abutment providing a total installed capacity of 9.6 megawatts; (3) a 140-foot-long, 100-foot-wide tailrace that directs flow to the river downstream of the dam; (4) a 20-foot long, 10-foot wide building housing equipment controls and located approximately 800 feet downstream of the dam; and (5) a 0.9-mile-long, 34.5 kilovolt transmission line. The proposed project would have an estimated annual generation of 37,000 megawatt-hours.

Applicant Contact: Jeremy Wells, Warrior Hydro, 1538 Caney Creek Road, Haleyville, Alabama 35565; phone: (719) 588–0926.

FERC Contact: Prabharanjani Madduri; phone: (202) 502–8017, or by email at prabharanjani.madduri@ferc.gov.

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 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–15022–001.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

More information about this project, including a copy of the application, can be viewed, or printed on the "eLibrary" link of the Commission's website at <https://elibrary.ferc.gov/eLibrary/search>. Enter the docket number (P–15022) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 26, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–03496 Filed 3–4–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 1922–052]

Ketchikan Public Utilities; Notice of Section 106 Meeting

a. *Project Name and Number:* Beaver Falls Hydroelectric Project No. 1922–052.

b. *Applicant:* Ketchikan Public Utilities (KPU).

c. *Date and Time of Meeting:* Friday, March 28, 2025 at 11:00 a.m. Alaska Standard Time.

d. *Meeting Location:* The meeting will be held virtually through Teams. Please contact FERC staff member, Lauren Townson, to receive a meeting link. The meeting link will include a dial-in-by-phone option for those with audio capabilities only.

e. *FERC Contact:* Lauren Townson, (202) 502–8572, Lauren.Townson@ferc.gov.

f. *Purpose of Meeting:* Commission staff will hold a meeting with representatives from the Alaska State Preservation Office to discuss the SHPO's comments regarding the draft programmatic agreement.

g. Intervenor in the referenced proceeding may attend the meeting; however, participation will be limited to representatives of the SHPO, the Tribes potentially interested in the project (the Ketchikan Indian Community, the Organized Village of Saxman, the Central Council of Tlingit and Haida Indians, and the Metlakatla Indian Community), and Commission staff. A summary of the meeting will be placed in the public record of this proceeding. Intervenor planning to attend the meeting should notify Lauren Townson at (202) 502–8572 or Lauren.Townson@ferc.gov by Wednesday, March 26, 2025.

Dated: February 26, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–03497 Filed 3–4–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 7313–003]

Charlotte B. Zilm and William M. Zilm; Kurt and Velma Zilm; Notice of Transfer of Exemption

1. By letter filed November 22, 2024, Kurt and Velma Zilm, pursuant to 18

CFR 4.94(g), informed the Commission that they are the new owners of the exemption from licensing for the Zilm Hydroelectric Project No. 7313, originally issued January 20, 1984. The project is located on Four Mile Stream in Garfield County, Colorado. The transfer of an exemption does not require Commission approval.

2. Kurt and Velma Zilm are located at 217 Todd Street, Hamden, CT 06518.

Dated: February 27, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-03552 Filed 3-4-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25-171-000.

Applicants: Cottonwood Bayou Storage, LLC.

Description: Cottonwood Bayou Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 2/27/25.

Accession Number: 20250227-5112.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: EG25-172-000.

Applicants: Knox County Wind Farm LLC.

Description: Knox County Wind Farm LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 2/27/25.

Accession Number: 20250227-5153.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: EG25-173-000.

Applicants: Carousel Wind, LLC.

Description: Carousel Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 2/27/25.

Accession Number: 20250227-5226.

Comment Date: 5 p.m. ET 3/20/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25-1149-002.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of GIA, SA No. 7505; AF2-031 in Docket No. er25-1149 to be effective 1/3/2025.

Filed Date: 2/26/25.

Accession Number: 20250226-5219.

Comment Date: 5 p.m. ET 3/19/25.

Docket Numbers: ER25-1422-000.

Applicants: Aron Energy Prepay 57 LLC.

Description: Initial Rate Filing: Baseline new to be effective 4/28/2025.

Filed Date: 2/26/25.

Accession Number: 20250226-5222.

Comment Date: 5 p.m. ET 3/19/25.

Docket Numbers: ER25-1425-000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA, SA No. 6955; Queue No. AF1-136 (amend) to be effective 4/29/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5040.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1426-000.

Applicants: AEP Texas Inc.

Description: 205(d) Rate Filing: AEPTX-Honeycomb Interconnection 1st Amended Generation Interconnection Agreement to be effective 2/14/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5110.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1427-000.

Applicants: AEP Texas Inc.

Description: 205(d) Rate Filing: AEPTX-Coleman County EC-Golden Spread EC 3rd Amended Interconnection Agreement to be effective 2/8/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5114.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1428-000.

Applicants: Appalachian Power Company.

Description: 205(d) Rate Filing: OATT—Revise Attachment K, AEP Texas Inc. Rate Update to be effective 12/31/9998.

Filed Date: 2/27/25.

Accession Number: 20250227-5118.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1430-000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Notice of Cancellation of Unexecuted Facilities Use Agreement, United Power to be effective 4/29/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5124.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1431-000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Notice of Cancellation of ISA, SA No. 6819; Queue No. AC1-188 to be effective 1/21/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5127.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1432-000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Notice of Cancellation of Facilities Use Agreement, Mountain Parks to be effective 4/29/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5144.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1433-000.

Applicants: Desert View Power LLC.

Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff and Request for Waiver to be effective 2/28/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5193.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1434-000.

Applicants: Desert View Power LLC.

Description: Tariff Amendment: Notice of Cancellation of Power Purchase Agreement Rate Schedule to be effective 2/28/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5196.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1436-000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 137 to be effective 2/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5245.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1437-000.

Applicants: Bronson Solar, LLC.

Description: 205(d) Rate Filing: Application for Market-Based Rate Authorization—Bronson Solar, LLC to be effective 4/29/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5247.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1438-000.

Applicants: Dominguez Grid, LLC.

Description: 205(d) Rate Filing: Application for Market-Based Rate Authorization—Dominguez Grid, LLC to be effective 4/29/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5252.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1439-000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: 205(d) Rate Filing: Amendment to Service Agreement No. 876 to be effective 2/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5253.

Comment Date: 5 p.m. ET 3/20/25.

Docket Numbers: ER25-1440-000.

Applicants: Skeleton Creek Energy Center, LLC.

Description: 205(d) Rate Filing: Application for Market-Based Rate Authorization—Skeleton Creek Energy Ctr, LLC to be effective 4/29/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5254.

Comment Date: 5 p.m. ET 3/20/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercsearch.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: February 27, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–03537 Filed 3–4–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1403–068]

Yuba County Water Agency; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 1403–068.

c. *Date Filed:* November 14, 2023.

d. *Applicant:* Yuba County Water Agency.

e. *Name of Project:* Narrows Hydroelectric Project.

f. *Location:* The existing project is located on the Yuba River in Nevada County, California, approximately 23 miles northeast of the City of Marysville. The project affects 0.55 acres of Federal land managed by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Willie Whittlesey, General Manager, Yuba County Water Agency, 1220 F Street, Marysville, CA 95901; phone: (530) 741–5000 or email: WWhittlesey@yubawater.org.

i. *FERC Contact:* Rebecca Kipp, (202) 502–8846 or rebecca.kipp@ferc.gov.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCONline.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>. You must include your name and contact information at the end of your comments. 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. All filings must clearly identify the project name and docket number on the first page: Narrows Hydroelectric Project (P–1403–068).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project.

Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is ready for environmental analysis at this time.

l. *The Narrows Project consists of:* (1) an adit portal connecting to the Corps' tunnel from Englebright Dam; (2) a 1,077-foot-long tunnel that connects the adit portal to the project penstock; (3) a 266-foot-long steel penstock pipe that connects the project tunnel to the project powerhouse; and (4) a reinforced concrete powerhouse containing a single 12-megawatt Francis turbine capable of passing up to 730 cubic feet per second (cfs). There are no recreation facilities at the project. The estimated average annual generation of the project is 52,887 megawatt-hours.

The Narrows Project operates as a run-of-river facility primarily through remote control using a Supervisory Control and Data Acquisition system. YCWA coordinates operations of the Narrows 1 powerhouse, which is a facility of the Narrows Project and the Narrows 2 powerhouse, which is a facility of YCWA's Yuba River Development Project No. 2246 located on the north bank of the river at the base of Englebright, to meet downstream flow requirements and irrigation water demands as follows: (1) lower flow requirements: when the required releases are less than the Narrows 1 powerhouse's current capacity, only Narrows 1 powerhouse operates; (2) moderate flow requirement up to 900 cfs: when the required releases exceed the Narrows 1 powerhouse's capacity but under 900 cfs, the Narrows 1 powerhouse operates at full capacity. The remaining required release is provided via Narrows 2 full or partial bypass; (3) high flow requirement over 900 cfs: when the release is over 900 cfs, the Narrows 2 powerhouse operates either independently or in conjunction with Narrows 1; (4) transitioning Narrows 1 online: if Narrows 2 is operating but Narrows 1 needs to come online, synchronization to the grid occurs while reducing Narrows 2 output; (5) as Narrows 1 gradually increases its load and water releases, Narrows 2 decreases its release to maintain the overall required flow; and (6) transitioning Narrows 2 online: if Narrows 1 is operating and Narrows 2 needs to come online, synchronization to the grid occurs while reducing Narrows 1 output, allowing Narrows 2

to supplement Narrows 1 load to meet the release requirements.

Yuba County Water Agency is not proposing any changes to project facilities or operation.

m. A copy of the application is available for review 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 at FERCOnlineSupport@ferc.gov or call toll free, (886) 208-3676 or TTY (202) 502-8659.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

You may also register online at <https://ferconline.ferc.gov/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.

n. *Procedural Schedule*: The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions—April 2025

Licensee's Reply to REA Comments—June 2025

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: February 26, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-03501 Filed 3-4-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC25-1-000]

Commission Information Collection Activities (FERC-519, FERC-520, FERC-546, and FERC-580) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-519, (Application under Federal Power Act Section 203); FERC-520, (Application for Authority to Hold Interlocking Directorate positions; FERC-546, (Certification of Qualifying Facility (QF) Status for a Small Power Production or Cogeneration Facility); FERC-580, (Interrogatory on Fuel and Energy Purchase Practices). The above four collections are a part of a combined notice only and are not being combined into one OMB Collection number. There were no comments received on the 60-day notice that was published December 3, 2024 in the **Federal Register**.

DATES: Comments on the collection of information are due April 4, 2025.

ADDRESSES: Send written comments on FERC-519, 520, 546, or 580 to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (FERC 519: 1902-0082, FERC-520: 1902-0083, FERC-546: 1902-0155, FERC-580: 1902-0137) in the subject line of your comments. Comments should be sent within 30 days of

publication of this notice to www.reginfo.gov/public/do/PRAMain.

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC25-1-000) by one of the following methods: Electronic filing through <https://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by other delivery methods:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain. Using the search function under the "Currently Under Review" field, select Federal Energy Regulatory Commission; click "submit," and select "comment" to the right of the subject collection. *FERC submissions* must be formatted and filed in accordance with submission guidelines at: <https://www.ferc.gov/ferc-online/overview>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at DataClearance@FERC.gov, telephone at (202) 502-6468.

SUPPLEMENTARY INFORMATION:

1. FERC-519

Title: FERC-519, Application under Federal Power Act Section 203.¹

OMB Control No.: 1902-0082.

Type of Request: Three-year extension of the FERC-519 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission requires that public utilities must seek authorization under amended section 203(a)(1)(B) of the Federal Power Act (FPA) to merge or consolidate, directly

¹ 16 U.S.C. 824b.

or indirectly, its facilities subject to the jurisdiction of the Commission, or any part thereof, with the facilities of any other person, or any part thereof, that are subject to the jurisdiction of the Commission and have a value in excess of \$10 million, by any means whatsoever. In addition, as required by the Act, the Commission establishes a requirement to submit a notification filing for mergers or consolidations by a public utility if the facilities to be acquired have a value in excess of \$1 million and such public utility is not required to secure Commission authorization under amended section 203(a)(1)(B). The information collected under the FERC-519 enables the Commission to meet its statutory responsibilities regarding public utility disposition, merger, consolidation of facilities, purchase, or acquisition oversight and enforcement in

accordance with the FPA as referenced above. Without this information, FERC would be unable to meet these responsibilities. The required information (18 CFR part 33.12) includes descriptions of corporate attributes of the party or parties to the proposed transaction (e.g. a sale, lease, or other disposition, merger, or consolidation of facilities, or purchase of other acquisition of the securities of a public utility and the facilities or other property involved in the transaction), statements about effect of the transaction, and the applicant's proof that the transaction will be consistent with the public interest. FPA section 203 requires a filing on the occasion that a public utility proposes to dispose of jurisdictional facilities, merge such facilities, or acquire the securities of another public utility. Public Utilities information may include details on:

- Corporate;
- Information Technology Management;
- General Accounting;
- Personnel and Payroll;
- Transportation;
- Tariffs and Rates;
- Insurance;
- Operations and Maintenance;
- Plant and Depreciation;
- Purchase and Stores;
- Revenue Accounting and Collection;
- Tax;
- Treasury; and
- Miscellaneous.

Type of Respondents: Public utility officers regulated by the FPA.

*Estimate of Annual Burden:*² The Commission estimates the total annual burden and cost³ for this information collection as follows:

FERC-519—APPLICATION UNDER FEDERAL POWER ACT SECTION 203

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response (4)	Total annual burden hours (total annual cost) (3) * (4) = (5)	Cost per respondent (\$) (5) ÷ (1)
FERC-519 (FPA Section 203 Filings) ⁴	134	1	134	324.43 hr.; ⁵ \$32,443	43,473.62 hrs.; \$4,347,362	\$32,443

2. FERC—520

Title: FERC-520, Application for Authority to Hold Interlocking Directorate Positions *OMB Control No.:* 1902-0083

Type of Request: Three-year extension of the FERC-520 information collection requirements with no changes to the current reporting requirements.

Abstract: FERC Form No. 520 is an application requesting FERC authorization for officers and directors of regulated public utilities to simultaneously hold positions of officers and directors of certain other entities. Section 305(b)(1) of the Federal Power Act (FPA)⁶ prohibits the holding of specific interlocking positions unless the Commission has authorized the holding of such interlocks upon a determination that neither public nor

private interests will be adversely affected.

FERC-520 consists of three information collection activities. A “full application,” in accordance with 18 CFR 45.8, provides detailed information about the positions for which authorization is sought, including a description of duties. Submission of a more streamlined “informational report,” in accordance with 18 CFR 45.9, is a condition for an automatic grant of authorization to hold interlocking directorates. This automatic authorization is available only to certain types of officers and directors. Finally, a “notice of change,” in accordance with 18 CFR 45.5, is required within 60 days after an officer or director resigns or withdraws from Commission-authorized interlocked positions or if the applicant is not re-elected or

reappointed to the interlocked position. However, no notice of change is required if the only change is: (1) a resignation or withdrawal from fewer than all position held between or among affiliated public utilities; (2) a reelection or reappointment to a position that was previously authorized; or (3) holding a different or additional interlocking position that would qualify for automatic authorization under 18 CFR 45.9.

Type of Respondents: Officers and directors of public utilities seeking authorization to hold interlocking directorates.

*Estimate of Annual Burden:*⁷ The Commission estimates the total annual burden and cost⁸ for this information collection as follows:

² “Burden” is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

³ Commission staff estimates that the industry’s skill set and cost (for wages and benefits) for FERC-520 are approximately the same as the Commission’s average cost. The FERC 2024 average salary plus benefits for one FERC full-time equivalent (FTE) is \$207,786/year (or \$100/hour).

⁴ Commission staff estimates that approximately 26 section 203 filings will change from full section 203 filings to the notification filing described above and will take one burden hour to complete. The number of respondents and responses is based on Commission staff’s estimate that 13 percent of the approximately 200 section 203 filings received will be affected. This represents a significant reduction in burden hours.

⁵ With this amendment each of the 26 affected entities and their related filings (i.e., the entities that now only have to file the section 203 notification filings) is reduced to 1 hour.

⁶ 16 U.S.C. 825d(b)(1).

⁷ “Burden” is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

⁸ Commission staff estimates that the industry’s skill set and cost (for wages and benefits) for FERC-520 are approximately the same as the Commission’s average cost. The FERC 2024 average salary plus benefits for one FERC full-time equivalent (FTE) is \$207,786/year (or \$100/hour).

FERC-520—APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING DIRECTORATE POSITIONS

	A. Number of respondents	B. Annual number of responses per respondent	C. Total number of responses (column A × column B)	D. Average burden & cost per response	E. Total annual burden hours & total annual cost (column C × column D)	F. Cost per respondent (column E ÷ column A)
Full Application	16	1	16	50 hrs.; \$5,000	800 hrs.; \$80,000	\$5,000
Informational Report	500	1	500	8 hrs.; \$800	4,000 hrs.; \$400,000	800
Notice of Change	100	1	100	0.25 hrs.; \$25	25 hrs.; \$2,500	25
Totals	616		616		4,825 hrs.; \$482,500	

3. FERC-546

Title: FERC-546, Certificated Rate Filings: Gas Pipeline Rates.

OMB Control No.: 1902-0155.

Type of Request: Three-year extension of the FERC-546 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission reviews the FERC-546 materials to decide whether to approve rates and tariff changes associated with an application for a certificate under Natural Gas Act (NGA) section 7(c) (15 U.S.C. 717). Additionally, FERC reviews FERC-546

materials in NGA section 4(f) (15 U.S.C. 717), storage applications, to evaluate an applicant's market power and determine whether to grant market-based rate authority to the applicant. The Commission also uses the information in FERC-546 to monitor jurisdictional transportation, natural gas storage, and unbundled sales activities of interstate natural gas pipelines and Hinshaw⁹ pipelines. In addition to fulfilling the Commission's obligations under the NGA, the FERC-546 enables the Commission to monitor the activities and evaluate transactions of the natural

gas industry, ensure competitiveness, and improve efficiency of the industry's operations. Failure to collect this information would prevent the Commission from monitoring and evaluating transactions and operations of jurisdictional pipelines and performing its regulatory functions.

Type of Respondents: Jurisdictional pipeline companies and storage operators.

Estimate of Annual Burden:¹⁰ The Commission estimates the burden and cost for this information collection as follows:

FERC-546 (CERTIFICATED RATE FILINGS—GAS PIPELINE RATES)

	Annual number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (rounded) (1) * (2) = (3)	Average burden & cost per response (rounded) (4)	Total annual burden hours & total annual cost (rounded) (3) * (4) = (5)	Cost per respondent (\$) (rounded) (5) ÷ (1)
Pipeline Certificate Filings and Storage Applications.	48	11	48	500 hrs.; \$50,000	24,000 hrs.; \$2,400,000	\$50,000.
Project Area Labor Wage ¹²	16	1	16	15 hrs.; \$1,500	240 hrs.; \$24,000	15 hrs.; \$1,500.
Totals	64		64	515 hrs.; \$51,500	24,240 hrs.; \$2,424,000.	

4. FERC-580

Title: FERC Form 580: Interrogatory on Fuel and Energy Purchase Practices Pursuant to Section 205 of the Federal Power Act.

OMB Control No.: 1902-0137.

Type of Request: Three-year extension of the FERC Form 580 with no substantive changes to the current reporting requirements. Administrative

changes to update the form are being made, as described below.

Abstract: The Commission collects FERC Form 580 information every other year as required under Section 205(f)(2) of the FPA,¹³ which provides that the Commission must review, "not less frequently than every 2 years," practices under automatic adjustment clauses (AACs).¹⁴ As required by FPA section 205(f)(2), the Commission uses the

information collected through the FERC Form 580 interrogatory to review utility purchase and cost recovery practices under AACs in order to ensure efficient use of resources.¹⁵ The Commission uses the information to evaluate costs in individual rate filings and to supplement periodic utility audits. This information is also provided to the public where it has also been used in this manner. Without the FERC Form

⁹ Hinshaw pipelines are those that receive all out-of-state gas from entities within or at the boundary of a state if all the natural gas so received is ultimately consumed within the state in which it is received, 15 U.S.C. 717(c). Congress concluded that Hinshaw pipelines are "matters primarily of local concern," and so are more appropriately regulated by pertinent state agencies rather than by FERC. The Natural Gas Act section 1(c) exempts Hinshaw pipelines from FERC jurisdiction. A Hinshaw pipeline, however, may apply for a FERC certificate to transport gas outside of state lines.

¹⁰ "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information

to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

¹¹ This figure was calculated by dividing the total number of responses (111) by the total number of respondents (83). The resulting figure was then rounded to the nearest thousandth place.

¹² Project-Area Wage Standards in the Labor Cost Component of Cost-of-Service Rates under Docket No. PL24-1-000 was issued on March 21, 2024, which allows jurisdictional entities to include wages consistent with project-area standards in cost-of-service rates filed with the Commission where the record supports that outcome.

¹³ 16 U.S.C. 824.d.

¹⁴ An automatic adjustment clause is a provision of a rate schedule which provides for increases or decreases (or both), without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by an electric utility.

For additional information on AACs, see the Frequently Asked Questions (FAQs) and Desk Reference for FERC Form 580 on the Commission's website.

¹⁵ By using the data in FERC Form 580, the Commission is able to review utility purchase and cost recovery practices and ensure the resources are in compliance with Commission regulations in 18 CFR 35.14.

580 interrogatory, the Commission would not have the requisite information available to conduct the necessary review the FPA mandates.

Type of Respondents: The filing must be submitted by all FERC-jurisdictional utilities owning and/or operating at

least one steam-electric generating station of 50 MW or greater capacity or having a majority ownership interest in a jointly-owned steam-electric generating station of at least 50 MW. A jurisdictional utility without a cost-

based tariff on file with the Commission is not required to file the form.

Estimate of Annual Burden: The Commission estimates the annual¹⁶ public reporting burden¹⁷ and cost¹⁸ for the information collection as:

FERC FORM 580 (INTERROGATORY ON FUEL AND ENERGY PURCHASE PRACTICES PURSUANT TO SECTION 205 OF THE FEDERAL POWER ACT)

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Annual cost per respondent (\$) (5) ÷ (1)
Respondents with FAC ^{19s}	24	0.5	12	103 hrs.; \$10,300	1,236 hrs.; \$123,600	\$5,150
Respondents with AACs, but no FACs	12	0.5	6	20 hrs.; \$2,000	120.0 hrs.; \$12,000	1,000
Respondents with no AACs and no FACs.	4	0.5	2	2 hrs.; \$200	4.0 hrs.; \$400	100
Total			20		1,360.0 hrs.; \$136,000	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 27, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-03550 Filed 3-4-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2376-052]

Eagle Creek Reusens Hydro, LLC; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2376-052.

c. *Date Filed:* February 28, 2022.
d. *Applicant:* Eagle Creek Reusens Hydro, LLC (Reusens Hydro).
e. *Name of Project:* Reusens Hydroelectric Project.
f. *Location:* The project is located on the James River in Bedford and Amherst Counties, Virginia.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).
h. *Applicant Contact:* Ms. Joyce Foster, Director, Licensing and Compliance Eagle Creek Renewable Energy, LLC, 7315 Wisconsin Avenue, Suite 1100W, Bethesda, MD 20814; Phone at (804) 338-5110 or email at Joyce.Foster@eaglecreekre.co; and Ms. Jody Smet, Vice President, Regulatory Affairs, Eagle Creek Renewable Energy, LLC, 7315 Wisconsin Ave., Suite 1100W, Bethesda, MD 20814; Phone at (240) 482-2700 or email at jody.smet@eaglecreekre.com.

i. *FERC Contact:* Laurie Bauer at (202) 502-6519, or laurie.bauer@ferc.gov.
The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCONline.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. All filings must clearly identify the project name and docket number on the first page: Reusens Hydroelectric Project (P-2376-052).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing but is not ready for environmental analysis at this time.

l. *The Reusens Project consists of:* (1) a 24-foot-high, 416-foot-long concrete dam and spillway containing eight 16.75-foot-high, 44-foot-wide floodgates/spillway gates; (2) a 25-foot-high, 125.67-foot-long concrete curved auxiliary spillway topped with flashboards; (3) a 500-acre impoundment with a gross storage capacity of 6,869 acre-feet at the normal pool elevation of 550.7 feet; (4) an intake section of Powerhouse A

¹⁶ The FERC Form 580 interrogatory is conducted every two years.

¹⁷ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide

information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

¹⁸ Commission staff estimates that the industry's skill set and cost (for wages and benefits) for FERC-

520 are approximately the same as the Commission's average cost. The FERC 2024 average salary plus benefits for one FERC full-time equivalent (FTE) is \$207,786/year (or \$100/hour).

¹⁹ Fuel Adjustment Clause (FAC).

containing three inlet bays, each with three 6.83-foot-wide, 17.92-foot-high steel, concrete, and timber gates; (5) an intake section of Powerhouse B containing two inlet bays, each with three 6.67-foot-wide, 17.5-foot-high timber gates; (6) a 105.5-foot-long, 83-foot-wide, 86-foot-high steel frame, concrete and brick Powerhouse A containing three vertical Francis turbine-generator units with a total installed capacity of 7.5 megawatts (MW); (7) a 55-foot-long, 27-foot-wide, 84-foot-high steel frame, concrete and brick Powerhouse B containing two vertical Francis turbine-generator units with a total installed capacity of 5 MW; (8) a 100-foot-wide, 250-foot-long tailrace below Powerhouse A; (9) a 60-foot-wide, 50-foot-long tailrace below Powerhouse B; (10) a 280-foot-long transmission line connecting to three 5,210 kilovolt-ampere 4/34.5-kilovolt step-up transformers, which are connected to the grid via a 24-foot-long overhead line; and (11) appurtenant facilities.

The Reusens Project operates in a peaking mode with an average annual generation of 22,504 megawatt-hours between 2018 and 2021.

m. A copy of the application is available for review 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 at FERCOnlineSupport@ferc.gov or call toll free, (886) 208-3676 or 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.

n. 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.

o. *Scoping Process:* Pursuant to the National Environmental Policy Act (NEPA), Commission staff intends to prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively

referred to as the "NEPA document") that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS. At this time, we do not anticipate holding an on-site scoping meeting. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued February 26, 2025.

Copies of SD1 outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at <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, call 1-866-208-3676 or for TTY, (202) 502-8659.

Dated: February 26, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-03494 Filed 3-4-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7192-010]

Eagle Hydro; Pacific Power Partners, LLC; Notice of Transfer of Exemption

1. By letter filed October 4, 2024, Pacific Power Partners, LLC, pursuant to 18 CFR 4.106(i), informed the Commission that it is the new owner of the exemption from licensing for the Canyon Creek Hydroelectric Project No. 7192, originally issued November 15, 1983. The project is located on Canyon Creek in El Dorado County, California. The transfer of an exemption does not require Commission approval.

2. Pacific Power Partners, LLC is located at 3310 Monier Cir., Rancho Cordova, CA 95742.

Dated: February 26, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-03500 Filed 3-4-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25-595-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing; Negotiated Rate Agreement Update (Hartree Mar 25) to be effective 3/1/2025.

Filed Date: 2/26/25.

Accession Number: 20250226-5161.

Comment Date: 5 p.m. ET 3/10/25.

Docket Numbers: RP25-596-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing; Negotiated Rate Agreement Update (Sempra Mar 2025) to be effective 3/1/2025.

Filed Date: 2/26/25.

Accession Number: 20250226-5220.

Comment Date: 5 p.m. ET 3/10/25.

Docket Numbers: RP25-597-000.

Applicants: UGI Sunbury, LLC.

Description: Annual Report Retainage Adjustment of UGI Sunbury, LLC.

Filed Date: 2/26/25.

Accession Number: 20250226-5221.

Comment Date: 5 p.m. ET 3/10/25.

Docket Numbers: RP25-598-000.

Applicants: UGI Mt. Bethel Pipeline Company, LLC.

Description: Annual Report of Retainage Adjustment of UGI Mt. Bethel Pipeline Company, LLC.

Filed Date: 2/26/25.

Accession Number: 20250226-5223.

Comment Date: 5 p.m. ET 3/10/25.

Docket Numbers: RP25-599-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing; Negotiated Rate Agreements Update (Pioneer Apr-Jun 2025) to be effective 4/1/2025.

Filed Date: 2/26/25.

Accession Number: 20250226-5228.

Comment Date: 5 p.m. ET 3/10/25.

Docket Numbers: RP25-600-000.

Applicants: Equitrans, L.P.

Description: 4(d) Rate Filing; AVC Storage Loss Retainage Factor—2025 to be effective 4/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227-5000.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25-601-000.

Applicants: Equitrans, L.P.

Description: 4(d) Rate Filing: 3–1–2025 Formula Based Negotiated Rates to be effective 3/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5001.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–602–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: 4(d) Rate Filing: MEP Cashout Filing and Report of Operational Purchases and Sales February 2025 to be effective 4/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5051.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–603–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 2.27.25 Negotiated Rates—Emera Energy Services, Inc. R–2715–105 to be effective 3/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5055.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–604–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 4(d) Rate Filing: 2.27.25 Negotiated Rates—Mercuria Energy America, LLC R–7540–02 to be effective 3/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5061.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–605–000.

Applicants: Elba Express Company, L.L.C.

Description: 4(d) Rate Filing: EEC NRA Filing February 2025 to be effective 3/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5067.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–606–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: 4(d) Rate Filing: SWN Energy Name Change to Expand Energy Agmts to be effective 3/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5076.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–607–000.

Applicants: Guardian Pipeline, L.L.C.

Description: 4(d) Rate Filing: Electric Power Cost Recovery Surcharge Adjustment—Spring 2025 to be effective 4/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5093.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–608–000.

Applicants: Columbia Gas Transmission, LLC.

Description: 4(d) Rate Filing: SWN Energy Name Change to Expand Energy Agmts to be effective 3/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5094.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–609–000.

Applicants: Midwestern Gas Transmission Company.

Description: 4(d) Rate Filing: Annual Fuel Retention Percentage Adjustment—2025 Rate to be effective 4/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5111.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–610–000.

Applicants: Eastern Shore Natural Gas Company.

Description: 4(d) Rate Filing: Capital Cost Surcharge True Up Eff. 4/1/25 to be effective 4/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5129.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–611–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Negotiated Rate Agreement Filing (AEPSCO) to be effective 3/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5167.

Comment Date: 5 p.m. ET 3/11/25.

Docket Numbers: RP25–612–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: 4(d) Rate Filing: Non-Conforming Agreements Update (SRP 2025) to be effective 3/1/2025.

Filed Date: 2/27/25.

Accession Number: 20250227–5168.

Comment Date: 5 p.m. ET 3/11/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including

landowners, community 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: February 27, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–03534 Filed 3–4–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0448; FRL–12439–02–OCSPP]

Vinyl Chloride; Draft Scope of the Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; reopening of comment period.

SUMMARY: In the *Federal Register* of January 16, 2025, EPA announced the availability of and solicited public comment on the draft scope of the risk evaluation to be conducted under the Toxic Substances Control Act (TSCA) for vinyl chloride (ethene, chloro-; CASRN 75–01–4). This document extends/reopens the comment period, which is scheduled to end on March 3, 2025, for 30 days.

DATES: The comment period for the document published on January 16, 2025, at 90 FR 4738 (FRL–12439–01–OCSPP) is reopened. Comments must be received on or before April 2, 2025.

ADDRESSES: Submit your comments, identified by ID number EPA–HQ–OPPT–2018–0448, 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: Marcy Card, Existing Chemicals Risk Assessment Division (7403M), Office of

Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-1202; email address:

VinylChloride.TSCA@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: To give stakeholders additional time to review materials and prepare comments, EPA is hereby reopening the comment period established in the **Federal Register** document of January 16, 2025, at 90 FR 4738 (FRL-12439-01-OCSP) for 30 days, from March 3, 2025, to April 2, 2025. More information on the action can be found in the **Federal Register** of January 16, 2025.

To submit comments or access the docket, please follow the detailed instructions provided under **ADDRESSES**. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: February 27, 2025.

Richard Keigwin,

Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2025-03531 Filed 3-4-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Appointments Panel Meeting

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Appointments Panel, a subcommittee of the Federal Accounting Standards Advisory Board (FASAB), will hold meetings on March 13, 2025. The Appointments Panel makes recommendations regarding appointments for non-federal member positions.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512-7350.

SUPPLEMENTARY INFORMATION: The meetings are closed to the public. The reason for the closure is that matters covered by 5 U.S.C. 552b(c)(2) and (6) will be discussed. Any such discussions will involve matters that relate solely to internal personnel rules and practices of the sponsor agencies and the disclosure

of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. 1009(d), portions of advisory committee meetings may be closed to the public where the head of the agency to which the advisory committee reports determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. The determination shall be in writing and shall contain the reasons for the determination. A determination has been made in writing by the U.S. Government Accountability Office, the U.S. Department of the Treasury, and the Office of Management and Budget, as required by section 10(d) of FACA, that such portions of the meetings may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001-1014).

Dated: February 27, 2025.

Monica R. Valentine,

Executive Director.

[FR Doc. 2025-03521 Filed 3-4-25; 8:45 am]

BILLING CODE 1610-02-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0986; FR ID 282209]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the

information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before May 5, 2025. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

OMB Control Number: 3060-0986.

Title: High-Cost Universal Service Support.

Form Number: FCC Form 481 and FCC Form 525.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents and Responses: 2,229 respondents; 14,172 responses.

Estimated Time per Response: 0.1-15 hours.

Frequency of Response: On occasion, quarterly and annual reporting requirements, recordkeeping requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151-154, 155, 201-206, 214, 218-220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 51,573 hours.

Total Annual Cost: No Cost.

Needs and Uses: The Commission is requesting the Office of Management and Budget (OMB) approval for this revised information collection. On November 18, 2011, the Commission

adopted an order reforming its high-cost universal service support mechanisms. *Connect America Fund; A National Broadband Plan for Our Future; Establish Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund*, WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208, Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*). The Commission and Wireline Competition Bureau (WCB or the Bureau) have since adopted a number of orders that implement the *USF/ICC Transformation Order*; see also *Connect America Fund et al.*, WC Docket No. 10–90 et al., Third Order on Reconsideration, 27 FCC Rcd 5622 (2012); *Connect America Fund et al.*, WC Docket No. 10–90 et al., Order, 27 FCC Rcd 605 (WCB 2012); *Connect America Fund et al.*, WC Docket No. 10–90 et al., Fifth Order on Reconsideration, 27 FCC Rcd 14549 (2012); *Connect America Fund et al.*, WC Docket No. 10–90 et al., Order, 28 FCC Rcd 2051 (WCB 2013); *Connect America Fund et al.*, WC Docket No. 10–90 et al., Order, 28 FCC Rcd 7227 (WCB 2013); *Connect America Fund*, WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7766 (WCB 2013); *Connect America Fund*, WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7211 (WCB 2013); *Connect America Fund*, WC Docket No. 10–90, Report and Order, 28 FCC Rcd 10488 (WCB 2013); *Connect America Fund et al.*, WC Docket No. 10–90 et al., Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769 (2014); *Connect America Fund et al.*, WC Docket No. 10–90 et al., Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087 (2016); *Connect America Fund, et al.*, WC Docket No. 10–90, et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949 (2016); *Connect America Fund et al.*, WC Docket Nos. 10–90, 16–271; WT Docket No. 10–208, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139 (2016); *Connect America Fund; ETC Annual Reports and Certifications*, WC Docket Nos. 10–90, 14–58, Order, 32 FCC Rcd 968 (2017); *Connect America Fund et al.*, WC Docket No. 10–90 et al., Report and Order, Further Notice of Proposed

Rulemaking, and Order on Reconsideration, 33 FCC Rcd 11893 (2018); *Connect America Fund; ETC Annual Reports and Certifications*, WC Docket Nos. 10–90, 14–58, Report and Order, 32 FCC Rcd 5944 (2017).

In 2019, the Commission adopted an order establishing the Uniendo a Puerto Rico Fund (PR Fund) and the Connect USVI Fund, a separate, parallel high-cost program for the U.S. territories suffering extensive infrastructure damage due to Hurricanes Irma and Maria. *The Uniendo a Puerto Rico Fund and the Connect USVI Fund, et al.*, WC Docket No. 18–143, et al., Report and Order and Order on Reconsideration, 34 FCC Rcd 9109 (2019) (*Puerto Rico and USVI Stage 2 Order*). Also, in the *2019 Supply Chain Order*, the Commission adopted a rule prohibiting the use of Universal Service Fund (USF) support, including high-cost universal service support, to purchase or obtain any equipment or services produced or provided by a covered company posing a national security threat to the integrity of communications networks or the communications supply chain. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18–89, Report and Order, Further Notice of Proposed Rulemaking, and Order, 34 FCC Rcd 11423, 11433, para. 26 (WCB 2019). See also 47 CFR 54.9.

On January 30, 2020, the Commission adopted an order establishing the framework for the RDOF, building on the successful CAF Phase II auction. *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19–126 and 10–90, Report and Order, 35 FCC Rcd 686 (2020) (*RDOF Order*). Later that year, the Commission adopted two additional supply chain rules associated with newly required certifications. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18–89, Second Report and Order, 35 FCC Rcd 14284 (2020) (*2020 Supply Chain Order*).

Through several orders, the Commission has reconfigured and extended certain high-cost programs, adding obligations applicable to these particular programs, and has changed, modified, and eliminated certain other obligations for high-cost support. These changes are outlined below:

In 2018, the Bureau announced that, as of March 1, 2018, and continuing with annual reports due March 1 in subsequent years, recipients of Rural Broadband Experiments (RBE) support would no longer submit location information and associated evidence

with their annual FCC Form 481, as previously required, but would instead submit this information using the Universal Service Administrative Company (USAC or the Administrator)'s High-Cost Universal Broadband (HUBB) portal. See *Wireline Competition Bureau Provides Guidance to Carriers Receiving Connect America Fund Support Regarding their Broadband Location Reporting Obligations*, Public Notice, 31 FCC Rcd 12900, 12908 (WCB 2016). OMB approved the collection of this location information through the HUBB in OMB Control No. 3060–1228, Connect America Fund—High Cost Portal Filing. This collection now reflects that this obligation is being collected under OMB Control No. 3060–1228.

On July 23, 2023, the Commission established the Enhanced Alternative Connect America Cost Model (A–CAM) program, the next iteration of the A–CAM programs. See *Connect America Fund: A National Broadband Plan for Our Future High-Cost Universal Service Support et al.*, WC Docket No. 10–90 et al., Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 23–60 (rel. July 24, 2023) (*Enhanced A–CAM Order*). Under the Enhanced A–CAM program, carriers electing to receive Enhanced A–CAM support will receive such support for a term ending in 2038, for broadband deployment with speeds of at least 100 Mbps download and 20 Mbps upload, and will be subject to reporting and certification obligations associated with Enhanced A–CAM support. See *Enhanced A–CAM Order* at 24–27, paras. 52–59. On October 30, 2023, the Bureau announced that 368 carriers electing Enhanced A–CAM will receive \$18.28 billion in total over the 15-year term. See *Wireline Competition Bureau Authorizes 368 Companies in 44 States to Receive Enhanced Alternative Connect America Cost Model Support to Expand Rural Broadband*, WC Docket No. 10–90, Public Notice, DA 23–1025 (WCB 2023).

On October 20, 2023, the Commission adopted an order, that among other things, modified and clarified certain requirements associated with FCC Form 481 and similar filings. See *Connect America Fund et al.*, WC Docket No. 10–90 et al., Notice of Proposed Rulemaking and Report and Order, FCC 23–87 (rel. Oct. 20, 2023) (*Administrative Order*). The *Administrative Order* updated the rules to properly state that duplicate copies of the annual high-cost reports and certifications, *i.e.*, the FCC Form 481, as described in sections 54.313 and 54.314 of the Commission's rules, need not be filed with more than one entity;

carriers must now only file the FCC Form 481 with USAC. See *Administrative Order* at 60–62, paras. 133–34; 47 CFR 54.313–14. See also *Connect America Fund; ETC Annual Reports and Certifications*, WC Docket Nos. 10–90, 14–58, Report and Order, 32 FCC Rcd 5944, 5948, para. 15 (2017) (*ETC Reporting Streamlining Order*) (“[C]ontingent upon USAC’s completion of the rollout of an online portal for recipients of high cost services, we will no longer require ETCs to file duplicate copies of Form 481 with the FCC and with states, U.S. Territories, and/or Tribal governments beginning in 2018.”). The *Administrative Order* also made explicit that the required certification of compliance with voice and broadband benchmarks in FCC Form 481 covers the calendar year preceding the date that the FCC Form 481 is due, and is based on benchmarks released by the Commission before that calendar year (two years before the year that the FCC Form 481 is due to be submitted). See *Administrative Order* at 67, para. 150.

The Commission therefore proposes to revise this information collection, as well as the Form 481 and its accompanying instructions, to reflect these new and modified requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–03522 Filed 3–4–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0678; FR ID 283097]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility;

the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before May 5, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the time period allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0678.

Title: Part 25 of the Federal

Communications Commission’s Rules Governing the Licensing of, and Spectrum Usage by, Commercial Earth Stations and Space Stations.

Form Nos.: FCC Form 312, FCC Form 312–EZ, FCC Form 312–R and Schedules A, B and S.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities and not-for-profit institutions.

Number of Respondents and Responses: 3,539 respondents; 3,591 responses.

Estimated Time per Response: 0.5–80 hours per response.

Frequency of Response: On occasion, one time, and annual reporting requirements; third-party disclosure requirements; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The Commission has statutory authority for the information collection requirements under 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721.

Total Annual Burden: 27,748 hours.

Annual Cost Burden: \$4,154,267.

Needs and Uses: On April 21, 2023, the Commission released a Report and Order, FCC 23–29, IB Docket No. 21–456, titled “Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems.” In this Report and Order, the Commission revised its rules governing spectrum sharing among a new generation of broadband satellite constellations to promote market entry, regulatory certainty, and spectrum efficiency through good-faith coordination. As relevant to this information collection, the Commission adopted rules clarifying protection obligations between non-geostationary satellite orbit, fixed-satellite service (NGSO FSS) systems authorized through different processing rounds by using a degraded throughput methodology. Specifically, the Commission required that, prior to commencing operations, an NGSO FSS licensee or market access recipient must either certify that it has completed a coordination agreement with any operational NGSO FSS system licensed or granted U.S. market access in an earlier processing round, or submit for Commission approval a compatibility showing which demonstrates by use of a degraded throughput methodology that it will not cause harmful interference to any such system with which coordination has not been completed. If an earlier-round system becomes operational after a later-round system has commenced operations, the later-round licensee or market access recipient must submit a certification of coordination or a compatibility showing with respect to the earlier-round system no later than 60 days after the earlier-round system commences operations.

Further, on November 15, 2024, the Commission released a Second Report and Order in the same rulemaking proceeding, FCC 24–117, IB Docket No. 21–456, titled “Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems.” In this Second Report and Order, the Commission revised the NGSO FSS sharing rules to clarify certain details of the degraded throughput methodology that, in the absence of a coordination agreement, must be used in compatibility analyses by NGSO FSS system grantees authorized through later processing rounds to show they can operate compatibly with, and protect, NGSO FSS systems authorized through earlier processing rounds. The Commission adopted a 3% time-weighted average throughput degradation as a long-term interference protection criterion and a 0.4% absolute

increase in link unavailability as a short-term interference protection criterion.

The relevant rule for purposes of this revised information collection is 47 CFR 25.261(d).

The new information collection requirements in this collection are needed to determine the technical qualifications of licensees and market access grantees to operate an NGSO FSS space station and to determine whether operations under an NGSO FSS authorization serve the public interest, convenience and necessity. Without such information, the Commission could not determine whether to permit respondents to provide communications services in the United States because it could not assure that incumbent NGSO FSS licensees and market access grantees are adequately protected from radiofrequency interference that could be caused by NGSO FSS satellite systems authorized through a later processing round. Therefore, the Commission would not be able to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended, and the obligations imposed on parties to the World Trade Organization Basic Telecom Agreement.

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2025-03564 Filed 3-4-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1271; FR ID 283100]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility;

the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before May 5, 2025. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

OMB Control Number: 3060-1271.

Title: Promoting Telehealth for Low-Income Consumers, COVID-19 Telehealth Program.

Form Numbers: FCC Forms 460, 461, 462, and 463.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal governments.

Number of Respondents and Responses: 7,210 respondents; 34,553 responses.

Estimated Time per Response: 0.30-25 hours.

Frequency of Response: One-time, annual, and on occasion reporting requirements; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in sections 1-4, 201-205, 214, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151-154, 201-205, 214, 254, 303(r), and 403, and DIVISION B of the Coronavirus Aid, Relief, and

Economic Security Act, Public Law 116-136, 134 Stat. 281.

Total Annual Burden: 197,787 hours.

Total Annual Cost: No cost.

Needs and Uses: On March 31, 2020, the Commission adopted a Report and Order entitled *Promoting Telehealth for Low-Income Consumers; COVID-19 Telehealth Program*, WC Docket No. 18-213, WC Docket No. 20-89 (FCC 20-44), establishing two programs designed to assist health care providers in providing connected care services to consumers—the COVID-19 Telehealth Program and the Connected Care Pilot Program (collectively, Programs). June 2021, the Commission adopted a Second Report and Order, WC Docket No. 18-213 (FCC 21-74), that provided guidance on eligible services, competitive bidding, invoicing, and data reporting for Pilot Program participants. The information collected herein is necessary to meet the specific requirements for information that must be submitted as part of the annual and final reports to the Commission as outlined in the *Second Connected Care Report and Order*, and for the Commission to receive and evaluate data for the selected projects and ensure compliance with the Commission's rules and procedures applicable to the Connected Care Pilot Program. This submission extends the requirements for the Connected Care Pilot Program and the COVID-19 Telehealth Program.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025-03565 Filed 3-4-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1155; FR ID 282195]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC

seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before April 4, 2025.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested

concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060-1155.

Title: Sections 15.709, 15.713, 15.714, 15.715 15.717, 27.1320, TV White Space Broadcast Bands.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,510 respondents; 3,500 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 4(i), 201, 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 201, 302a, 303.

Total Annual Burden: 7,000 hours.

Total Annual Cost: \$151,000.

Needs and Uses: The Commission is submitting this information collection as an extension to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance. The white space database determines which frequencies are available for unlicensed devices and is the primary means to prevent white space devices from causing harmful interference to TV reception and other protected services.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025-03517 Filed 3-4-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0856; FR ID 282211]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before April 4, 2025.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the

section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060–0856.

Title: Universal Service—Schools and Libraries Universal Service Support Program Reimbursement Forms.

Form Numbers: FCC Forms 472, 473, and 474.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit institutions, Not-for-profit institutions, and State, Local or Tribal government.

Number of Respondents and Responses: 27,953 respondents; 133,214 responses.

Estimated Time per Response: Form 472—1.5 hours; Form 473—2 hours; Form 474—1.5 hours, and 0.5 hours for recordkeeping requirements.

Frequency of Response: On occasion and annual reporting requirements, recordkeeping and third-party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. The Commission’s statutory authority to collect this information is contained in sections 1, 4(i), 4(j), 201–205, 214, 254, 312(d), 312(f), 403 and 503(b) of the Communications Act of 1934, as amended. 5 U.S.C. 553(b)(3), 601–612; 15 U.S.C. 1, 632; 44 U.S.C. 3506(c)(4); 47 U.S.C. 1, 4(i), 4(j), 201–205, 214, 254, 312(d), 312(f), 403, 503(b).

Total Annual Burden: 195,615 hours.

Total Annual Cost: No cost.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB), which is a revision of a currently approved collection, to obtain a full three-year clearance from OMB. The requirements contained herein are necessary to implement the Congressional mandate for universal service. It provides the Commission and USAC with the necessary information to administer the E-Rate program, determine the amount of support entities seeking funding are eligible to receive, to determine if entities are complying with the Commission’s rules, and to prevent waste, fraud, and abuse. The information will also allow the Commission to evaluate the extent to which the E-Rate program is meeting the statutory objectives specified in section 254 of the 1996 Act, the Commission’s performance goals established in the *2014 First and Second E-Rate Orders*, and to evaluate the need and feasibility for any future revisions to program rules.

FCC Forms 472, 473, and 474 were revised. On July 29, 2024 the Commission released a Report and Order and Further Notice of Proposed Rulemaking (WC Docket No. 21–31, FCC 24–76) (*Report and Order*); finding that the off-premises use of wireless internet services and the Wi-Fi hotspot devices needed to deliver the services; serves an educational purpose and are eligible for E-Rate support. The *Report and Order*, 89 FR 67303, August 20, 2024, adds certifications to the FCC Form 473 for participating service providers on the hotspots non-usage notice and termination requirement, prohibition against charging the balance for terminated services, and certifying that the cost of Wi-Fi hotspots do not exceed commercial value. The *Report and Order* also adds a certification to FCC Forms 472 and 474 to certify that there is no duplicative funding and funding is not being requested for eligible equipment and services that have been funded by other sources. The hourly burden will increase by 50,865 hours for FCC Forms 472, 473, and 474. The public burden for the collection

contained herein will increase to 195,615 burden hours.

FCC Form 472 “Billed Entity Applicant Reimbursement Form.” Billed entities may pay the full amount for eligible services directly to the service providers and then, once services have been received, seek reimbursement from USAC to cover the amounts of the discounts for which they have qualified. The FCC Form 472 is used by the billed entity to request such reimbursement from USAC. USAC disburses payments directly to the billed entity to cover services that have been properly invoiced. The information on FCC Form 472 enables this direct reimbursement process. This information includes the amount paid for approved services delivered on or after the actual services start date, as reported on the FCC Form 486 (approved under OMB Control No. 3060–0853).

FCC Form 473 “Service Provider Annual Certification Form.” The FCC Form 473 must be filed by service providers to attest that the invoices submitted under the E-Rate program comply with the FCC’s rules. The service provider must annually submit an FCC Form 473 for each service provider identification number (SPIN).

FCC Form 474 “Service Provider Invoice (SPI) FCC Form 474.” As an alternative to paying in full for eligible services, the billed entity can pay only the amounts for eligible services that have been discounted already by the service provider. Under this alternative, once services have been received, service providers seek payment from USAC to cover the amounts of the discounts for which the billed entity qualifies. Service providers use the FCC Form 474 to request direct payment for invoices submitted for services that comply with the rules of the E-Rate program. The information on the FCC Form 474 must be received by USAC before a participating service provider can receive payment for the discounted portion of its bill for eligible services to eligible entities. Subsequent to receipt and review of the FCC Form 474, USAC will authorize payment based on the invoices.

All of the requirements contained in this information collection are necessary to implement the Congressional mandate for the E-Rate program and reimbursement process.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–03523 Filed 3–4–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS25–03]

Appraisal Subcommittee Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

In accordance with section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, codified at 12 U.S.C. 3333(b), notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: This will be a virtual meeting via Webex. Please visit the agency's homepage (www.asc.gov) and access the registration link provided in the News and Events section. You MUST register in advance to attend this Meeting.

Date: March 12, 2025.

Time: 10:30 a.m. ET.

Status: Open.

Reports

Acting Chair
Acting Executive Director
Delegated State Compliance Reviews
Grants Director
Notation Votes

Action and Discussion Items

Approval of Minutes
November 20, 2024 Quarterly Meeting Minutes
Fiscal Year 2025 Notice of Funding Availability for State Grants
Fiscal Year 2025 Notice of Funding Availability for the Appraisal Foundation
Compliance Reviews

- New Hampshire Appraiser Program Compliance Review
- New Hampshire Appraisal Management Company Program Compliance Review
- Puerto Rico Appraiser Program Compliance Review

How To Attend and Observe an ASC Meeting

The meeting will be open to the public via live webcast only. Visit the agency's homepage (www.asc.gov) and access the registration link provided in the News and Events section. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing

device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC Meetings.

Loretta Schuster,

Management & Program Analyst.

[FR Doc. 2025–03518 Filed 3–4–25; 8:45 am]

BILLING CODE 6700–01–P

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 4, 2025.

A. Federal Reserve Bank of Minneapolis (Mark Nagle, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291.

Comments can also be sent electronically to MA@mpls.frb.org:

1. *Battle Financial, Inc., Edwards, Colorado*; to become a bank holding company by acquiring Stearns Bank of Upsala, National Association, Upsala, Minnesota.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2025–03545 Filed 3–4–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices; Cancellation of Meeting

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This is to notify the public that the February 26–28, 2025, meeting of the Advisory Committee on Immunization Practices (ACIP) was cancelled and will be rescheduled.

FOR FURTHER INFORMATION CONTACT:

Stephanie Thomas, Committee Management Specialist, Advisory Committee on Immunization Practices, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H24–8, Atlanta, Georgia 30329–4027. Telephone: (404) 639–8367; Email: ACIP@cdc.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a change in the meeting of the Advisory Committee on Immunization Practices; February 26, 2025, from 8 a.m. to 5:10 p.m., EST, February 27, 2025, from 8 a.m. to 5 p.m., EST, and February 28, 2025, from 8 a.m. to 11:25 a.m., EST, in the original **Federal Register** notice.

The meeting notice was published in the **Federal Register** on January 10, 2025, 90 FR 2002 and 2003.

This meeting will be rescheduled and will accommodate a new public comment period in advance of the meeting.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other

committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2025-03486 Filed 3-4-25; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review: Notice of Closed Meeting

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: Cell Biology Integrated Review Group; Cellular Signaling and Regulatory Systems Study Section.

Date: April 7–8, 2025.

Time: 10:00 a.m.–6:00 p.m.

Agenda: To review and evaluate grant applications.

Meeting Format: Virtual Meeting.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: David Balasundaram, Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-1022, balasundaramd@csr.nih.gov.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Biobehavioral Medicine and Health Outcomes Study Section.

Date: April 9–11, 2025.

Time: 9:30 a.m.–5:00 p.m.

Agenda: To review and evaluate grant applications.

Meeting Format: Virtual Meeting.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Mark A. Vosvick, Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-402-4128, mark.vosvick@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: February 28, 2025.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025-03541 Filed 3-4-25; 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: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics B Study Section.

Date: March 27–28, 2025.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Maria Dolores Arjona Mayor, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 806D, Bethesda, MD 20892, (301) 827-8578, dolores.arjonamayor@nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.

Date: April 3–4, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: E. Bryan Crenshaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892 (301) 480-7129, bryan.crenshaw@nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Emerging Imaging Technologies and Applications Study Section.

Date: April 9–10, 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: Zheng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-3385, zheng.li3@nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Clinical Translational Imaging Science Study Section.

Date: April 10–11, 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: Eleni Apostolos Liapi, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 867-5309, eleni.liapi@nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Modeling and Analysis of Biological Systems Study Section.

Date: April 16–17, 2025.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Zarana Patel, Ph.D., MPH Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-9295, zarana.patel@nih.gov.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney Endocrine and Digestive Disorders Study Section.

Date: April 16–17, 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: Michael L Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301-451-0132, bloomm2@mail.nih.gov

Name of Committee: Vascular and Hematology Integrated Review Group;

Hemostasis, Thrombosis, Blood Cells and Transfusion Study Section.

Date: April 17–18, 2025.

Time: 9:00 a.m. to 9:00 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: Vivian Tang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–6208, tangvw@csr.nih.gov

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Biochemical and Cellular Oncogenesis Study Section.

Date: April 22–23, 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: Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–5902, caojn@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 27, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–03540 Filed 3–4–25; 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: Vascular and Hematology Integrated Review Group;

Integrative Vascular Physiology and Pathology Study Section.

Date: March 24–25, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Bukhtiar H Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 806–7314, shahb@csr.nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics A Study Section.

Date: March 31–April 1, 2025.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: 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: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics C Study Section.

Date: April 1–2, 2025.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Gloria Huei-Ting Su, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–0465, gloria.su@nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.

Date: April 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: Jennifer Fiori O'Connell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (410) 454–8478, jennifer.oconnell@nih.gov.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Gene Regulation in Cancer Study Section.

Date: April 21–22, 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: Manzoor A. Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, zargerma@csr.nih.gov.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Interventions to Prevent and Treat Addictions Study Section.

Date: April 23–25, 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: Izabella Zandberg, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–0359, izabella.zandberg@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: February 28, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–03539 Filed 3–4–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–New]

Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the

categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments. This collection of information is necessary to comply with section 2 of the Executive order (E.O.) entitled “Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats”, which directs implementation of uniform vetting standards and requires the collection of all information necessary for a rigorous vetting and screening of all grounds of inadmissibility or bases for the denial of immigration-related benefits. In a review of information collected for admission and benefit decisions, U.S. Citizenship and Immigration Services (USCIS) identified the need to collect social media identifiers (“handles”) and associated social media platform names from applicants to enable and help inform identity verification, national security and public safety screening, and vetting, and related inspections.

DATES: Comments are encouraged and will be accepted for 60 days until May 5, 2025.

ADDRESSES: All submissions received must include the Office of Management and Budget (OMB) Control Number 1615–NEW in the body of the letter, the agency name, and Docket ID USCIS–2025–0003. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS–2025–0003.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS–2025–0003 in the search box. Comments must be submitted in English, or an English

translation must be provided. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Background

Executive Order 14161, “Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats,” directs implementation of uniform vetting standards and necessitates the collection of all information necessary for a rigorous vetting and screening of all grounds of inadmissibility or bases for the denial of immigration-related benefits. See 90 FR 8451 (Jan. 20, 2025). Execution of the E.O. requires U.S. Citizenship and Immigration Services (USCIS) to collect social media identifier(s) data on immigration forms and/or within information collection systems. This data will be collected from certain populations of individuals on applications for immigration-related benefits and is necessary for the enhanced identity verification, vetting

and national security screening, and inspection conducted by USCIS and required under the E.O.

This collection of information is necessary to comply with section 2 of the E.O. establishing enhanced screening and vetting standards and procedures enabling USCIS to assess an alien’s eligibility to receive an immigration-related benefit from USCIS. This data collection also is used to help validate an applicant’s identity and determine whether such grant of a benefit poses a security or public-safety threat to the United States.

Overview of This Information Collection

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* GC–2025–0003; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. E.O. 14161, “Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats,” directs implementation of uniform vetting standards and necessitates collection of all information necessary for a rigorous vetting and screening of all grounds of inadmissibility or bases for the denial of immigration-related benefits. Execution of the E.O. requires USCIS to collect Social Media Identifier(s) on immigration forms and/or information collection systems. This data will be collected from certain populations of individuals on applications for immigration-related benefits and is necessary for the enhanced identity verification, vetting and national security screening and, inspection conducted by USCIS and required under the E.O.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

- The estimated total number of respondents for the information collection N–400 is 909,700 and the estimated hour burden per response is 0.08 hour.

- The estimated total number of respondents for the information collection I–131 is 1,073,059 and the estimated hour burden per response is 0.08 hour.

- The estimated total number of respondents for the information

collection I-192 is 68,050 and the estimated hour burden per response is 0.08 hour.

- The estimated total number of respondents for the information collection I-485 is 1,060,585 and the estimated hour burden per response is 0.08 hour.

- The estimated total number of respondents for the information collection I-589 is 203,379 and the estimated hour burden per response is 0.08 hour.

- The estimated total number of respondents for the information collection I-590 is 106,200 and the estimated hour burden per response is 0.08 hour.

- The estimated total number of respondents for the information collection I-730 is 13,000 and the estimated hour burden per response is 0.08 hour.

- The estimated total number of respondents for the information collection I-751 is 140,000 and the estimated hour burden per response is 0.08 hour.

- The estimated total number of respondents for the information collection I-829 is 1,010 and the estimated hour burden per response is 0.08 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 285,999 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$0. No additional costs to the public are anticipated due to this action. Any costs to the respondents associated with the specific form filed are captured in those approved collections.

Dated: February 26, 2025.

Jerry L Rigdon,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2025-03492 Filed 3-4-25; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0033]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Report of Immigration Medical Examination and Vaccination Record

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 4, 2025.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2006-0074. All submissions received must include the OMB Control Number 1615-0033 in the body of the letter, the agency name and Docket ID USCIS-2006-0074.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Jerry Rigdon, Acting Chief, telephone number (240) 721-3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on November 14, 2024, at 89 FR 90028, allowing for a 60-day public

comment period. USCIS did receive nine comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2006-0074 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Report of Immigration Medical Examination and Vaccination Record.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-693; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information on the application will be used by USCIS in considering the eligibility for adjustment of status under 8 CFR part 209 and 8 CFR 210.5, 245.1, and 245a.3.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-693 is 667,000 and the estimated hour burden per response is 3 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 2,001,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$329,331,250.

Dated: February 27, 2025.

Jerry L. Rigdon,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2025-03495 Filed 3-4-25; 8:45 am]

BILLING CODE 9111-97-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1114 (Third Review)]

Steel Nails From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the antidumping duty order on steel nails from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: February 4, 2025.

FOR FURTHER INFORMATION CONTACT: Juan-Carlos Pena-Flores (202-205-3169), Office of Investigations, U.S.

International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On February 4, 2025, the Commission determined that the domestic interested party group response to its notice of institution (89 FR 87413, November 1, 2024) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).²

For further information concerning the conduct of this review and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on March 19, 2025. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission’s rules.

Written submissions.—As provided in § 207.62(d) of the Commission’s rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,³ and any party

¹ A record of the Commissioners’ votes, the Commission’s statement on adequacy, and any individual Commissioner’s statements will be available from the Office of the Secretary and at the Commission’s website.

² Commissioner Johanson voted to conduct a full review.

³ The Commission has found the response submitted on behalf of Mid Continent Steel & Wire,

other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before 5:15 p.m. on March 19, 2025, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by March 19, 2025. However, should the Department of Commerce (“Commerce”) extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce’s final results is three business days after the issuance of Commerce’s results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s *Handbook on Filing Procedures*, available on the Commission’s website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission’s procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority. This review is being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission’s rules.

By order of the Commission.

Issued: February 27, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-03520 Filed 3-4-25; 8:45 am]

BILLING CODE 7020-02-P

Inc., to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–608 and 731–TA–1420 (Review)]

Steel Racks From China

Determinations

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the countervailing duty order and antidumping duty order on steel racks from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on August 1, 2024 (89 FR 62779, August 1, 2024) and determined on November 4, 2024, that it would conduct expedited reviews (89 FR 96266, December 4, 2024).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on February 27, 2025. The views of the Commission are contained in USITC Publication 5593 (February 2025), entitled *Steel Racks from China: Investigation Nos. 701–TA–608 and 731–TA–1420 (Review)*.

By order of the Commission.

Issued: February 27, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–03505 Filed 3–4–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1396]

Certain Medical Programmers With Printed Circuit Boards, Components Thereof, and Products and Systems for Use With the Same; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation in Its Entirety Based on Settlement; Termination of Investigation

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. 30) of the presiding administrative law judge (“ALJ”) granting a joint motion of the complainants and the respondent to terminate the investigation based on settlement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT:

Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. 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: The Commission instituted this investigation on April 3, 2024, based on a complaint filed by Medtronic, Inc., Medtronic Logistics, LLC, and Medtronic USA, Inc., all of Minneapolis, Minnesota, and Medtronic Puerto Rico Operations Co. of Juncos, Puerto Rico (collectively, “Medtronic”). 89 FR 23043–44 (Apr. 3, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain medical programmers with printed circuit boards, components thereof, and products and systems for use with the same by reason of the infringement of certain claims of U.S. Patent Nos. 8,712,540 (“the ’540 patent”) and 9,174,059 (“the ’059 patent”). *Id.* at 23043. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation (“NOI”) names one respondent, Axonics, Inc. (“Axonics”) of Irvine, California. *Id.* at 23044. The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.*

On August 12, 2024, the Commission amended (i) the complaint to substitute “UNITED” in place of “MUNITED” on the cover page and (ii) the NOI so that the plain language description of the accused products reads “sacral

neuromodulation systems to control neurostimulators surgically implanted into a human patient, components thereof, and medical programmers and printed circuit boards used in same.” Order No. 11 (July 11, 2024), *unreviewed by* 89 FR 66442 (Aug. 15, 2024).

On September 30, 2024, the Commission terminated the investigation as to (i) claim 17 of the ’540 patent and (ii) the ’059 patent in its entirety based on Medtronic’s partial withdrawal of the complaint. Order No. 16 (Sept. 9, 2024), *unreviewed by* Comm’n Notice (Sept. 30, 2024).

On November 15, 2024, the Commission terminated the investigation as to claim 5, solely for the purposes of infringement, and claims 11, 12, 14, 15, 18, 20, 39, and 40 of the ’540 patent based on Medtronic’s partial withdrawal of the complaint. Order No. 21 (Oct. 31, 2024), *unreviewed by* Comm’n Notice (Nov. 15, 2024).

On February 10, 2025, Medtronic and Axonics filed a joint motion to terminate the investigation in its entirety based on a settlement agreement, attaching thereto confidential and non-confidential versions of the subject agreement. OUII did not file a response to the motion.

On February 11, 2025, the ALJ issued Order No. 29, which (i) ordered Medtronic and Axonics to “revise and refile the non-confidential version of the agreement required by Commission Rules 210.21(a)(2) and 210.21(b)(1) [19 CFR 210.21(a)(2) and (b)(1)], and in accordance with Commission Rule 201.6 [19 CFR 201.6],” and (ii) stated that the motion to terminate will be ruled upon after the revised non-confidential version of the agreement is refiled. Order No. 29 at 2 (Feb. 11, 2025). On February 18, 2025, Medtronic and Axonics filed a revised non-confidential version of the subject agreement.

On February 19, 2025, the ALJ issued the subject ID (Order No. 30) granting the joint motion. The ID finds that, as supplemented, the joint motion complies with the requirements of Commission Rule 210.21(b)(1), that there are “no extraordinary circumstances that warrant denying the motion,” and that “there is no evidence indicating that terminating this investigation based on the settlement agreement would be contrary to the public interest.” No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The investigation is hereby terminated in its entirety.

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

The Commission vote for this determination took place on February 27, 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: February 27, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-03525 Filed 3-4-25; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

U.S. Marshals Service

[OMB Number 1105-0105]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change or a Currently Approved Collection; Comments Requested: Form CSO-005, Preliminary Background Check Form

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), U.S. Marshals Service (USMS), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until April 4, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions,

or desire any additional information, please contact Assistant Chief Karl Slazer/Management Support Division, US Marshals Service Headquarters, 1215 S Clark St., Ste. 10017, Arlington, VA 22202-4387, by telephone at 703-740-2316 or by email at karl.slazer@usdoj.gov.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on December 10, 2024, 89 FR 92281, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Extension without change or a currently approved collection.

2. *The Title of the Form/Collection:* Form CSO-005, Preliminary Background Check Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): Form CSO-005.

Component: U.S. Marshals Service, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Court Security Officers/Special Security Officer (CSO/SSO) Applicants.

Other (if applicable): [None].

Abstract: The CSO-005 Preliminary Background Check Form is used to collect applicant information for CSO/SSO positions. The applicant information provided to USMS from the Vendor gives information about which District and Facility the applicant will be working, the applicant's personal information, prior employment verification, employment performance and current financial status. The information allows the selecting official to hire applicants with a strong history of employment performance and financial responsibility. The questions on this form have been developed from the OPM, MSPB and DOJ "Best Practice" guidelines for reference checking.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 750 respondents will utilize the form, and it will take each respondent approximately 60 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 750 hours, which is equal to (750 (total # of annual responses) * 1 (60 mins).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:*

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (min.)	Total annual burden (hours)
Ex: Survey (individuals or households)	750	1/annually	1,000	60	750
Unduplicated Totals	1,000	.....	1,000	.....	750

Estimated Total Annual Cost Burden: \$14,651.00.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States

Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: February 28, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-03546 Filed 3-4-25; 8:45 am]

BILLING CODE 4410-04-P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemptions 2016-10 and 2016-11; Application Numbers D-12113 and D-12112]

Amendment To Extend Effective Dates for Prohibited Transaction Exemptions: Royal Bank of Canada, Toronto, Canada; Northern Trust Corporation, Chicago, Illinois

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of amendments.

SUMMARY: This document provides notice of an amendment to Prohibited Transaction Exemptions (PTEs) 2016-10, granted to Royal Bank of Canada (together with its Current and Future Affiliates, RBC), and 2016-11, granted to Northern Trust Corporation (together with its Current and Future Affiliates, Northern) that extends the effective periods of the exemptions for up to six months if RBC and Northern meet certain conditions. The amendment to PTE 2016-10 is referred to herein as the RBC QPAM Amendment, and the amendment to PTE 2016-11 is referred to herein as the Northern QPAM Amendment (collectively, the Amendments).

DATES: The Amendments will be in effect on March 5, 2024.

FOR FURTHER INFORMATION CONTACT: For the RBC QPAM Amendment, please contact Ms. Blessed ChukSORJI-Keefe, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, (202) 693-8567 (this is not a toll-free number). For the Northern QPAM Amendment, please contact Ms. Anna MPRAS VAUGHAN, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, (202) 693-8565 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On February 21, 2025, the U.S. Department of Labor (the Department) published a notice of proposed amendments in the **Federal Register** (90 FR 10087) pursuant to its authority under ERISA section 408(a), and in accordance with the

Department's exemption procedures.¹ The proposed amendments would extend the effective periods of PTE 2016-10 and PTE 2016-11 until the earlier of September 4, 2025, or the date that the Department makes a final agency action in connection with the Notices of Proposed Exemption for the RBC QPAMs and the Northern QPAMs the Department published in the **Federal Register** in January 2025.² The proposed amendments required RBC and Northern to meet the conditions for relief under PTE 2016-10 and PTE 2016-11, respectively, during the proposed extended effective periods.

Based on the RBC and Northern's representations contained in the administrative record, the Department is granting the Amendments as proposed. The Amendments provide only the relief specified herein and do not provide relief from violations of any law other than the prohibited transaction provisions of ERISA.

Benefits of the Amendments: The Department is granting the Amendments based on the applicants' representations that the expiration of the exemptive relief in PTEs 2016-10 and 2016-11 before the Department publishes a final exemption extending such relief for an additional period of five years would harm plans and their participants and beneficiaries and Individual Retirement Account owners (Covered Plans).

As discussed below, the Department makes the requisite findings under ERISA section 408(a) that the amendments are: (1) administratively feasible for the Department, (2) in the interest of Covered Plan(s) and their participants and beneficiaries, and (3) protective of the rights of the participants and beneficiaries of Covered Plans, based on the applicants' adherence to all the conditions of PTEs 2016-10 and 2016-11, respectively, at all times. Accordingly, affected parties should be aware that the applicants' adherence to all conditions in PTEs 2016-10 and 2016-11, as applicable, is required for the applicants to rely on the Amendments described herein. Absent

¹ The procedures for requesting an exemption are set forth in 29 CFR part 2570, subpart B (89 FR 4662, 4691, January 24, 2024). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. app. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested by the applicants to the Secretary of Labor. Accordingly, the Department grants this exemption under its sole authority.

² Proposed Exemption for the Royal Bank of Canada and Its Current and Future Affiliates at 90 FR 6013, January 17, 2025; Proposed Exemption From Certain Prohibited Transaction Restrictions Involving Northern Trust Corporation at 90 FR 7174, January 21, 2025.

these conditions, the Department would not have granted the Amendments.

A. Background

On October 28, 2016, the Department published PTEs 2016-10 and 2016-11 in the **Federal Register**.³ PTE 2016-10 is a temporary administrative exemption that permits certain entities (the RBC Qualified Professional Asset Managers (QPAMs)) with specified relationships to Royal Bank of Canada (Bahamas) Limited (RBCTC Bahamas) to continue to rely on the relief provided by the Department's QPAM Exemption⁴ for a one-year period beginning on March 5, 2024, and ending on March 4, 2025, notwithstanding a potential judgment of conviction against RBCTC Bahamas for aiding and abetting tax fraud.⁵ Similarly, PTE 2016-11 permits certain entities (the Northern QPAMs) with specified relationships to Northern Trust Fiduciary Services (Guernsey) Ltd. (NTFS) to continue to rely upon the relief provided by the Department's QPAM Exemption for a one-year period beginning on March 5, 2024, and ending on March 4, 2025, notwithstanding a potential judgment of conviction against NTFS for aiding and abetting tax fraud in the same scheme.⁶

The Department granted PTEs 2016-10 and 2016-11 to protect RBC and Northern's ERISA-covered plan and IRA clients from the harm that could result from their respective QPAMs' loss of relief under PTE 84-14 due to the QPAMs' convictions.

RBC and Northern separately applied to the Department for extended relief that would apply after the relief in PTEs 2016-10 and 2016-11 expires on March 4, 2025. In response, on January 17, 2025, the Department published a

³ 81 FR 75147 and 81 FR 75150 (October 28, 2016).

⁴ PTE 84-14 49 FR 9494, March 13, 1984, as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), as amended at 75 FR 38837 (July 6, 2010), and as amended at 89 FR 23090 (April 3, 2024), hereinafter referred to as PTE 84-14 or the QPAM exemption. Section I(g) of PTE 84-14 prevents an entity that may otherwise meet the definition of a QPAM from utilizing the exemptive relief provided by PTE 84-14 for itself and its client plans, if that entity or an "affiliate" thereof, or any owner, direct or indirect, of a five percent or more interest in the QPAM has within 10 years immediately preceding the transaction, been either convicted or released from imprisonment, whichever is later, as a result of criminal activity described in that section.

⁵ On December 11, 2023, the Department issued a technical correction to PTE 2016-10 when RBCTC Bahamas was convicted of aiding and abetting tax fraud in France to accurately identify the French Court issuing the conviction.

⁶ On April 4, 2024, the Department issued a technical correction to PTE 2016-11 (89 FR 23612) after NTFS was convicted of aiding and abetting tax fraud in France to accurately identify the French Court issuing the conviction.

proposed exemption that would extend the relief in PTE 2016–10 for five years (the RBC Five-Year Proposed QPAM Exemption) from March 5, 2025, to March 4, 2030, if the RBC QPAMs would meet the proposed exemption's conditions.⁷ The proposed exemption has a 45-day notice and comment period that expires on March 3, 2025.

On January 21, 2025, the Department published a similar proposed exemption that would extend the relief in PTE 2016–11 for five years—from March 5, 2025, to March 4, 2030 (the Northern Five-Year Proposed QPAM Exemption) if the Northern QPAMs meet the terms of the exemption.⁸ The proposed exemption has a 45-day notice and comment period that expires on March 7, 2025.

B. Northern's Concerns With the Northern Five-Year Proposed QPAM Exemption

Following publication of the Northern Five-Year Proposed QPAM Exemption in the **Federal Register**, Northern expressed concern to the Department that due to the timing of the proposed exemption's publication, the proposed exemption cannot be granted before Northern's current relief in PTE 2016–11 expires on March 4, 2025. Even if the Northern QPAMs eventually received relief retroactive to March 5, 2025, the timing would result in a "gap period" during which Northern QPAMs would not qualify for the QPAM Exemption from March 5, 2025, until the date the Department publishes a final exemption. Northern's legal counsel represents that this "gap period" would be harmful to Northern's Covered Plan clients. According to Northern, because Northern QPAMs make representations in their Internal Swaps and Derivative Association (ISDA) agreements with various counterparties stating that to the extent the QPAM is using "plan assets" (within the meaning of ERISA section 3(42)) in connection with a transaction entered into under the ISDA, it is a "qualified professional asset manager," and PTE 84–14 will apply to any applicable transactions entered thereunder. The failure to satisfy this representation can result in a default-based early termination of the ISDA agreements and a lump sum payment would be due to the applicable counterparty.

In addition, Northern maintains that certain fixed income securities have "deemed" ERISA-related representations. This means that the purchaser of the security is deemed to

have represented that the purchase, holding, and eventual sale/transfer of the security is not and will not be a non-exempt prohibited transaction under ERISA. In some cases, the applicable fixed income security will specify the PTEs that can be relied upon in connection with the purchase, holding, and sale/transfer of the security. In these instances, only the status-based exemptions are generally permitted.⁹ Northern represents that failure to satisfy these "deemed representations" would void the transaction.

Further, in these situations, Northern could not provide the Department with certainty that counterparties would not exercise their rights to default and/or void applicable transactions. Of specific concern to Northern is the possibility that there could be a market disruption that made it beneficial for the Northern QPAMs' counterparties to default or void a transaction, they may not hesitate to do so, which would cause harms to their covered plan clients. Northern urged the Department provide the necessary exemptive relief that would eliminate such risks to affected plans and their participants and beneficiaries.

For a more complete description of Northern, the Northern QPAMs, and transactions engaged in by the Northern QPAMs, please see the Northern Five-Year Proposed QPAM Exemption published in the **Federal Register** on January 21, 2025 (90 FR 7174).

C. RBC Concerns With the RBC Five-Year Proposed QPAM Exemption

Following publication of the RBC Five-Year Proposed QPAM Exemption, RBC's counsel also expressed concern to the Department that the proposed exemption would not be granted before its current relief expires on March 4, 2025. As is the case with the Northern QPAMs (described above), if the RBC QPAMs eventually received relief retroactive to March 5, 2025, the timing would result in a "gap period" during which the RBC QPAMs would be ineligible to rely on the QPAM Exemption from March 5, 2025, until the date the Department publishes a final exemption. RBC represents that Covered Plans would be harmed if RBC does not obtain exemptive relief before relief in PTE 2016–10 expires on March 5, 2025.

RBC makes the following representations. Many investments needing continuing relief, such as many derivatives, loans, leases, and other

extensions of credit, contain deemed or explicit representations that the QPAM Exemption is applicable that include a corresponding contractual obligation to notify the lender, lessor or counterparty if the representation becomes untrue. Under master agreements, moreover, those representations are deemed to be made each time a transaction is entered into meaning the RBC QPAMs could be prohibited from entering into transactions on behalf of underlying plans for as long as the representation remains untrue (for example, for the period during which exemptive relief is not provided). A breach of a representation or warranty can also trigger an event of default for those trading agreements, which could leave its Covered Plan clients responsible for liquidation and other transition costs. Upon the expiration of PTE 2016–10, that obligation is triggered unless further relief is in place.

As a prudent fiduciary, the investment manager would be obligated to identify every instrument and communicate with every counterparty. While some counterparties might negotiate additional and potentially onerous terms to avoid termination, others would invoke their rights on default.¹⁰ Thus, many Covered Plans could be in default on their continuing representation to clients and counterparties that they meet the conditions of the QPAM Exemption, and counterparties would be able to immediately terminate existing, continuing transactions with the RBC QPAMs' Covered Plan clients.

Further, in RBC's discussions with market counterparties regarding this issue, the counterparties uniformly stated that RBC's hope or even reasonable expectation that the RBC QPAMs would eventually obtain retroactive relief would not be sufficient to avoid default. RBC argues that potential retroactive relief would not be a substitute for obtaining timely exemptive relief with no gap period, and the risk and compliance functions of their institutions might well terminate an existing transaction in the absence of a guarantee that RBC QPAMs could rely on the QPAM Exemption on March 5, 2025 (without a gap period).

Moreover, RBC represents that if there were a gap period in exemptive relief, as other instruments mature, new trades dependent on the QPAM Exemption could not be entered into, leaving Covered Plans without the benefit of all

⁹ The status-based exemptions, such as PTEs 84–14, 90–1, 91–38, 95–60, and 96–23, are largely based on the status of the plan fiduciary or the plan asset entity engaging in the transaction, and compliance with several conditions.

¹⁰ RBC notes that counterparties are not acting as a fiduciary to plans and, thus, could terminate positions based on the counterparty's own interests in the event of a default

⁷ 90 FR 6013 (January 17, 2025).

⁸ 90 FR 7174 (January 21, 2025).

of the instruments and trading strategies contemplated by their investment guidelines. According to RBC, affected plans could be left with fewer and less effective ways to hedge risk, because the QPAM Exemption is often used for hedging trades. Therefore, Covered Plans would not have the trading efficiencies and breadth of investment choices and potential counterparties afforded by the QPAM Exemption for the entire period from the expiration of PTE 2016–10 until final relief was granted, notwithstanding any retroactive relief following a gap period.

These Covered Plans would lose the ability to retain current positions, which might be impossible to replicate with similar economics. In an extremely volatile period, the termination of existing transactions and the inability to enter into new transactions would be severely disadvantageous to plans. Such a curtailed selection of available transactions would negatively impact these Covered Plans, depriving them of the benefits the QPAM Exemption was designed to offer and effectively penalizing them for having retained the RBC QPAMs.

Finally, RBC maintains that a gap period in exemptive relief would introduce tremendous uncertainty for RBC's Covered Plan clients in terms of RBC's ability to fulfill the obligations to such clients as their investment adviser. Because many of RBC's investment management agreements require that it continue to meet the requirements of the QPAM Exemption during the term of such agreements, in the event of a gap period in exemptive relief, the RBC QPAMs would be compelled to give immediate notice to their Covered Plan clients that RBC no longer meets the requirements of the QPAM Exemption upon expiration of PTE 2016–10. Covered Plan clients would need to consult on an emergency basis with their lawyers and consultants; they may decide to incur the cost of a manager search, even though they had no intention of switching managers.

RBC states that any news reports on changes in policy due to the change in Administration could complicate their thinking and trigger precipitous decision making. Market participants could use the uncertainty to undercut trading strategies, and other investment managers could seek to attract and hire RBC portfolio managers who were concerned about the likelihood of relief. This is true even for clients that are not subject to ERISA (and therefore do not depend on RBC's QPAM status) because of the stigma that a QPAM disqualification would create. Pension plans, including non-ERISA plans such

as public plans, union plans, corporate plans and others, tend to treat QPAM status as a threshold prerequisite for entrusting plan assets with an investment manager and could be concerned that retaining a non-QPAM asset manager would be viewed by their participants and regulators as a breach of fiduciary duties.

In prior submissions RBC made to the Department in connection with its application for the RBC Five-Year Proposed QPAM Exemption, RBC estimated that Covered Plans would be subjected to substantial transaction and ancillary costs if they liquidated their holdings with RBC and transferred their assets to new managers. These costs would be attributable only to the gap in exemptive relief.

For a more complete discussion of RBC, the RBC QPAMs, and the transactions engaged in by the RBC QPAMs, please see the RBC Five-Year Proposed QPAM Exemption published on January 17, 2025 (90 FR 6013).

D. Written Comments Received Regarding the Proposed Amendments and the Department's Note

In the proposed amendments, the Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to such notice, by February 26, 2025. The Department did not receive any comments nor hearing requests. The complete application files for the Amendments for Northern and for RBC (D–12112 and D–12113, respectively) and for the Northern Five-Year Proposed Exemption and the RBC Five-Year Proposed QPAM Exemption (D–12101 and D–12102, respectively) are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, reachable by telephone at (202) 693–8673. For a more complete statement of the facts and representations supporting the Department's decision to grant this Amendment, please refer to the notice of proposed amendments published in the **Federal Register** on February 21, 2025, at 90 FR 10087.

Based on the representations made by RBC and Northern, the Department is hereby granting the Amendments extending the effective periods of PTEs 2016–10 and 2016–11 until the earlier of September 4, 2025 (six months after the current relief in PTEs 2016–10 and 2016–11 expires on March 4, 2025), or the date the Department issues its final agency action in connection with the RBC and Northern Five-Year Proposed

QPAM Exemptions to protect Covered Plans from the harmful effects that may occur due to the “gap period” in coverage between the lapse of PTE 2016–10 and PTE 2016–11 and publication date of the RBC Five-Year Proposed QPAM Exemption and the Northern Five-Year Proposed Exemption.

The relief in the Amendments is contingent on RBC and Northern's satisfaction of the conditions in PTEs 2016–10 and 2016–11 at all times. In addition, the RBC and Northern QPAMs must comply with a new condition added by the Amendments that requires them to: (1) maintain the records necessary to demonstrate to the Department that they have met every condition of their respective exemptions during the extended Effective Period; and (2) provide such records to the Department within 30 days after the date of the Department's request.

In granting the Amendments, the Department has relied on the representations of RBC and Northern. Any material facts and representations RBC and Northern made to the Department must always be true and complete.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under ERISA section 408(a) and/or Code section 4975(c)(2) does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of ERISA and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of ERISA section 404, which, among other things, require a fiduciary to discharge their duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with ERISA section 404(a)(1)(b); nor does it affect the requirement of Code section 401(a) that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) As required by ERISA section 408(a) and/or Code section 4975(c)(2), the Department hereby finds that the Amendments are administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The Amendments are supplemental to, and not in derogation of, any other provisions of ERISA and/

or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The availability of the Amendments is subject to the express condition that the material facts and representations contained in each Application are true and complete at all times, and that RBC and Northern accurately describe all material terms of the transaction which is the subject of the exemption.

Accordingly, after considering the entire administrative record developed in connection with the Amendments, the Department has determined to grant the following amendments under the authority of ERISA section 408(a) and Code section 4975(c)(2) in accordance with the procedures set forth in 29 CFR part 2570, subpart B (89 FR 4662, 4691, January 24, 2024). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. app. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of this type to the Secretary of Labor. Therefore, the Amendments are being issued solely by the Department.

Amendments to PTE 2016–10

The Department hereby amends PTE 2016–10 as follows:

1. The first sentence in Section I on page 81 FR 75147 that currently reads:

Certain entities with specified relationships to Royal Bank of Canada Trust Company (Bahamas) Limited (RBCTC Bahamas) (hereinafter, the RBC QPAMs, as further defined in Section II(b)) will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Exemption (PTE) 84–14 [footnote omitted], notwithstanding a judgment of conviction against RBCTC Bahamas for aiding and abetting tax fraud, to be entered in France in the District Court of Paris (the Conviction, as further defined in Section II(a)) [footnote omitted], for a period of up to twelve months beginning on the date of the Conviction (the Conviction Date), provided the following conditions are satisfied:

is replaced with the following sentence: Certain entities with specified relationships to Royal Bank of Canada Trust Company (Bahamas) Limited (RBCTC Bahamas) (hereinafter, the RBC QPAMs, as further defined in Section II(b)) will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Exemption (PTE 84–14), notwithstanding a judgment of conviction against RBCTC Bahamas for aiding and abetting tax fraud entered in

France in the Court of Appeal, French Special Prosecutor No. 1120392066, French Investigative Judge No. JIRSIF/11/12 or another court of competent jurisdiction (the Conviction, as further defined in Section II(a)), for a period of up to 18 months beginning on the date of the Conviction (the Conviction Date), provided the following conditions are satisfied:

2. The Exemption Date section on page 88 FR 85931 of the Technical Correction to PTE 2016–10, and the Effective Date section on page 81 FR 75149 of PTE 2016–10 are replaced with the following:

PTE 2016–10 will remain in effect for the period beginning on the Conviction Date and continuing until the earlier of: (1) September 4, 2025 (the date that is 18 months after the Conviction Date); or (2) the effective date of a final agency action the Department issues in connection with a notice of proposed exemption providing long-term exemptive relief for the covered transactions described in PTE 2016–10 that the Department published on January 17, 2025 (90 FR 6013) (the Extended Effective Period).

3. A new condition I(n) is added that reads as follows:

The RBC QPAMs must maintain the records necessary to demonstrate to the Department that each condition of PTE 2016–10 has been met during the Extended Effective Period, and the RBC QPAMs must provide such records to the Department within 30 days after the date of a request for such records from the Department.

Amendments to PTE 2016–11

The Department hereby amends PTE 2016–11 as follows:

1. The First Sentence in Section I on pages 81 FR 75150–51 that currently reads:

Certain entities with specified relationships to Northern Trust Fiduciary Services (Guernsey) Ltd. (NTFS) (hereinafter, the Northern QPAMs, as further defined in Section II(b)) will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Exemption 84–14 (PTE) 84–14 [footnote omitted], notwithstanding a judgment of conviction against NTFS for aiding and abetting tax fraud, to be entered in France in the District Court of Paris (the Conviction, as further defined in Section II(a)) [footnote omitted], for a period of up to twelve months beginning on the date of the Conviction (the Conviction Date), provided the following conditions are satisfied:

is replaced with the following sentence: Certain entities with specified relationships to Northern Trust Fiduciary Services (Guernsey) Ltd. (NTFS) (hereinafter, the Northern

QPAMs, as further defined in Section II(b)) will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Exemption 84–14 (PTE 84–14), notwithstanding a judgment of conviction against NTFS for aiding and abetting tax fraud, entered in France in the Court of Appeal, French Special Prosecutor No. 1120392066, French Investigative Judge No. JIRSIF/11/12 or another court of competent jurisdiction (the Conviction, as further defined in Section II(a)), for a period of up to 18 months beginning on the date of the Conviction (the Conviction Date), provided the following conditions are satisfied:

2. The Exemption Date section on page 89 FR 23613 of the Technical Correction to PTE 2016–11; and the Effective Date section on page 81 FR 75152 of PTE 2016–11 are replaced with the following:

PTE 2016–11 will remain in effect for the period beginning on the Conviction Date and continuing until the earlier of: (1) September 4, 2025 (the date that is 18 months following the Conviction Date); or (2) the effective date of a final agency action made by the Department in connection with a notice of proposed exemption providing long-term exemptive relief for the covered transactions described in PTE 2016–11 that the Department published on January 21, 2025 (90 FR 7174) (the Extended Effective Period).

3. A new condition I(n) is added that reads as follows:

The Northern QPAMs must maintain the records necessary to demonstrate to the Department that each condition of PTE 2016–11 has been met during the Extended Effective Period, and Northern QPAMs must provide such records to the Department within 30 days after the date of a request for such records from the Department.

George Christopher Cosby,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2025–03524 Filed 3–4–25; 8:45 am]

BILLING CODE 4510–29–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1200 and K2025–1200]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning

a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 7, 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). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are

consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s):* MC2025-1200 and K2025-1200; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1336 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 27, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* March 7, 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. 2025-03536 Filed 3-4-25; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: March 5, 2025.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268-7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 21, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 57 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025-1194 and K2025-1194.

Helen E. Vecchione,

Ethics and Legal Compliance Attorney.

[FR Doc. 2025-03502 Filed 3-4-25; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102497; File No. SR-Phlx-2024-72]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Permit FLEX Trading in the iShares Bitcoin Trust ETF

February 27, 2025.

On December 26, 2024, Nasdaq PHLX LLC (“ISE”) 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 amend Options 8, Section 34, FLEX Trading, to permit FLEX Trading in the iShares Bitcoin Trust ETF. The proposed rule change was published for comment in the **Federal Register** on January 14, 2025. ³ The Commission received a comment letter regarding the proposed rule change. ⁴

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102132 (Jan. 7, 2025), 90 FR 3266.

⁴ Comment letters on the proposed rule change are available at <https://www.sec.gov/comments/sr-phlx-2024-72/srphlx202472.htm>.

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 19(b)(2) of the Act⁵ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is February 28, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁶ designates April 14, 2025 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-Phlx-2024-72).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-03508 Filed 3-4-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102496; File No. SR-NYSEAMER-2025-08]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE American Options Fee Schedule To Delete Obsolete Text Related to Fees Implemented in Connection With the Migration to the Pillar Platform

February 27, 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 February 24, 2025, NYSE American LLC (“NYSE American” or “Exchange”) filed with the Securities and Exchange

Commission (“Commission”) the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f) 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

The Exchange proposes to modify the NYSE American Options Fee Schedule (“Fee Schedule”) to delete text relating to pricing that is no longer in effect. The Exchange proposes to implement the rule change on February 24, 2025.

The proposed rule change, including the Exchange’s statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange’s website at www.nyse.com and on the Commission’s website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-08.

II. 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.⁵ Comments may be submitted electronically by using the Commission’s internet comment form (<https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities->

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f). At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

⁵ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

[exchanges?file_number=SR-NYSEAMER-2025-08](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-08)) or by sending an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-08 on the subject line.

Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NYSEAMER-2025-08. 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-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-08). 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-2025-08 and should be submitted on or before March 26, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-03507 Filed 3-4-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102498; File No. SR-LTSE-2025-02]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule To Adopt Certain Market Data Fees

February 27, 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 February 14, 2025, Long-Term Stock Exchange, Inc. (“LTSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁵ 15 U.S.C. 78s(b)(2).

⁶ *Id.*

⁷ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b-4(f) 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

The Exchange is filing with the Commission a proposed rule change to establish a new section (D. Market Data Fees) in the LTSE Fee Schedule for proprietary market data feeds, Depth of Book, Top of Book and Last Sale (each an "Exchange Data Feed" and collectively, the "Exchange Data Feeds") and adopt fees for the Depth of Book and Top of Book Feeds, effective February 14, 2025.

The proposed rule change, including the Exchange's statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange's website at <https://ltse.com/regulation/rule-filings>, and on the Commission's website at https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-LTSE-2025-02.

II. 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.⁵ Comments may be submitted electronically by using the Commission's internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-LTSE-2025-02).

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f). At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

⁵ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

exchanges?file_number=SR-LTSE-2025-02) or by sending an email to rule-comments@sec.gov. Please include file number SR-LTSE-2025-02 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-LTSE-2025-02. 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-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-LTSE-2025-02). 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-LTSE-2025-02 and should be submitted on or before March 26, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-03509 Filed 3-4-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102500; File No. SR-CboeBZX-2025-031]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Permit In-Kind Creations and Redemptions by the VanEck Bitcoin Trust and the VanEck Ethereum Trust

February 27, 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 February 19, 2025, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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. ("BZX" or the "Exchange") is filing with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to amend the VanEck Bitcoin Trust (the "Bitcoin Trust") and the VanEck Ethereum Trust (the "Eth Trust" and, collectively with the Bitcoin Trust, the "Trusts"), shares of which have been approved by the Commission to list and trade on the Exchange pursuant to BZX Rule 14.11(e)(4), to permit in-kind creations and redemptions.

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission approved the listing and trading of shares (the "Bitcoin ETP Shares") of the Bitcoin Trust on the Exchange pursuant to Exchange Rule 14.11(e)(4), Commodity-Based Trust Shares, on January 10, 2024.³ The

³ See Securities Exchange Act Release Nos. 99289 (January 8, 2024) 89 FR 2413 (January 12, 2024) (SR-CboeBZX-2023-040) (Notice of Filing of Amendment No. 2 to a Proposed Rule Change To List and Trade Shares of the VanEck Bitcoin Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares) ("Bitcoin ETP Amendment No. 2"); 99306 (January 10, 2024) 89 FR 3008 (January 17, 2024) (SR-CboeBZX-2023-040) (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 "Bitcoin ETP Approval Order"). The Bitcoin ETP Amendment No. 2 was

Commission also approved the listing and trading of shares (the “Eth ETP Shares”) of the Eth Trust on the Exchange pursuant to Exchange Rule 14.11(e)(4), Commodity-Based Trust Shares, on May 23, 2024.⁴ Exchange Rule 14.11(e)(4) governs the listing and trading of Commodity-Based Trust Shares, which means a security (a) that is issued by a trust that holds (1) a specified commodity deposited with the trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder’s request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash. The Bitcoin ETP Shares are issued by the Bitcoin Trust and the Eth ETP Shares are issued by the Eth Trust. The Bitcoin Trust was formed as a Delaware statutory trust on December 17, 2020 and the Eth Trust was formed as a Delaware statutory trust on June 22, 2021.

Bitcoin Trust

The Exchange proposes to amend several portions of the Bitcoin ETP Amendment No. 2, as amended, in order to permit in-kind creation and redemptions.

Representations

The Bitcoin ETP Amendment No. 2, as amended, included specific representations making clear that the Bitcoin Trust would only process creations and redemptions in cash. Specifically, “VanEck Bitcoin Trust” section of the Bitcoin ETP Amendment No. 2, as amended, stated:⁵

When the Trust sells or redeems its Shares, it will do so in cash transactions in blocks of [25,000] Shares (a “Creation Basket”) at

later amended to change the creation unit size from 50,000 shares to 25,000 shares. See Securities Exchange Act No. 99724 (March 12, 2024) 89 FR 19379 (March 18, 2024) (SR-CboeBZX-2024-022) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Creation Basket Size of the VanEck Bitcoin Trust).

⁴ See Securities Exchange Act Release Nos. 100214 (May 22, 2024) 89 FR 46462 (May 29, 2024) (SR-CboeBZX-2023-069) (Notice of Filing of Amendment No. 2 to a Proposed Rule Change to List and Trade Shares of the VanEck Ethereum Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares) (“Eth ETP Amendment No. 2”); 100224 (May 23, 2024) 89 FR 46937 (May 30, 2024) (SR-CboeBZX-2023-069) (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 “Eth ETP Approval Order”).

⁵ See Bitcoin ETP Amendment No. 2 at 2422.

the Trust’s net asset value (“NAV”). A third party will use cash to buy and deliver bitcoin to create Shares or withdraw and sell bitcoin for cash to redeem Shares, on behalf of the Trust. 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 bitcoin represented by a Creation Basket. Based off bitcoin executions, the Cash Custodian will request the required cash from the authorized participant; the Transfer Agent will only issue ETF 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 bitcoin represented by the Creation Basket. This purchase of bitcoin will normally be cleared through an affiliate of the Custodian (although the purchase may also occur directly with the trading partner) and the bitcoin will settle directly into the Trust’s account at the Custodian.⁶

The Exchange proposes to replace the above paragraph with the following:

When the Trust sells or redeems its Shares, it will do so in cash or in-kind transactions in blocks of 25,000 Shares (a “Creation Basket”) at the Trust’s net asset value (“NAV”). For cash creations, a third party will use cash to buy and deliver bitcoin to create Shares or withdraw and sell bitcoin for cash to redeem Shares, on behalf of the Trust. For cash creations, authorized participants will deliver cash to the Trust’s account with the Cash Custodian in exchange for Shares. For cash creations and redemptions, authorized participants will deliver, or facilitate the delivery of, cash to the Trust’s account with the Cash Custodian, in exchange for Shares when they create Shares, and the Trust, through the Cash Custodian, will deliver cash to such authorized participants when they redeem Shares with the Trust. For in-kind creation and redemptions, authorized participants will deliver, or facilitate delivery of, bitcoin to the Trust’s account with the Custodian, in exchange for Shares when they create Shares, and the Trust, through the Custodian, will deliver bitcoin to such authorized participants when they redeem Shares with the Trust.

Additionally, the “Investment Objective” section of the Bitcoin ETP Amendment No. 2 stated: “In seeking to achieve its investment objective, the Trust will hold bitcoin and will value its Shares daily based on the reported Benchmark and process all creations and redemptions in cash transactions

⁶ 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 bitcoin represented by a Creation Basket and the cash proceeds will be remitted to the authorized participant when the [25,000] Shares are received by the Transfer Agent.

with authorized participants.”⁷ The Exchange proposes to replace this language with the following: “In seeking to achieve its investment objective, the Trust will hold bitcoin and will value its Shares daily based on the reported Benchmark and process all creations and redemptions in cash or in-kind transactions with authorized participants.”

Creation and Redemption of Shares

Additionally, the “Creation and Redemption of Shares” section of the filing includes a detailed description of how the cash-only creation and redemption process works.⁸ The Exchange proposes to replace this section as follows:

Creation and Redemption of Shares

When the Trust creates or redeems its Shares, it will do so in cash or in-kind. In connection with cash creations and cash redemptions, the authorized participants will submit orders to create or redeem Baskets of Shares in exchange for cash. When the Trust creates or redeems its Shares in cash, it will do so in transactions in blocks of 25,000 Shares that are based on the quantity of bitcoin attributable to each Share of the Trust (e.g., a Creation Basket) at the Trust’s NAV. When the Trust creates or redeems its Shares in kind, it will do so in transfers of bitcoin in blocks of 25,000 Shares that are based on the quantity of bitcoin attributable to the Creation Basket being created or redeemed.

The authorized participants will deliver or cause to be delivered cash or bitcoin to create Shares and the authorized participant or its designee will receive cash or bitcoin when redeeming Shares. The Trust will create Shares by receiving bitcoin or cash from an authorized participant or its designee and will redeem shares by delivering bitcoin or cash to an authorized participant or its designee.

On any business day, an authorized participant may place an order to create one or more Creation Baskets. Purchase orders must be placed by the close of 4:00 p.m. 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.

For a cash creation order, the total deposit of cash required is an amount of cash sufficient to purchase such amount of bitcoin, the amount of which is equal to 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.

For a creation order in kind, the total in-kind transfer of bitcoin is based on the quantity of bitcoin attributable to 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 bitcoin used to calculate the Creation

⁷ See Bitcoin ETP Amendment No. 2 at 2423.

⁸ Bitcoin ETP Amendment No. 2 at 2423–2424.

Basket for a given day by dividing the number of bitcoin held by the Trust as of the opening of business on that business day, adjusted for the amount of bitcoin 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 procedures by which an authorized participant can redeem one or more Creation Baskets mirror the procedures for the creation of Creation Baskets. For a cash creation order, an authorized participant will deliver cash to create Shares. For an in-kind creation order, an authorized participant or its designee will deliver bitcoin to create Shares. For a cash redemption order, an authorized participant will deliver Shares to the Trust and will receive cash for the Shares delivered. For an in-kind redemption order, an authorized participant will deliver Shares to the Trust and the authorized participant or its designee will receive bitcoin for the Shares delivered.

Eth Trust

Similarly, the Exchange proposes to amend several portions of the Eth ETP Amendment No. 2 in order to permit in-kind creations and redemptions.

Representations

The Eth ETP Amendment No. 2 included a specific representation making clear that the Eth Trust would only process creations and redemptions in cash. Specifically, the “VanEck Ethereum Trust” section of the Eth ETP Amendment No. 2 stated:⁹

When the Trust sells or redeems its Shares, it will do so in cash transactions in blocks of 25,000 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 ether represented by a Creation Basket. Based off ether 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 ether represented by the Creation Basket. This purchase of ether will normally be cleared through an affiliate of the Custodian (although the purchase may also occur directly with the trading partner) and the ether will settle directly into the Trust’s account at the Custodian.¹⁰

⁹ See Eth ETP Amendment No. 2 at 46469.

¹⁰ For redemptions, the process will occur in the reverse order. Upon receipt of an approved

The Exchange proposes to replace this language with the following:

When the Trust creates or redeems its Shares in cash transactions, it will do so in blocks of 25,000 Shares (a “Creation Basket”) at the Trust’s net asset value (“NAV”). For cash creations or redemptions, Authorized participants will deliver, or facilitate the delivery of, cash to the Trust’s account with the Cash Custodian in exchange for Shares when they create Shares, and the Trust, through the Cash Custodian, will deliver cash to such authorized participants when they redeem Shares with the Trust. When the Trust creates or redeems its Shares in-kind, it will do so in Creation Units in exchange for ether. Authorized participants will deliver, or facilitate delivery of, ether to the Trust’s account with the Custodian, in exchange for Shares when they create Shares, and the Trust, through the Custodian, will deliver ether to such authorized participants when they redeem Shares with the Trust.

Additionally, the “Investment Objective” section of the Eth ETP Amendment No. 2 stated: “In seeking to achieve its investment objective, the Trust will hold ether and will value its Shares daily based on the reported Benchmark (as discussed below) and process all creations and redemptions in cash transactions with authorized participants.”¹¹ The Exchange proposes to replace this language with the following:

In seeking to achieve its investment objective, the Trust will hold ETH, cash, and cash equivalents and will value its Shares daily based on the reported Benchmark (as discussed below) and process all creations and redemptions in transactions in cash or in-kind transactions with authorized participants.

Creation and Redemption of Shares

Additionally, the “Creation and Redemption of Shares” section of the filing includes a detailed description of how the cash-only creation and redemption process works.¹² The Exchange proposes to replace this section as follows:

Creation and Redemption of Shares

When the Trust creates or redeems its Shares, it will do so in cash or in-kind. In connection with cash creations and cash redemptions, the authorized participants will submit orders to create or redeem Baskets of Shares in exchange for cash. When the Trust creates or redeems its Shares in cash, it will do so in transactions in blocks of 25,000 Shares that are based on the quantity of ether attributable to each Share of the Trust (*e.g.*,

redemption order, the Sponsor, on behalf of the Trust, will submit an order to sell the amount of ether represented by a Creation Basket and the cash proceeds will be remitted to the authorized participant when the 25,000 Shares are received by the Transfer Agent.

¹¹ *Id.*

¹² See Eth ETP Amendment No. 2 at 46471.

a Creation Basket) at the Trust’s NAV. When the Trust creates or redeems its Shares in-kind, it will do so in transfers of ether in blocks of 25,000 Shares that are based on the quantity of ether attributable to the Creation Basket being created or redeemed.

The authorized participants will deliver or cause to be delivered cash or ether to create Shares and the authorized participant or its designee will receive cash or ether when redeeming Shares. The Trust will create Shares by receiving ether or cash from an authorized participant or its designee and will redeem Shares by delivering ether or cash to an authorized participant or its designee.

On any business day, an authorized participant may place an order to create one or more Creation Baskets. Purchase orders must be placed by the close of 4:00 p.m. 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.

For a cash creation order, the total deposit of cash required is an amount of cash sufficient to purchase such amount of ether, the amount of which 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.

For a creation order in kind, the total in-kind transfer of ether is based on the quantity of ether attributable to 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 ether used to calculate the Creation Basket for a given day by dividing the number of ether held by the Trust as of the opening of business on that business day, adjusted for the amount of ether 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 procedures by which an authorized participant can redeem one or more Creation Baskets mirror the procedures for the creation of Creation Baskets. For a cash creation order, an authorized participant will deliver cash to create Shares. For an in-kind creation order, an authorized participant or its designee will deliver ether to create Shares. For a cash redemption order, an authorized participant will deliver Shares to the Trust and will receive cash for the Shares delivered. For an in-kind redemption order, an authorized participant will deliver Shares to the Trust and the authorized participant or its designee will receive ether for the Shares delivered.

Conclusion

Except for the above changes, all other representations in the Bitcoin ETP Amendment No. 2, as amended, and the Eth ETP Amendment No. 2 remain unchanged and will continue to constitute continuing listing

requirements. In addition, the Bitcoin Trust will continue to comply with the terms of Bitcoin ETP Amendment No. 2, as amended, and the Eth Trust will continue to comply with the terms of Eth ETP Amendment No. 2 and the Trusts will continue to comply with the requirements of Rule 14.11(e)(4).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹³ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁴ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would update representations in both the Bitcoin ETP Amendment No. 2, as amended, and the Eth ETP Amendment No. 2 such that the Trusts would both be able to engage in in-kind creation and redemptions with authorized participants or their designees, as described above. This ability would make the Trusts (and the market more generally) operate more efficiently because authorized participants would be able to source bitcoin or ether, as applicable, rather than to provide cash to the applicable Trust and to receive bitcoin or ether from the Trusts. This means that the authorized participant would be responsible for buying and selling the applicable crypto asset rather than the Trust itself, which would potentially lessen the impact on the market of the Trusts on both sides of the transaction by allowing the authorized participant to decide how and where to source the underlying crypto asset for creations and deciding how, where, and whether to sell the underlying crypto asset received for redemptions. This

would improve the creation and redemption process for both authorized participants and the Trusts, increase efficiency, and ultimately benefit the end investors in the Trusts.

Except for the addition of in-kind creation and redemption for the Bitcoin Trust as specifically set forth herein, all other representations made in the Bitcoin ETP Amendment No. 2, as amended, remain unchanged and will continue to constitute continuing listing requirements for the Bitcoin Trust. Similarly, except for the addition of in-kind creation and redemption for the Eth Trust as specifically set forth herein, all other representations made in the Eth ETP Amendment No. 2 remain unchanged and will continue to constitute continuing listing requirements for the Eth Trust.

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. As noted above, the proposed amendment is intended to allow the Trusts to operate more efficiently by allowing for in-kind creation and redemption. The Exchange believes these changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-031 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-2025-031. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2025-031 and should be submitted on or before March 26, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-03511 Filed 3-4-25; 8:45 am]

BILLING CODE 8011-01-P

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–514, OMB Control No. 3235–0572]

Submission for OMB Review; Comment Request; Reinstatement Without Change: Reports of Evidence of Material Violations; Correction

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

ACTION: Notice; correction.

SUMMARY: The Securities and Exchange Commission published a notice document in the **Federal Register** on February 27, 2025, concerning a Submission for OMB Review; Comment Request; Reinstatement without Change: Reports of Evidence of Material Violations. The document contained a typographical error.

FOR FURTHER INFORMATION CONTACT:

Naomi P. Lewis, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, (202) 551–5400.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of February 27, 2025, in FR Doc. 2025–03135, at 90 FR 10841, in the first column, in the third bold heading, on the 46th line, the reference to “Proposed Collection” should be replaced with “Submission for OMB Review”.

Dated: February 27, 2025.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–03503 Filed 3–4–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35485]

Deregistration under Section 8(f) of the Investment Company Act of 1940

February 28, 2025.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice of Applications for Deregistration under Section 8(f) of the Investment Company Act of 1940.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February 2025. A copy of each application may be obtained via the Commission’s website

by searching for the applicable file number listed below, or for an applicant using the Company name search field, on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/companysearch.html>. You may also call the SEC’s Office of Investor Education and Advocacy at (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretaries-Office@sec.gov and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the SEC by 5:30 p.m. on March 25, 2025, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission: Secretaries-Office@sec.gov.

FOR FURTHER INFORMATION CONTACT:

Shawn Davis, Assistant Director, at (202) 551–6413 or Chief Counsel’s Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel’s Office, 100 F Street NE, Washington, DC 20549–8010.

Filing Date: The application was filed on December 20, 2024.

Applicant’s Address: 320 South Canal Street, 50th Floor—Suite 5000, Chicago, Illinois 60606.

FSL Separate Account M [File No. 811–09167]

Summary: Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. Applicant currently has 96 beneficial owners, is not presently making an offering of securities and does not propose to make any offering of securities. Applicant will continue to operate as a private investment fund in reliance on section 3(c)(1) of the Act.

Filing Date: The application was filed on July 1, 2024.

Applicant’s Address: Fidelity Security Life Insurance Company, 3130 Broadway, Kansas City, Missouri 64111.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2025–03563 Filed 3–4–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102499; File No. SR–CboeBZX–2025–033]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Permit In-Kind Creations and Redemptions by the WisdomTree Bitcoin Fund

February 27, 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 February 20, 2025, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (“BZX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to amend the WisdomTree Bitcoin Fund (the “Trust”), shares of which have been approved by the Commission to list and trade on the Exchange pursuant to BZX Rule 14.11(e)(4), to permit in-kind creations and redemptions.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

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 Commission approved the listing and trading of shares (the "Bitcoin ETP Shares") of the Bitcoin Trust on the Exchange pursuant to Exchange Rule 14.11(e)(4), Commodity-Based Trust Shares, on January 10, 2024.³ Exchange Rule 14.11(e)(4) governs the listing and trading of Commodity-Based Trust Shares, which means a security (a) that is issued by a trust that holds (1) a specified commodity deposited with the trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash. The Bitcoin ETP Shares are issued by the Bitcoin Trust, which was formed as a Delaware statutory trust on December 17, 2020.

The Exchange proposes to amend several portions of the Bitcoin ETP Amendment No. 2 in order to permit in-kind creation and redemptions.

Representations

The Bitcoin ETP Amendment No. 2 included specific representations making clear that the Bitcoin Trust would only process creations and redemptions in cash. Specifically, the "WisdomTree Bitcoin Fund" section of the Bitcoin ETP Amendment No. 2 states:

³ See Securities Exchange Act Release Nos. 99292 (January 8, 2024) 89 FR 2429 (January 12, 2024) (SR-CboeBZX-2023-042) (Notice of Filing of Amendment No. to a Proposed Rule Change To List and Trade Shares of the WisdomTree Bitcoin Fund Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares) ("Bitcoin ETP Amendment No. 2"); 99306 (January 10, 2024) 89 FR 3008 (January 17, 2024) (SR-CboeBZX-2023-042) (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 "Bitcoin ETP Approval Order").

When the Trust sells or redeems its Shares, it will do so in cash transactions in blocks of 5,000 Shares (a "Creation Basket") at the Trust's net asset value ("NAV"). A third party will use cash to buy and deliver bitcoin to create Shares or withdraw and sell bitcoin for cash to redeem Shares, on behalf of the Trust. Authorized participants will deliver, or facilitate the delivery of, cash to the Trust's account with the Cash Custodian in exchange for Shares when they purchase Shares, and the Trust, through the Cash Custodian, will deliver cash to such authorized participants when they redeem Shares with the Trust. 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.⁴

The Exchange proposes to replace the above with the following:

When the Trust creates or redeems its Shares, it will do so in cash transactions or in-kind transactions in blocks of 5,000 Shares (a "Creation Basket") at the Trust's net asset value ("NAV"). For cash creations and redemptions, authorized participants will deliver, or facilitate the delivery of, cash to the Trust's account with the Cash Custodian, in exchange for Shares when they create Shares, and the Trust, through the Cash Custodian, will deliver cash to such authorized participants when they redeem Shares with the Trust. For in-kind creation and redemptions, authorized participants will deliver, or facilitate delivery of, bitcoin to the Trust's account with the Custodian, in exchange for Shares when they create Shares, and the Trust, through the Custodian, will deliver bitcoin to such authorized participants when they redeem Shares with the Trust. 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.

The "Investment Objective" section of the Bitcoin ETP Amendment No. 2 stated: "The Trust will process all creations and redemptions in cash transactions with authorized participants."⁵ The Exchange proposes to replace this sentence with the following: "The Trust will process all creations and redemptions in cash or in-kind transactions with authorized participants."

Creation and Redemption of Shares

Additionally, the "Creation and Redemption of Shares" section of the filing includes a detailed description of how the cash-only creation and

redemption process works.⁶ The Exchange proposes to replace this section as follows:

Creation and Redemption of Shares

When the Trust creates or redeems its Shares, it will do so in cash or in-kind. In connection with cash creations and cash redemptions, the authorized participants will submit orders to create or redeem Baskets of Shares in exchange for cash. When the Trust creates or redeems its Shares in cash, it will do so in transactions in blocks of 5,000 Shares that are based on the quantity of bitcoin attributable to each Share of the Trust (e.g., a Creation Basket) at the Trust's NAV. When the Trust creates or redeems its Shares in kind, it will do so in transfers of bitcoin in blocks of 5,000 Shares that are based on the quantity of bitcoin attributable to the Creation Basket being created or redeemed.

The authorized participants will deliver or cause to be delivered cash or bitcoin to create Shares and the authorized participant or its designee will receive cash or bitcoin when redeeming Shares. The Trust will create Shares by receiving bitcoin or cash from an authorized participant or its designee and will redeem shares by delivering bitcoin or cash to an authorized participant or its designee.

On any business day, an authorized participant may place an order to create one or more Creation Baskets. Purchase orders for cash creations must be placed by 12:00 p.m. Eastern Time and purchase orders for in-kind creations must be placed by 4:00 p.m. Eastern Time (or such earlier order cut-off time as disclosed in the Prospectus), or the close of Regular Trading Hours on the Exchange, whichever is earlier. The day on which an order is received is considered the purchase order date.

For a cash creation order, the total deposit of cash required is an amount of cash sufficient to purchase such amount of bitcoin, the amount of which is equal to 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.

For a creation order in kind, the total in-kind transfer of bitcoin is based on the quantity of bitcoin attributable to 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 bitcoin used to calculate the Creation Basket for a given day by dividing the number of bitcoin held by the Trust as of the opening of business on that business day, adjusted for the amount of bitcoin 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 procedures by which an authorized participant can redeem one or more Creation

⁴ See Bitcoin ETP Amendment No. 2 at 2437.

⁵ See Bitcoin ETP Amendment No. 2 at 2437.

⁶ See Bitcoin ETP Amendment No. 2 at 2438–2439.

Baskets mirror the procedures for the creation of Creation Baskets. For a cash creation order, an authorized participant will deliver cash to create Shares. For an in-kind creation order, an authorized participant or its designee will deliver bitcoin to create Shares. For a cash redemption order, an authorized participant will deliver Shares to the Trust and will receive cash for the Shares delivered. For an in-kind redemption order, an authorized participant will deliver Shares to the Trust and the authorized participant or its designee will receive bitcoin for the Shares delivered.

Except for the above changes, all other representations in the Bitcoin ETP Amendment No. 2 remain unchanged and will continue to constitute continuing listing requirements. In addition, the Bitcoin Trust will continue to comply with the terms of Bitcoin ETP Amendment No. 2 and the Trust will continue to comply with the requirements of Rule 14.11(e)(4).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁷ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁸ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would update representations in the Bitcoin ETP Amendment No. 2 such that the Trust would be able to engage in in-kind creation and redemptions with authorized participants or their designees, as described above. This ability would make the Trust (and the market more generally) operate more efficiently because authorized participants would be able to source bitcoin, as applicable, rather than to provide cash to the applicable Trust and to receive bitcoin from the Trust. This

means that the authorized participant would be responsible for buying and selling bitcoin rather than the Trust itself, which would potentially lessen the impact on the market of the Trust on both sides of the transaction by allowing the authorized participant to decide how and where to source the bitcoin for creations and deciding how, where, and whether to sell the bitcoin received for redemptions. This would improve the creation and redemption process for both authorized participants and the Trust, increase efficiency, and ultimately benefit the end investors in the Trust.

Except for the addition of in-kind creation and redemption for the Bitcoin Trust as specifically set forth herein, all other representations made in the Bitcoin ETP Amendment No. 2 remain unchanged and will continue to constitute continuing listing requirements for the Bitcoin Trust.

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. As noted above, the proposed amendment is intended to allow the Trust to operate more efficiently by allowing for in-kind creation and redemption. The Exchange believes these changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing,

including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-033 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-2025-033. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2025-033 and should be submitted on or before March 26, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Sherry R. Haywood,
Assistant Secretary.

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⁹ 17 CFR 200.30-3(a)(12).

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

**SECURITIES AND EXCHANGE
COMMISSION**[Release No. 34–102503; File No. SR–FICC–
2025–002]**Self-Regulatory Organizations; Fixed
Income Clearing Corporation; Notice of
Filing and Immediate Effectiveness of
Proposed Rule Change To Revise the
Provisions Concerning Funds-Only
Settlement Amount Payments of the
GSD Rules**

February 27, 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 February 20, 2025, Fixed Income Clearing Corporation (“FICC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I below, which Item has been substantially prepared by the clearing agency. FICC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act³ and Rule 19b–4(f)(1) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Clearing Agency’s Statement of the
Terms of Substance of the Proposed
Rule Change**

The proposed rule change of FICC consists of modifications to FICC’s Government Securities Division (“GSD”) Rulebook (the “GSD Rules”)⁵ to revise the provisions concerning Funds-Only Settlement Amount (“FOS”) payments, to clarify (a) the designation of FOS payments as settlement and therefore not a collateral payment pursuant to the GSD Rule 4, (b) the point of finality for such payments, and (c) the discharge of obligations upon the payment or collection of a FOS payment. FICC is also proposing to remove FICC’s right to offset a FOS payment due to a Netting Member against any increased amount to Required Fund Deposit requested by FICC from such Netting Member.

The proposed rule change, including the Clearing Agency’s statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Clearing Agency’s website at <https://www.dtcc.com/legal/sec-rule-filings> and on the Commission’s website at <https://www.sec.gov/rules-regulations/self->

¹ 15 U.S.C. 78s(b)(1).² 17 CFR 240.19b–4.³ 15 U.S.C. 78s(b)(3)(A).⁴ 17 CFR 240.19b–4(f)(1).⁵ Capitalized terms not defined herein are defined in the GSD Rules, available at www.dtcc.com/legal/rules-and-procedures.*regulatory-organization-rulemaking/
FICC?file_number=SR-FICC-2025-002.***II. 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.⁶ Comments may be submitted electronically by using the Commission’s internet comment form (https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-FICC-2025-002) or by sending an email to rule-comments@sec.gov. Please include file number SR–FICC–2025–002 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number SR–FICC–2025–002. 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-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-FICC-2025-002). 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–FICC–2025–002 and should be submitted on or before March 26, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Sherry R. Haywood,*Assistant Secretary.*

[FR Doc. 2025–03513 Filed 3–4–25; 8:45 am]

BILLING CODE 8011–01–P

⁶ Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of SRO.

⁷ 17 CFR 200.30–3(a)(12).**SECURITIES AND EXCHANGE
COMMISSION**[Release No. 34–102502; File No. SR–
CBOE–2025–004]**Self-Regulatory Organizations; Cboe
Exchange, Inc.; Notice of Filing of a
Proposed Rule Change To Add P.M.-
Settled Options on the Cboe Bitcoin
U.S. ETF Index and the Mini-Cboe
Bitcoin U.S. ETF Index With Third
Friday Expirations, Nonstandard
Expirations, and Quarterly Index
Expirations**

February 27, 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 February 14, 2025, Cboe Exchange, Inc. (“Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 list CBTX and MBTX options that are P.M.-settled with daily expirations. 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://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

**II. Self-Regulatory Organization’s
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

¹ 15 U.S.C. 78s(b)(1).² 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 4.13 and 5.1. First, the Exchange proposes to amend Rule 4.13(e), which governs its Nonstandard Expirations Program ("Program"), to permit P.M.-settled options on the Cboe Bitcoin U.S. ETF Index ("CBTX") and the Mini-Cboe Bitcoin U.S. ETF Index ("MBTX") that expire any Monday, Tuesday, Wednesday, Thursday, or Friday (other than the third Friday-of-the-month ("Expiration Friday") or days that coincide with an end-of-month expiration) ("Weekly Expirations") and that expire on the last trading day of the month ("EOMs"). Currently under the Program, the Exchange is permitted to list P.M.-settled options on any broad-based index eligible for standard trading that expire on: (1) any Monday, Tuesday, Wednesday, Thursday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM expiration) and (2) the last trading day of the month.³ The proposal expands the availability of Weekly and EOM expirations to CBTX and MBTX options, which are narrow-based index options eligible for standard options trading.⁴

The Nonstandard Expiration Program will apply to CBTX and MBTX options in the same manner as it currently applies to broad-based index options. Weekly and EOM Expirations are subject to all provisions of Rule 4.13 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month; provided, however, that Weekly and EOM Expirations are P.M.-settled, and new series in Weekly and EOM Expirations may be added up to and including on the expiration date for an expiring Weekly or EOM Expiration.

The maximum number of expirations that may be listed for each Weekly Expiration (*i.e.*, a Monday expiration, Tuesday expiration, Wednesday expiration, Thursday expiration, or Friday expiration, as applicable) and each EOM expiration in a given class is

the same as the maximum number of expirations permitted in Rule 4.13(a)(2) for standard options on the same index.⁵ Weekly Expirations need not be for consecutive Monday, Tuesday, Wednesday, Thursday, or Friday expirations as applicable; however, the expiration date of a nonconsecutive expiration may not be beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively. Weekly Expirations that are first listed in a given class may expire up to four weeks from the actual listing date. Similarly, EOM expirations need not be for consecutive end of month expirations; however, the expiration date of a non-consecutive expiration may not be beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively. EOM Expirations that are first listed in a given class may expire up to four weeks from the actual listing date. If the Exchange lists EOMs and Weekly Expirations in a given class, the Exchange will list an EOM instead of a Weekly Expiration that expires on the same day in the given class. Other expirations in the same class are not counted as part of the maximum number of Weekly or EOM Expirations for an applicable index class.

If the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day. If the Exchange is not open for business on a respective Tuesday, Wednesday, Thursday, or Friday, the normally Tuesday, Wednesday, Thursday, or Friday expiring Weekly Expirations will expire on the previous business day. If two different Weekly Expirations on an index would expire on the same day because the Exchange is not open for business on a certain weekday, the Exchange will list only one of such Weekly Expirations. In addition, pursuant to Rule 4.13(e)(3), transactions in expiring index options with Weekly and EOM Expirations may be effected on the Exchange between the hours of 9:30 a.m. and 4:00 p.m. on their last trading day (Eastern Time).

Second, the Exchange proposes to amend Rule 4.13(c), which governs

quarterly index expirations ("QIXs"), to add CBTX and MBTX options to the list of options in Rule 4.13(c) that are eligible for quarterly index expirations ("QIXs"), which are currently available for options on the S&P 100 Index ("OEX options"), S&P 500 Index ("SPX options"), Mini-S&P 500 Index ("XSP options"), the Russell 2000 Index ("RUT options"), and Mini-Russell 2000 Index ("MRUT options").⁶ Pursuant to Rule 4.13(c), there may be up to eight near-term quarterly expirations open for trading in a class and these options will be P.M.-settled. The QIX program will apply to CBTX and MBTX options in the same manner as it currently applies to the other options currently eligible for those expirations. QIXs are subject to all provisions of Rule 4.13 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month, except that QIXs, are P.M.-settled.

Third, the Exchange proposes to amend Rule 4.13, Interpretation and Policy .13, to permit the listing of P.M.-settled CBTX and MBTX options that expire on Expiration Fridays. Currently, pursuant to Rule 4.13, Interpretation and Policy .13, the Exchange is permitted to list P.M.-settled SPX options, XSP options, RUT options, and MRUT options that expire on Expiration Fridays. Combined with the proposed rule change above to permit the Exchange to list P.M.-settled CBTX and MBTX options with Weekly Expirations, the Exchange would be permitted to list P.M.-settled CBTX and MBTX options with expirations on all Fridays (in addition to all other days of the week). CBTX and MBTX options that are P.M.-settled and expire on Expiration Fridays are subject to all provisions of Rule 4.13 and treated the same as A.M.-settled CBTX and MBTX options, except that they are P.M.-settled.

Finally, the Exchange proposes to amend Rule 5.1, which governs trading days and hours, in conjunction with the proposed addition of CBTX and MBTX options that are P.M.-settled and expire on Expiration Friday. Rule 5.1(b)(2)(C) currently provides that on their last trading day, Regular Trading Hours for index options with Nonstandard Expirations, as well as expiring P.M.-settled SPX, XSP, RUT, and MRUT options, may be effected on the

³ See Rule 4.13(e).

⁴ The Exchange notes these options are currently eligible for the Monthly Options Series program pursuant to Rule 4.13(a)(2)(C), which permits p.m.-settled options that expire on the last trading day of the month (as do options with EOM expirations). The Exchange proposes to make these options eligible for the EOM expirations pursuant to the Nonstandard Expiration for consistency since the Exchange is proposing to make these options eligible for the Weekly Expirations, which are part of the Nonstandard Expiration Program.

⁵ The proposed rule change deletes the phrase "broad-based" in several places in Rule 4.13(e), as the proposal would result in the provisions within that Rule applying to indexes that are not broad-based. These administrative changes merely accommodate the proposed expansion of the Nonstandard Expiration Program. The Exchange is not proposing to expand the Nonstandard Expiration Program to narrow-based indices generally, but rather only to MBTX and CBTX options.

⁶ The Exchange notes CBTX and MBTX options are currently eligible for the Quarterly Options Series program pursuant to Rule 4.13(a)(2)(B), which permits P.M.-settled options that expire on the last trading day of the quarter (as do QIXs). The Exchange proposes to make these options eligible for QIXs for consistency, since QIXs are currently available for certain index options available for trading on the Exchange (which options are also eligible for the Nonstandard Expirations Program).

Exchange between 9:30 a.m. and 4:00 p.m. Eastern Time⁷ (as opposed to the 9:30 a.m. to 4:15 p.m. Regular Trading Hours for options with those expirations that are non-expiring). The proposed rule change amends Rule 5.1(b)(2)(C) to include CBTX and MBTX P.M.-settled options.⁸ The primary listing markets for the component securities that comprise the Cboe Bitcoin U.S. ETF Index and the Mini-Cboe Bitcoin U.S. ETF Index close trading in those securities at 4:00 p.m., just as the primary listing markets for the component securities that comprise the S&P 500, Mini-S&P 500, Russell 2000, and Mini-Russell 2000 Indexes close trading at 4:00 p.m. The primary listing exchanges for the component securities disseminate closing prices for the component securities, which are used to calculate the exercise settlement value of these indexes. The Exchange believes that, under normal trading circumstances, the primary listing markets have sufficient bandwidth to prevent any data queuing that may cause any trades that are executed prior to the closing time from being reported after 4:00 p.m. If trading in expiring CBTX and MBTX P.M.-settled options continued an additional fifteen minutes until 4:15 p.m. on their last trading day, these expiring options would be trading after the settlement index value for those expiring options was calculated. Therefore, in order to mitigate potential investor confusion and the potential for increased costs to investors as a result of potential pricing divergence at the end of the trading day, the Exchange believes that it is appropriate to cease trading in the expiring CBTX and MBTX P.M.-Settled options at 4:00 p.m., as it already does for expiring P.M.-settled SPX, XSP, RUT, and MRUT options that expire on Expiration Fridays and for expiring broad-based indexes with Nonstandard Expirations (which are P.M.-settled) for the same aforementioned reasons.⁹ The Exchange does not believe that the proposed rule change will impact volatility on the underlying cash market comprising the

Cboe Bitcoin U.S. ETF Index and the Mini-Cboe Bitcoin U.S. ETF Index at the close on Expiration Fridays, as it already closes trading on the last trading day for expiring P.M.-settled index options at 4:00 p.m., which the Exchange does not believe has had an adverse impact on fair and orderly markets on Expiration Fridays for the underlying securities comprising the corresponding indexes.¹⁰

As noted above, the Exchange may currently list P.M.-settled CBTX and MBTX options with expirations on the last calendar of the month and quarter.¹¹ As a result, it is already possible for CBTX and MBTX options to be P.M.-settled and to expire on any day of the week (as the end of the month or the end of a quarter may fall on any day of the week). The Exchange also already allows CBTX and MBTX options to expire on Thursdays for normally Friday expiring options when the Exchange is not open for business on a respective Friday. Further, CBTX and MBTX options are available for FLEX trading pursuant to Rule 4.20, and thus, users may select expiration dates for these FLEX options for any day of the week and may select p.m.-settlement.

The Exchange believes that the introduction of Weekly Expirations and Expiration Friday expirations that are P.M.-settled for CBTX and MBTX will provide market participants with additional hedging tools and greater trading opportunities, regardless of in which index option market they participate. By offering expanded expirations along with the current standard A.M.-settled expirations (as well as P.M.-settled monthly and quarterly expirations), the proposed rule change will allow market participants to purchase options on CBTX and MBTX available for trading on the Exchange in a manner more aligned with specific timing needs (such as to hedge special events) and more effectively tailor their investment and hedging strategies and manage their portfolios. In particular, the proposed rule change will allow market participants to roll their positions on more trading days, thus with more precision, spread risk across more trading days and incorporate daily changes in the markets, which may reduce the premium cost of buying protection. For example, the Exchange believes that market participants may be

paying for more protection than needed if they are seeking to hedge weekend or special event risk that occurs. Therefore, the Exchange believes that P.M.-settled daily expirations (including on all Fridays) would allow market participants to purchase an option based on their needed timing and allow them to tailor their investment or hedging needs more effectively. In addition, because P.M.-settlement permits trading throughout the day on the day the contract expires, the Exchange believes this will permit market participants to more effectively manage overnight risk and trade out of their positions up until the time the contract settles.

The Exchange believes there is sufficient investor interest and demand in Weekly Expirations and Expiration Friday P.M.-settled expirations for CBTX and MBTX options to warrant inclusion in the Program and in the Rules, and that the Program and the Rules, as amended, will continue to provide investors with additional means of managing their risk exposures and carrying out their investment objectives.¹²

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it believes that the Exchange and OPRA have the necessary systems capacity to handle any potential additional traffic associated with trading of P.M.-settled Weekly and Expiration Friday expirations for CBTX and MBTX options. The Exchange does not believe that its Trading Permit Holders (“TPHs”) will experience any capacity issues as a result of this proposal and represents that it will monitor the trading volume associated with any possible additional CBTX and MBTX options series listed as a result of this proposal and the effect (if any) of these additional series on market fragmentation and on the capacity of the Exchange’s automated systems.

In addition to this, the Exchange believes that its existing surveillance and reporting safeguards in place are adequate to deter and detect possible manipulative behavior which might arise from listing and trading CBTX and MBTX P.M.-Settled options with Weekly Expirations or Expiration Friday expirations (as the Exchange currently applies these to CBTX and MBTX options that are P.M.-settled with monthly and quarterly expirations) and will support the protection of investors and the public interest. Furthermore,

¹² The Exchange currently may list Weekly and EOM Expirations for any broad-based index option pursuant to the Program, and lists Expiration Friday P.M.-settled expirations pursuant to the Rules, for SPX, XSP, RUT, and MRUT.

⁷ See Rule 1.6, which states that unless otherwise specified, all times in the Rules are Eastern Time.

⁸ Current Rule 5.1(b)(2)(C) would apply to CBTX and MBTX options with Nonstandard Expirations and QIXs, as proposed; therefore, the addition of CBTX and MBTX P.M.-settled options to the list of options set forth in this Rule covers these options that expire on Expiration Fridays.

⁹ See Securities Exchange Act Release Nos. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR-CBOE-2012-120) (“SPXPM Pilot Approval Order”); 70087 (July 31, 2013), 78 FR 47809 (August 6, 2013) (SR-CBOE-2013-055) (“XSPPM Pilot Approval Order”); and 91067 (February 5, 2021), 86 FR 9108 (February 11, 2021) (SR-CBOE-2020-116) (“MRUTPM Pilot Approval Order”).

¹⁰ See Securities Exchange Act Release Nos. 98454 (September 20, 2023), 88 FR 66103 (September 26, 2023) (SR-CBOE-2023-005) (“SPXPM Permanent Approval Order”); and 98455 (September 20, 2023), 88 FR 66073 (September 26, 2023) (SR-CBOE-2023-019) (“XSPPM and MRUTPM Permanent Approval Order”).

¹¹ See Rule 4.13(a)(2)(C) and (B), respectively.

the trading of CBTX and MBTX options with Weekly and P.M.-settled Expiration Friday expirations will be subject to the same rules that currently govern the trading of these options with other expirations, including governing customer accounts, position and exercise limits,¹³ margin requirements and trading halt procedures, among other Rules, which are designed to prevent fraudulent and manipulative acts and practices.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁵ requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that that [sic] the introduction of P.M.-

settled Weekly and Expiration Friday expirations for CBTX and MBTX options (rather than offering those expirations for just broad-based indexes) will provide investors with expanded hedging tools and greater trading opportunities and flexibility in additional index option markets.¹⁷ As a result, investors will have additional means to manage their risk exposures and carry out their investment objectives. By offering expanded expirations for CBTX and MBTX options (along with the currently available P.M.-settled monthly and quarterly options and standard A.M.-settled options), the proposed rule change will allow market participants to purchase options on two additional index options available for trading on the Exchange in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging strategies and manage their portfolios. For example, the proposed rule change will allow market participants to roll their positions in CBTX and MBTX options on more trading days, thus with more precision, spread risk across more trading days and incorporate daily changes in the markets, which may reduce the premium cost of buying protection. The Exchange represents that it believes that it has the necessary systems capacity to support any additional traffic associated with trading of CBTX and MBTX options with Weekly and Expiration Friday (P.M.-settled) expirations and does not believe that its TPHs will experience any capacity issues as a result of this proposal.

The Exchange does not believe that the addition of CBTX and MBTX options to the Nonstandard Expirations Program, to the P.M.-settled Expiration Friday program, or the QIX program will raise any prohibitive regulatory concerns, nor adversely impact fair and orderly markets on expiration days. The Exchange has not experienced any meaningful regulatory concerns, nor adverse impact on fair and orderly markets, in connection with these programs, nor with the listing of CBTX and MBTX options that are P.M.-settled and expire on the last calendar day of the month and quarter (as the Exchange currently does) and is unaware of any

reason why adding P.M.-settled options with expirations each day of the week for CBTX and MBTX options (which overlie a narrow-based index rather than a broad-based index) would be create such concerns or impact. Particularly, the Exchange does not believe increases in the number of P.M.-settled options series and expirations will have any significant adverse economic impact on the futures, index, or underlying index component securities markets (the Exchange notes there are currently no futures listed on the underlying indexes). The Exchange believes that the proposed rule change will provide investors with greater trading and hedging opportunities and flexibility, allowing them to transact in CBTX and MBTX options in a manner more aligned with specific timing needs and more effectively tailor their investment and hedging objectives by listing these options that expire each trading day of the week, in addition to options that expire at the end of calendar month and quarter (which, as noted above, the Exchange may already do pursuant to separate listing programs in the Rules).

As also discussed above, the Exchange already lists P.M.-settled CBTX and MBTX options that expire on the last calendar day of the month and quarter; the proposed rule change merely permits these listings to occur under different programs within the Rules for consistency within the Exchange’s Rules.¹⁸ Therefore, it is already possible for CBTX and MBTX options to be P.M.-settled and to expire on any day of the week (as the end of the month or the end of a quarter may fall on any day of the week). The Exchange also already allows CBTX and MBTX options to expire on Thursdays for normally Friday expiring options when the Exchange is not open for business on a respective Friday. Further, CBTX and MBTX options are available for FLEX trading pursuant to Rule 4.20, and thus, users may select expiration dates for these FLEX options for any day of the week and may select p.m.-settlement. The Exchange has observed no significant adverse economic impact on the futures, index, or underlying index component securities markets as a result of these listings.

The Commission previously recognized that listing P.M.-settled index options with Weekly Expirations

¹³ The proposed rule change amends Rule 8.32(e) [sic] to provide that positions in Nonstandard Expiration Program series will be aggregated with positions in options contracts in the same index class. Therefore, CBTX and MBTX options positions that have Nonstandard Expirations will be aggregated for purposes of position limits with positions in CBTX and MBTX options, respectively with other expirations (including short-term, monthly, and quarterly expirations). This is consistent with the treatment of positions for purposes of position limits for other classes that participate in the Nonstandard Expiration Program. See Rule 8.31(b). Pursuant to Rule 8.42(b), which provides that the exercise limits for index options (including CBTX and MBTX options) are equivalent to the position limits set forth in Rule 8.32.

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ *Id.*

¹⁷ CBTX and MBTX options may already be listed with P.M.-settlement and expirations on the last calendar day of the month or quarter pursuant to Rule 4.13(a)(2)(C) and (B), respectively; therefore, the additional series that this proposed rule would permit to be listed are P.M.-settled Weeklys and Expiration Friday expirations. The proposed rule change merely adds these options to different programs within the Rules that permit these same expirations for consistency within the Rules.

¹⁸ For example, it may be confusing to list Weeklys under the Nonstandard Expirations Program but monthlys under the Monthly program rather than the Nonstandard Expirations Program. As proposed, all index options the Exchange lists with expirations other than Expiration Fridays would be eligible for those expirations under the same programs.

and Expiration Friday expirations (in addition to EOM Expirations (which would include expirations on the last day of calendar quarters)) was consistent with the Act.¹⁹ The Commission noted that expirations in those index options would “offer additional investment options to investors and may be useful for their investment or hedging objectives”²⁰ The Exchange also notes it previously listed P.M.-settled broad-based index options with Weekly, EOM, and Expiration Friday expirations pursuant to pilot programs, so the Commission could monitor the impact of P.M.-settlement of cash-settled index derivatives on the underlying cash markets (while recognizing that these risks may have been mitigated given enhanced closing procedures in use in the primary equity markets); however, the Commission approved proposed rule changes to make those pilot programs permanent. The Commission noted that the data it reviewed in connection with the pilot demonstrated that these options “benefitted investors and other market participants by providing more flexible trading and hedging opportunities while also having no disruptive impact on the market” and were thus consistent with the Act.²¹ The proposed rule change is consistent with these findings, as it will benefit investors and other market participants that participate in the markets for additional index options in the same manner by providing them with more flexible trading and hedging opportunities.

¹⁹ See Securities Exchange Act Release Nos. 98454 (September 20, 2023), 88 FR 66103 (September 26, 2023) (SR-CBOE-2023-005) (“SPXPM Permanent Approval Order”); 98455 (September 20, 2023), 88 FR 66073 (September 26, 2023) (SR-CBOE-2023-019) (“XSPPM and MRUTPM Permanent Approval Order”) (the Exchange initially listed P.M.-Settled SPX, XSP, and MRUT options that expire on Expiration Fridays pursuant to pilot programs, so the Commission could monitor the impact of P.M. settlement of cash-settled index derivatives on the underlying cash markets (while recognizing that these risks may have been mitigated given enhanced closing procedures in use in the primary equity markets); 94682 (April 12, 2022), 87 FR 22993, 22994 (April 18, 2022) (SR-CBOE-2022-005) (approval of proposed rule change to list P.M.-settled SPX options that expire on Tuesdays and Thursdays) (“Daily SPX Option Approval”); and 95795 (September 15, 2022), 87 FR 57745, 57746 (September 21, 2022) (SR-CBOE-2022-039) (approval of proposed rule change to list P.M.-settled XSP options that expire on Tuesdays and Thursdays) (“Daily XSP Option Approval”).

²⁰ See Daily SPX Option Approval at 22995; and Daily XSP Option Approval at 57746.

²¹ See SPXPM Permanent Approval Order at 66106; and XSPPM and MRUTPM Permanent Approval Order at 66076 (citing data the Commission reviewed in connection with the pilot programs).

As is the case for options on broad-based indexes, the Exchange does not believe the listing of additional P.M.-settled CBTX and MBTX options (which are narrow-based index options) will have any significant economic impact (such as on market quality or volatility) on the component securities underlying the index surrounding the close as a result of expiring p.m.-settled options or impact market quality. This is based on the data provided to and reviewed by the Commission (and the Commission’s own conclusions based on that review, as noted above) and due to the significant changes in closing procedures in the decades since index options moved to a.m.-settlement.²² The Exchange believes the potential for any such impact is not only no greater for narrow-based indexes than broad-based indexes, but is less likely for narrow-based indexes such as CBTX and MBTX, as the indexes underlying such options are by definition not representative of an entire market (as is the case for options on the S&P 500 Index). Therefore, any potential impact would be limited in scope (as noted above, the Commission found no material impact with respect to P.M.-settled broad-based index options), unlike for a broad-based index, which would impact the market as a whole. Therefore, because, as noted above, the Commission found no material impact with respect to broad-based index options, the Exchange believes that it is reasonable that no material impact would occur with respect to narrow-based index options such as CBTX and MBTX options. The narrow scope [sic] narrow-based indexes aligns closer to the scope of equity options (which are P.M.-settled, such as the options underlying certain of the Bitcoin ETFs that comprise the index underlying CBTX and MBTX options).

Further, the index underlying CBTX and MBTX options satisfies the generic listing criteria in Rule 4.10(b). Upon approval of those listing criteria, the Commission noted that these generic standards were reasonably designed to ensure the protection of investors and the public interest and to ensure that the trading markets for the components were adequately capitalized and sufficiently liquid, and that no one component dominated the index, thus minimizing the potential for manipulation.²³ Therefore, by satisfying

²² See *id.*

²³ See Securities Exchange Act Release No. 34157 (June 3, 1994), 59 FR 30062 (June 10, 1994) (SR-Amex-92-35, SR-CBOE-93-59, SR-NYSE-94-17, SR-PSE-94-07, and SR-Phlx-94-10). The Commission made substantially similar findings with respect to generic listing criteria for broad-

the generic listing criteria for narrow-based index options, the index underlying CBTX and MBTX options is, like broad-based indexes, designed to minimize the potential for manipulation, further reducing any potential concerns associated with P.M.-settlement.

In addition, the Exchange believes that the proposal to end trading at 4:00 p.m. on the last trading day for transactions in expiring P.M.-settled CBTX and MBTX options will prevent continued trading on a product after the exercise settlement value has been fixed, thereby mitigating potential investor confusion and the potential for increased costs to investors as a result of potential pricing divergence at the end of the trading day.

Finally, the Exchange believes the proposed rule change that Nonstandard Expiration Program series of CBTX and MBTX options will be aggregated with other options within those classes for purposes of position (and exercise) limits is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and thus protect investors. This proposed aggregation is consistent with the treatment of positions for purposes of position (and exercise) limits for other classes that participate in the Nonstandard Expiration Program.²⁴ Therefore, the current position and exercise limits that apply to CBTX and MBTX options will continue to apply, as the proposed additional expirations for these options would have no impact on the number of positions that may be held (or exercised) within a single account.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because P.M.-settled CBTX and MBTX options with Weekly and Expiration Friday expirations will be available to all market participants. By listing CBTX

based index options. See Securities Exchange Act Release No. 53266 (February 9, 2006), 71 FR 8321 (February 16, 2006) (SR-CBOE-2005-59) (the Commission noted that the listing criteria were “designed to ensure that the markets for the index’s component stocks are adequately capitalized and sufficiently liquid, and that no one stock dominates the index” and thus “minimize the potential for manipulating the underlying index”).

²⁴ See Rule 8.31(b).

And MBTX options with these expirations (in addition to the monthly, quarterly, and standard Expiration Friday expirations (A.M.-settled) that are currently listed), the proposed rule change will provide all investors that participate in the markets for these index options available for trading on the Exchange with greater trading and hedging opportunities and flexibility to meet their investment and hedging needs, which are already available for broad-based index options. Further, the proposed change to make CBTX and MBTX options that are P.M.-settled and expire on the last business day of the month or quarter eligible for listing under different programs under the Rules will have any burden on competition, as this proposed rule change is intended to maintain consistency within the Rules and will result in the same series being listed. The proposed 4:00 p.m. closing time for expiring P.M.-settled CBTX and MBTX options on their expiration dates will apply equally to all market participants trading these options.

The Exchange does not believe that the proposal to list P.M.-settled CBTX and MBTX options with Weekly and Expiration Friday expirations will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because these options are proprietary Exchange products. The Exchange may currently list the same expirations for other index options, so the proposed rule change merely expands the availability of these expiration programs to additional products. Other exchanges offer similar expirations for index options as well as short-term options programs for certain equity options that expire each day of the week, at the end of the calendar month, at the end of the calendar quarter, and on Expiration Fridays²⁵ and are welcome to similarly propose to list options on those index or equity products with similar expirations. To the extent that the addition of these expirations for CBTX and MBTX options makes the Exchange a more attractive marketplace to market participants at other exchanges, such market participants are free to elect to become market participants on the Exchange.

²⁵ See, e.g., Nasdaq PHLX, LLC Options 4A, Section 12 (permitting nonstandard expirations, including daily expirations for Nasdaq-100 index options and Nasdaq 100-Micro index options); and Nasdaq ISE, LLC Options 4, Section 5, Supplementary Material .03 (permitting short-term options series with daily expirations for SPY and QQQ options).

Additionally, CBTX and MBTX options with these expirations will trade in the same manner as other options with these expirations currently do.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- A. by order approve or disapprove such proposed rule change, or
- B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CBOE-2025-004 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-CBOE-2025-004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CBOE-2025-004 and should be submitted on or before March 26, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-03512 Filed 3-4-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102504; File No. SR-ICC-2025-002]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC Procedures for Identification of Contract Reference Obligations

February 27, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,¹ and Rule 19b-4,² notice is hereby given that on February 13, 2025, ICE Clear Credit LLC ("ICE Clear Credit" or "ICC") 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 primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Credit proposes revisions to the ICE Clear Credit Rules (the "Rules")

²⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

relating to the selection of substitute reference obligations and proposes to adopt a related new set of Procedures for the Identification of Contract Reference Obligations (the “Reference Obligation Procedures” or the “Procedures”) addressing such matters in further detail. The text of the amendments to the new Procedures is attached [SIC] in Exhibit 5A, the text of the amendments to the Rules is attached [SIC] in Exhibit 5B.³

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change 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. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Credit is proposing to amend its Rules and adopt new Reference Obligation Procedures to codify and specify in further detail its processes used for selecting substitute Contract Reference Obligations,⁴ including where a Substitution Event has occurred. Under its existing Rules, ICE Clear Credit generally selects a Contract Reference Obligation for each cleared single-name CDS Contract.⁵ As such, the Contract Reference Obligation is relevant for the determination of the “Deliverable Obligations” that will apply to the Contract in the event of a Credit Event with respect to the underlying Reference Entity.⁶ In

³ Capitalized terms used but not defined herein have the meanings specified in the Rules and the Procedures.

⁴ As used herein, the term “Contract Reference Obligation” refers to a contract reference obligation specified under the applicable subchapter of the Rules for a particular single-name transaction type (such as a SNAC Contract Reference Obligation), consistent with the definition as used in proposed Rule 20–601.

⁵ The Contract Reference Obligation serves as the “Reference Obligation” as that term is used in the Applicable Credit Derivatives Definitions.

⁶ Specifically, pursuant to the Applicable Credit Derivatives Definitions, it is generally the case that (i) the Contract Reference Obligation will be a Deliverable Obligation, regardless of whether it meets the otherwise applicable Deliverable Obligation criteria, and (ii) in order to be eligible as such, other Deliverable Obligations must not be subordinated in right of payment to the Contract Reference Obligation.

addition, in certain circumstances as discussed herein (such as following a redemption in full of the Contract Reference Obligation), ICE Clear Credit, in its role as Calculation Agent with respect to the Contract as defined under its existing Rules, will identify a substitute Contract Reference Obligation.

ICE Clear Credit is proposing to adopt a new Rule 20–601, together with the new Procedures, which will clarify its responsibilities when selecting a substitute Contract Reference Obligation. Under the proposed Rule, notwithstanding anything to the contrary in the Rules or Applicable Credit Derivatives Definitions, ICC’s role as a Calculation Agent with respect to identifying a Substitute Reference Obligation to replace a Contract Reference Obligation for which a Substitute Event has occurred would be limited to performing the functions set out in the ICE Clear Credit Procedures (which will include the new Reference Obligation Procedures). Rule 20–601 will also define “Contract Reference Obligation” for this purpose to be the applicable contract reference obligation for the relevant transaction type under the Rules (*i.e.*, a SNAC Contract Reference Obligation, STEC Contract Reference Obligation, SES Contract Reference Obligation, STEFC Contract Reference Obligation, SWES Contract Reference Obligation, SAS Contract Reference Obligation, STAC Contract Reference Obligation, STASC Contract Reference Obligation, STASFC Contract Reference Obligation, STEMC Contract Reference Obligation or STSEIC Contract Reference Obligation, as applicable).

The Reference Obligation Procedures would set out in further detail the methodology and process for the identification of Contract Reference Obligations in regard to each Single-Name CDS Contract accepted for clearing by ICC (both as an initial matter and following a Substitution Event). The Reference Obligation Procedures generally would codify ICC’s current practices with respect to the selection of Contract Reference Obligations, which ICC has utilized to fulfill its obligations as Calculation Agent under its existing Rules, but would also include certain enhanced procedures for public consultation that would mark a change from its current practices, as discussed in further detail below. Pursuant to the Procedures, a Contract Reference Obligation would be identified for the Reference Entity for a single name CDS Contract when the contract is first listed for clearing at ICE Clear Credit. ICC would identify a Substitute Reference

Obligation when called for under the Applicable Credit Derivatives Definitions in accordance with the new Rule 20–601 and the Procedures.⁷

The Procedures would identify the overall objective in selecting Contract Reference Obligations as seeking to reflect CDS market participants’ consensus as to the most appropriately representative obligation of the relevant seniority of the Reference Entity. The Procedures note certain factors that market participants may consider relevant for this purpose, including outstanding principal amount, remaining maturity, liquidity, and availability of public information concerning the obligation. ICE Clear Credit would begin the selection process by using commercially available reference data from a data vendor to identify the most liquid reference obligation used in connection with the trading of CDS on the applicable Reference Entity, frequently known as the “Preferred” reference obligation. ICC would identify a proposed original Contract Reference Obligation based on the current Preferred, if available, or a proposed substitute Contract Reference Obligation based on a change in the Preferred.

The Procedures would detail the consultation process that ICC would undertake with Clearing Participants and other market participants to consider whether such a proposed obligation should be used as the Contract Reference Obligation. Consistent with current practice, the proposed Contract Reference Obligations would be shared with and reviewed by ICC’s Operations Working Group (“OWG”), which consists of operations personnel from Clearing Participants. The role of the OWG is to review and provide feedback regarding various operational matters including consultation regarding the selection and substitution of Contract Reference Obligations. The OWG typically meets weekly and OWG meeting materials are distributed by ICC’s Client Services Department to all OWG members in advance of the meeting date. There is no limit to the number of Clearing Participant operational personnel that can participate in OWG meetings. With respect to the OWG’s consultation role regarding Contract Reference Obligations, OWG Members may raise objections to any proposed new or

⁷ Consistent with current practice, the Reference Obligation Procedures would state that ICC would not select a Contract Reference Obligation for a Reference Entity where “Standard Reference Obligation” or “No Reference Obligation” is indicated on the List of Eligible Reference Entities maintained by ICC.

substitute Contract Reference Obligation either at an OWG meeting or by email to ICC any time before the deadline identified by ICC for raising objections to the proposed Contract Reference Obligation (the “Objection Date”).

Furthermore, and also consistent with current practice, proposed Contract Reference Obligations would also be shared with and reviewed by ICC’s Trading Advisory Group (“TAG”), which consists of trading personnel from Clearing Participants. The role of the TAG is to provide market insight into a variety of trading topics, including consultation regarding the selection and substitution of Contract Reference Obligations. The TAG typically meets weekly and proposed new or substitute Contract Reference Obligations are sent to the members of the TAG in advance of meetings via email. There is no limit to the number of Clearing Participant trading personnel that can participate in TAG meetings. The TAG members may raise objections regarding the proposed Contract Reference Obligation either at a TAG meeting or by sending an email to ICC prior to the Objection Date. The Procedures would set out the process for OWG or TAG members to make objections.

The Procedures would also add a new process for public consultation, in addition to the above consultations with the OWG and TAG. At the same time of consultation with the OWG and TAG, ICC would publish any proposed original or substitute Contract Reference Obligation on its website and invite market participants to submit any objections. The Procedures also set out the process for making such objections.

The Procedures would also address the manner in which ICC would resolve any objections raised through these consultations and would postpone adopting the proposed original or substitute Contract Reference Obligation until the objections are addressed to its satisfaction. The Procedures would list a series of non-exhaustive steps that ICC may take to resolve the objections as it determines appropriate, recognizing that different steps may be appropriate for different situations or objections. Potential steps would include obtaining additional information from the objector, contacting (or asking the objector to contact) the relevant market data vendor that has identified a Preferred reference obligation regarding the identification and objections raised with respect thereto. Should such consultation with the data vendor result in the data vendor identifying a different Preferred reference obligation, ICC will consider such obligation as an

alternative proposed Contract Reference Obligation through the consultation process identified in the Procedures and described above, and any objection raised with respect to an alternative proposed Contract Reference Obligation would be resolved pursuant to the objections resolution process identified in the Procedures. Furthermore, additional steps ICC may undertake to attempt to resolve an objection include: conducting a legal review of the available proposed Contract Reference Obligation documentation, participating in further discussions with OWG members, TAG members or other market participants, consulting with the CDS Risk Committee, and/or submitting (directly or indirectly) a question to the relevant Credit Derivatives Determinations Committee whether the proposed Contract Reference Obligation is an appropriate Substitute Reference Obligation.

Finally, the Procedures identify certain exceptions to the process described in the Procedures in certain scenarios. In the case of a Succession Event that requires the identification of a new Contract Reference Obligation, ICC will follow the industry agreed timelines for implementing the Succession Event, which may not allow for the normal review process to occur or would require an abbreviated review process. Likewise, if a Contract Reference Obligation is changed in connection with the re-naming of a Reference Entity, the industry timelines may not allow ICC to conduct its regular Contract Reference Obligation review process or may require an abbreviated review process. In addition, the Procedures would not apply to the determination of a Contract Reference Obligation for a new trade resulting from a Restructuring Credit Event (which would be determined in accordance with the Rules).

(b) Statutory Basis

ICE Clear Credit believes that the proposed amendments to the Rules are consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 (the “Act”)⁸ and the regulations thereunder applicable to it. In particular, Section 17A(b)(3)(F) of the Act⁹ requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in

the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. The proposed amendments are generally designed to facilitate the prompt and accurate clearance and settlement of securities transactions by codifying and documenting the process of selecting Contract Reference Obligations (both initially upon acceptance of a Contract for clearing and upon a Substitution Event), including the process for consultation with Clearing Participants through the OWG and TAG and the process of addressing objections raised in the consultation process. The amendments thus would provide greater clarity and certainty for Clearing Participants and other market participants as to the process for selection of Contract Reference Obligations, which in turn would provide greater clarity and certainty for Clearing Participants and other market participants as to the terms and conditions of contracts cleared by ICC. The amendments also expand current practices to provide for disclosure of a proposed new Contract Reference Obligation on the ICC website, giving any interested market participant additional opportunity to raise concerns or objections.

Overall, in ICC’s view, the Rule amendments and new Procedures would provide for a transparent and robust process for selection of initial and substitute Contract Reference Obligations. ICC believes that the Rule amendments and new Procedures will therefore facilitate the accurate clearing of credit default swap contracts, within the meaning of Section 17A(b)(3)(F), while also more clearly defining the role and responsibilities of ICC in the process (as compared to the existing Rules, which address the substance that is intended to guide ICC in determining the selection of a Contract Reference Obligation but which do not address in detail the process for making a Contract Reference Obligation selection). First, the amendments provide a detailed procedure for obtaining and reflecting the views of interested market participants as to the appropriate Contract Reference Obligation. Second, by starting with a Preferred obligation used in the credit default swap market generally (including both index and single name products), the Procedures are designed to avoid creating unnecessary differences between cleared and uncleared credit default swap contracts involving the same reference entity, and thereby avoid fragmentation of the CDS market. Third,

⁸ 15 U.S.C. 78q-1.

⁹ 15 U.S.C. 78q-1(b)(3)(F).

the existing consultation process, as codified by the Procedures, provides additional certainty that ICC has selected an appropriately representative Contract Reference Obligation, reflective of market expectations, by soliciting any potential objections to a Contract Reference Obligation from both operational and trading personnel of its Clearing Participants. ICC believes that these personnel are well positioned to judge the appropriateness of Contract Reference Obligations and provide feedback to ICC. Fourth, the Procedures would adopt a new, further step of soliciting feedback from any interested market participant (whether or not a Clearing Participant) through publication of the proposed Contract Reference Obligation on ICC's website (and allowing market participants to register objections). The Procedures address steps that ICC may take to resolve any objections raised in these steps with respect to a proposed Contract Reference Obligation. In sum, ICC believes that the amended Rule and Procedures will provide clarity for Clearing Participants (and other market participants) as to the process for selecting Contract Reference Obligations, the role of ICC in that process, and the opportunities for each such participant to influence the process if they have a view as to the appropriate Contract Reference Obligation. In ICC's view, the Procedures are unlikely to impose significant additional costs or burdens on ICC itself or its Clearing Participants or other market participants, or to result in undue delay in selecting a Contract Reference Obligation. ICC has determined that the Procedures will thus enhance its ability to select appropriate Contract Reference Obligations, consistent with the Rules and the reasonable expectations and interests of market participants and other stakeholders. As a result, the amendments would promote the prompt and accurate clearance and settlement of securities transactions and derivatives agreements, contracts and transactions, and generally promote the protection of investors and the public interest in the operation of clearing services, within the meaning of Section 17A(b)(3)(F) of the Act.¹⁰ (ICC does not believe the amendments would affect the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible, within the meaning of Section 17A(b)(3)(F).)

The amendments are also consistent with relevant provisions of Rule 17Ad–

22. Rule 17Ad–22(e)(2) provides that “[e]ach covered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable [. . .] [p]rovide for governance arrangements that are [c]lear and transparent”¹¹ and “consider the interests of participants’ customers . . . and other relevant stakeholders of the covered clearing agency”.¹² The Rules, as proposed to be revised, and new Procedures would enhance the transparency of the process for selecting Contract Reference Obligations, through codifying current practices and by providing for public consultation (and opportunity for objection) with respect to proposed new Contract Reference Obligations. The revised consultation process would also enhance ICC's ability to consider the views of relevant stakeholders with respect to Contract Reference Obligation selection. In ICE Clear Credit's view, the amendments to the Rules are therefore consistent with the requirements of Rule 17Ad–22(e)(2).¹³

Rule 17Ad–22(e)(21) requires that a clearing agency “be efficient and effective in meeting the requirements of its participants and the markets it serves.”¹⁴ The amendments are intended to document the process for identifying Contract Reference Obligations, including the process for consultation with Clearing Participants and other market participants and the process for addressing objections to proposed Contract Reference Obligations. The amendments will also provide an enhanced process for seeking market feedback, through public notice on its website. As such, the amendments are, in ICE Clear Credit's view, consistent with meeting the requirements of its participants and the markets it serves in an efficient and effective way and will therefore facilitate compliance with Rule 17Ad–22(e)(21).¹⁵

Rule 17Ad–25(j) requires a clearing agency to have “written policies and procedures reasonably designed to require the board of directors to solicit, consider and document its consideration of the views of participants and other relevant stakeholders of the . . . clearing agency regarding material developments in its risk management and operations on a recurring basis.”¹⁶ The amended Rule

and Procedures are consistent with this requirement. The Board, after consulting with the Risk Committee, has determined to adopt these amendments to facilitate ICC's ability to consider the views of participants and other relevant stakeholders. As noted above, the Procedures provide for solicitation of views regarding changes to Contract Reference Obligations from Clearing Participants, through both the TAG and OWG. Furthermore, the Procedures provide for consideration of views of market participants generally, as proposed Contract Reference Obligations will be posted on the ICC website to permit market participants to raise any objections.

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Credit does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The amendments are being adopted to update and clarify the Rules and adopt the new Procedures in relation to the selection of Contract Reference Obligations. As set forth above, the proposed amendments will generally codify existing practices relating to the selection of Contract Reference Obligations and will provide for additional public consultation with market participants. The amendments will not otherwise affect the terms of cleared Contracts. Accordingly, ICE Clear Credit does not believe the amendments would affect the rights and obligations of Clearing Participants or other market participants clearing transactions through ICC, or affect the costs of clearing, the ability of market participants to access clearing, or the market for clearing services generally. Therefore, ICE Clear Credit does not believe the proposed rule change imposes any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear Credit. ICE Clear Credit will notify the Commission of any comments received with respect to the proposed rule change.

¹¹ 17 CFR 240.17ad–22(e)(2)(i).

¹² 17 CFR 240.17ad–22(e)(2)(vi).

¹³ 17 CFR 240.17ad–22(e)(2).

¹⁴ 17 CFR 240.17ad–22(e)(2)(iii).

¹⁵ 17 CFR 240.17ad–22(e)(21).

¹⁶ 17 CFR 240.17ad–25(j).

¹⁰ 15 U.S.C. 78q–1(b)(3)(F).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-ICC-2025-002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549. All submissions should refer to File Number SR-ICC-2025-002. 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-regulations/self-regulatory-organization-rulemaking>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10

a.m. and 3 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at <https://www.theice.com/clear-credit/regulation>.

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-ICC-2025-002 and should be submitted on or before March 26, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-03514 Filed 3-4-25; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice: 12679]

Foreign Terrorist Organization Designation of Ansarallah

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I have concluded that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. § 1189), exist with respect to Ansarallah (also known as Ansar Allah, Ansarullah, Partisans of God, Supporters of God, and Houthi group).

Therefore, I hereby designate the aforementioned organization and its respective aliases as a Foreign Terrorist Organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**. The designation goes into effect upon publication.

Dated: February 19, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025-03629 Filed 3-4-25; 8:45 am]

BILLING CODE 4710-AD-P

¹⁷ 17 CFR 200.30-3(a)(12).

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Surface Transportation Board.

ACTION: Presentation of the Board's calculation for the change in railroad productivity for the 2019–2023 averaging period.

SUMMARY: In a decision served on February 28, 2025, the Board proposed to adopt 1.014 (1.4% per year) as the measure of average (geometric mean) change in railroad productivity for the 2019–2023 (five-year) period. The Board's February 28, 2025 decision stated that comments may be filed addressing any perceived data and computational errors in the Board's calculation. The decision also stated that, unless a further order is issued postponing the effective date, the decision will take effect on March 20, 2025.

DATES: Comments are due by March 17, 2025.

ADDRESSES: Comments may be filed via e-filing on the Board's website at www.stb.gov. Comments must be served on all parties appearing on the service list.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez at (202) 245-0333. If you require accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available at www.stb.gov under Docket No. EP 290 (Sub-No. 4).

Decided: February 28, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2025-03568 Filed 3-4-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2021-0067]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: FAA Runway Slot Administration and Schedule

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This information collection was previously published in the **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 18, 2024. Two comments were received. The purpose of this notice is to allow an additional 30 days for public comments. The FAA collects information from U.S. and foreign air carriers holding a slot at Ronald Reagan Washington National Airport (DCA), John F. Kennedy International Airport (JFK), LaGuardia Airport (LGA), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), O'Hare International Airport (ORD), and San Francisco International Airport (SFO). The information collected is necessary to support the advance management of air traffic demand by the FAA Slot Administration in an effort to reduce potential delays.

DATES: Written comments should be submitted by April 4, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Al Meilus, Manager, Slot Administration and Capacity Analysis, AJR-G, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-2822; email Al.Meilus@faa.gov.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120-0524.

Title: FAA Runway Slot Administration and Schedule Analysis

(previously "High Density Traffic Airports; Slot Allocation and Transfer Methods").

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 18, 2024 (89 FR 76620).

FAA has implemented several initiatives to address air traffic congestion and delay at certain airports within the National Airspace System (NAS). DCA slot rules are established under 14 CFR part 93, subparts K and S. FAA has issued Orders limiting operations at JFK and LGA.¹ These Orders resulted from increasing congestion and delays at the airports requiring FAA to allocate arrival and departure slots at JFK and LGA. In addition, FAA has designated EWR, ORD, SFO, and LAX as Level 2 schedule-facilitated airports under the IATA Worldwide Slot Guidelines (WSG) now known as the Worldwide Airport Slot Guidelines (WASG).² At Level 2 airports, FAA seeks the cooperation of all carriers planning operations, on a voluntary basis, to maintain close communications on runway schedules and facilitate adjustments, as needed. At DCA, U.S. and foreign air carriers, including commuter operators, must notify FAA of: (1) Written consent and requests for confirmation of slot transfers; (2) slots required to be returned and slots voluntarily returned; (3) requests to be included in a lottery for the permanent allocation of available slots; (4) reports on usage of slots on a bi-monthly basis; and (5) requests for slots in low-demand hours or other temporary allocations. Operators must

¹ Operating Limitations at John F. Kennedy International Airport, 73 FR 3510 (Jan. 18, 2008), as most recently amended 89 FR 41486 (May 13, 2024); Operating Limitations at New York LaGuardia Airport, 71 FR 77854 (Dec. 27, 2006), as most recently amended 89 FR 41484 (May 13, 2024).

² Notice of Submission Deadline for Schedule Information for O'Hare International, John F. Kennedy International, and Newark Liberty International Airports for the Summer 2009 Scheduling Season, 73 FR 54659 (Sept. 22, 2008); Notice of Submission Deadline for Schedule Information for San Francisco International Airport for the Summer 2012 Scheduling Season, 76 FR 64163 (Oct. 17, 2011); Notice of Submission Deadline for Schedule Information for Los Angeles International Airport for the Summer 2015 Scheduling Season 80 FR 12253 (Mar. 6, 2015); Notice of Change of Newark Liberty International Airport Designation, 81 FR 19861 (Apr. 6, 2016). The FAA most recently reaffirmed the Level 2 designations by 86 FR 24428 (May 6, 2021). These designations remain effective until the FAA announces a change in the **Federal Register**.

obtain a reservation from FAA prior to conducting an unscheduled operation. At LGA, U.S. and foreign air carriers must notify FAA of: (1) Written consent and requests for confirmation of slot transfers; (2) slots required to be returned and slots voluntarily returned; (3) requests to be included in a lottery for the permanent allocation of available slots; and (4) reports usage of slots on a bi-monthly basis. Carriers must also request and obtain a reservation from the FAA prior to conducting an unscheduled operation. At JFK, U.S. and foreign air carriers must notify FAA of: (1) Written consent and requests for confirmation of slot transfers; (2) requests for seasonal allocation of historic and additional available slots; (3) reports on usage of slots on a seasonal basis; (4) the return of slots; and (5) changes to allocated slots. At EWR, LAX, ORD, and SFO, all carriers are asked to notify FAA of their intended operating schedules during designated hours on a semiannual basis (for each winter and summer scheduling season) based on the IATA WASG Calendar of Coordination Activities and provide updates throughout the year when there are significant schedule changes.

FAA estimates that all information from carriers is submitted electronically from data stored in carrier scheduling databases. Requests for unscheduled flight reservations are submitted electronically via the internet.

Summary of Comments: FAA Received two comments during the 60-day comment period, from Exhaustless, Inc. (Exhaustless) and Airports Council International—North America (ACI-NA).

Exhaustless objects to this information collection and questions FAA's legal authority to manage slots and schedules at constrained airports in the United States, and referenced its opposition to a prior information collection filed on September 20, 2021 (OMB ICR Reference No. 202108-2120-002).

Exhaustless' objections are outside the scope of this Paperwork Reduction Act proceeding. The purpose of this proceeding is to update the Agency's estimates of the information collection burden associated with established FAA rules, regulations, orders, policy and processes associated with FAA's administration of runway slots and schedule review at affected airports in the United States. However, FAA nevertheless reiterates that FAA Administrator is required to "develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the

airspace necessary to ensure the safety of aircraft and the efficient use of airspace,” and to issue regulations for “using the navigable airspace efficiently.” 49 U.S.C. 40103(b). FAA’s administration of the runway slot program, including the establishment of runway schedule limits and facilitation of schedules at Level 2 airports, is adopted under the Administrator’s mandate to efficiently manage the NAS.

ACI-NA stated that FAA is establishing limits to schedule airport traffic at Level 2 and Level 3 airports without collecting information from airport operators at these airports. ACI-NA recommended that FAA annually collect a runway capacity analysis from each Level 2 or Level 3 airport, to use as basis for the runway capacity declaration and be incorporated into the determination of the coordination parameters used to allocate operating timings at Level 2 and Level 3 airports. In addition, ACI-NA stated that FAA should collect information from alternative sources to verify that air carriers met the 80% usage requirement for approved schedules at Level 2 airports and slots at Level 3 airports, rather than relying on air carriers’ self-reporting their slot own utilization to determine priority level at Level 2 airports and historic precedence at Level 3 airports.

FAA continuously monitors airport runway capacity and air carriers’ slot usage using several independent sources via FAA’s air traffic monitoring and management systems. One example is the Aviation System Performance Metrics (ASPM), which provides data for a variety of airport analyses, flights and cancellations, Terminal and System airport efficiency measures. ASPM contains information compiled from the following sources:

- *Traffic Flow Management System (TFMS)*: TFMS is a data exchange system supporting the management and monitoring of national air traffic flow, that includes information on runway capacity at Level 2 and Level 3 airports. TFMS processes all available data sources such as flight plan messages, flight plan amendment messages, and departure and arrival messages. FAA’s NAS Data Warehouse assembles TFMS flight messages into one record per flight. TFMS is restricted to the subset of flights that fly under Instrument Flight Rules (IFR) and are captured by FAA’s enroute computers. Most visual flight rules (VFR) and some non-enroute IFR traffic is excluded.

- *Out, Off, On, and In (OOOI) Data*: OOOI includes the times of the actual aircraft movements of Gate Out, Wheels Off, Wheels On, and Gate In. ASPM is

updated daily with OOOI data provided by Aeronautical Radio, Inc. (ARINC). ARINC is a major provider of transport communications and systems engineering solutions for eight industries, among which include aviation, airports, and transportation and TFMS.

- *CountOps*: CountOps is an FAA automated system that uses data from National Offload Program (NOP), Standard Terminal Automation Replacement System (STARS), and Common Automated Radar Terminal System (ARTS) to provide hourly counts of air traffic activity at more than 2,000 FAA Terminal Radar Approach Control Facilities (TRACONS), air traffic controller towers, and airports. Since October 1, 2012, ASPM records are updated daily with Threshold Crossing Times for departures and arrivals from CountOps. The Threshold Crossing Time is typically within seconds of the Wheels Off and Wheels On times and is now being used to populate those fields when no ARINC, TFMS, or ASQP data are available.

- *Airline Service Quality Performance (ASQP)*: ASQP provides information about airline on-time performance, flight delays, and cancellations. It is based on data filed by airlines each month with the Department of Transportation’s Bureau of Transportation Statistics (Office of Airline Information), as described in 14 CFR part 234 of DOT’s regulations.

- *Flight Schedule Data System (FSDS)*: FSDS contains flight schedule data by air carriers and airports from Innovata.

As such, FAA does not believe additional information collection from airport operators, such as an annual capacity analysis, is necessary, because FAA currently has access to such data from a variety of alternate sources in alignment with ACI-NA’s recommendation.

Finally, ACI-NA recommended that FAA make available certain information in accordance with the Worldwide Airport Slot Guidelines best practices, curtail the grant of slot usage waivers without consultation with related airports and a thorough evaluation of their impact on airport operations, and procure modern IT tools to support the collection of information and subsequent dissemination to airport operators.

FAA acknowledges these suggestions, but notes that they are beyond the scope of this Paperwork Reduction Act proceeding as outlined above.

Respondents: 127 unique carriers; unknown number of operators

conducting unscheduled operations at LGA and DCA.

Frequency: Information is collected as needed; some reporting on bimonthly or semiannual basis.

Estimated Average Burden per Response: 6 minutes per slot transaction per respondent (*i.e.*, transferor and transferee); 6 minutes per slot return; 6 minutes per schedule update; 6 minutes per request for inclusion in a lottery; 2 minutes per unscheduled slot request; 1.5 hours per schedule submission; and 1 hour per slot usage report.

Estimated Total Annual Burden: 5,616.7 hours.

Issued in Washington, DC.

Gianfranco Burdthimo II,

Acting Director, Performance Analysis, FAA ATO System Operations Services.

[FR Doc. 2025-03589 Filed 3-3-25; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Comment Request for Treasury Decision (TD) 9207

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning final regulations in TD 9207 relating assumption of partner liabilities.

DATES: Written comments should be received on or before May 5, 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. 1545-1843 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Marcus McCrary (470-769-2001), at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at marcus.w.mccrary@irs.gov.

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Assumption of Partner Liabilities.

OMB Number: 1545–1843.

Regulation Project Number: TD 9207, Treasury Regulation 1–752–7(e), (f), (g), (h), and (k)2.

Abstract: This document added Treasury Regulations section 1–752–7. These final regulations require a partnership to notify the partner of the satisfaction of certain liabilities described in the regulation, providing the partner with specific information regarding the partnership’s assumption of liability. The partner must attach this notification to their tax return for the year in which the loss is being claimed.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations or individuals.

Estimated Number of Responses: 250.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 125.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: 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.

Approved: February 27, 2025.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2025–03499 Filed 3–4–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Collection of Data From Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on this request.

DATES: Comments should be received on or before April 4, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing PRA@treasury.gov, calling (202) 927–5331, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Title: Collection of Data from Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program.

OMB Control Number: 1505–0257.

Type of Request: Revision of a currently approved collection.

Description: The Terrorism Risk Insurance Act of 2002 (TRIA) created the Terrorism Risk Insurance Program (Program) to address disruptions in the market for terrorism risk insurance, to help ensure the continued availability

and affordability of commercial property and casualty insurance for terrorism risk, and to allow for the private markets to stabilize and build insurance capacity to absorb any future losses for terrorism events. The Program has been reauthorized on a number of occasions, most recently in the Terrorism Risk Insurance Program Reauthorization Act of 2019. TRIA requires the Secretary of the Treasury (Secretary) to perform periodic analyses of certain matters concerning the Program. In order to assist the Secretary with this process, TRIA requires insurers to submit on an annual basis certain insurance data and information regarding participation in the Program.

Form: TRIP Forms for Small Insurers, Non-Small Insurers, Captive Insurers and Alien Surplus Lines Companies.

Affected Public: Insurance companies.

Estimated Number of Respondents: 1,015.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 1,015.

Estimated Time per Response: Varies by type of insurer. Small insurers—32 hours. Large Insurers—88 hours. Captive insurers—50 hours. Alien surplus line insurers—55 hours.

Estimated Total Annual Burden Hours: 51,070.

(Authority: 44 U.S.C. 3501 *et seq.*)

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2025–03555 Filed 3–4–25; 8:45 am]

BILLING CODE 4810–AK–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission, a legislative branch commission mandated by Congress to investigate, assess, and report to Congress annually on “the national security implications of the economic relationship between the United States and the People’s Republic of China.” Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on March 20, 2025 on “Crossroads of Competition: China in Southeast Asia and the Pacific Islands.”

DATES: The hearing is scheduled for Thursday, March 20, 2025 at 9:30 a.m.

ADDRESSES: Members of the public will be able to attend in person at or near the U.S. Capitol and adjacent Congressional office buildings (specific building and room number to be announced) or view a live webcast via the Commission's website at www.uscc.gov. Visit the Commission's website for updates to the hearing location or possible changes to the hearing schedule. Reservations are not required to view the hearing online or in person.

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington DC 20001; telephone: 202-624-1496, or via email at jcunningham@uscc.gov. Reservations are not required to attend the hearing.

ADA Accessibility: For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham via email at jcunningham@uscc.gov. Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

SUPPLEMENTARY INFORMATION:

Background

This is the third public hearing the Commission will hold during its 2025 reporting cycle. The hearing will first examine how Southeast Asia and the Pacific Islands factor into Chinese strategic thinking and China's diplomatic and soft power initiatives in both regions. Next, the hearing will review China's role in Southeast Asian and Pacific Islands security issues, including China's aggressive gray zone activities in the South China Sea, Beijing's role in facilitating transnational crime, and China's efforts to expand its security cooperation with both regions. Finally, the hearing will explore China's economic engagement with Southeast Asia and the Pacific Islands, analyzing issues such as shifting supply chains, investment and development finance under the Belt and Road Initiative, and economic coercion.

The hearing will be co-chaired by Chair Reva Price and Vice Chair Randall Schriver. Any interested party may file a written statement by March 20, 2025 by transmitting to the contact above. A portion of the hearing will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106-398), as amended by Division P of the Consolidated Appropriations

Resolution, 2003 (Public Law 108-7), as amended by Public Law 109-108 (November 22, 2005), as amended by Public Law 113-291 (December 19, 2014).

Dated: February 27, 2025.

Christopher P. Fioravante,

Deputy Executive Director, U.S.-China Economic and Security Review Commission.
[FR Doc. 2025-03569 Filed 3-4-25; 8:45 am]

BILLING CODE 1137-00-P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: March 6, 2025, 10:00 a.m. to 1:00 p.m., Central Standard time.

PLACE: The meeting will take place at the Dallas Marriott Downtown, 650 North Pearl Street, Dallas, Texas 75201. The meeting will also be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1-929-205-6099 (US Toll) or 1-669-900-6833 (US Toll), Meeting ID: 944 7029 9390, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/j/94470299390>.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the "Board") will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email, followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Board Action

The proposed Agenda will be reviewed. The Board will consider action to adopt.

Ground Rules

➤ Board actions taken only in designated areas on the agenda.

IV. Approval of Minutes of the December 5, 2024, UCR Board Meeting—UCR Board Chair

For Discussion and Possible Board Action

Draft Minutes from the December 5, 2024, UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on any relevant agency activity.

VI. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

Update on the Recent Question and Answer Session for State Auditors—UCR Audit Subcommittee Chair, UCR Audit Subcommittee Vice-Chair, and Executive Director

The UCR Audit Subcommittee Chair, UCR Audit Subcommittee Vice-Chair, and Executive Director will lead a discussion on the topics, value, and continuation of a series of 60-minute virtual question and answer sessions for state auditors.

Dispute Resolution Subcommittee—UCR Dispute Resolution Subcommittee Chair

No report.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

The UCR Education and Training Subcommittee Chair will provide an update on key projects and initiatives, including the ongoing development of the learning management program and training modules, awareness and engagement efforts for various stakeholders, and the optimization of the website and newsletter.

Enforcement Subcommittee—UCR Enforcement Subcommittee Chair

The UCR Enforcement Subcommittee Chair will provide an update on current and planned initiatives, including

efforts to enhance UCR enforcement efficiency, and recognition of states and inspectors.

Finance Subcommittee—UCR Finance Subcommittee Chair and UCR Depository Manager

A. UCR Administrative Fund Update—UCR Finance Subcommittee Chair and UCR Depository Manager

The UCR Depository Manager will provide an update on the financial status of the administrative fund for the 12 months ended December 31, 2024. Additionally, the UCR Depository Manager will provide an update on revenues from the 2024 and 2025 registration fees.

B. Discussion and Possible Approval of Changes to the UCR Plan Refund Policy—UCR Finance Subcommittee Chair and UCR Depository Manager For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair will present proposed changes to the UCR Refund Policy as approved by the Finance Subcommittee at its

February 19, 2025, meeting. The Finance Subcommittee is recommending that the UCR Plan Board adopt these changes and the UCR Plan Board may take action to approve changes to the UCR Plan Refund Policy.

Industry Advisory Subcommittee—UCR Industry Advisory Subcommittee Chair

No report

VII. Contractor Reports—UCR Board Chair

UCR Executive Director Report

The UCR Executive Director will provide a report covering his recent activity for the UCR Plan including any changes in the dates of UCR meetings in 2025.

UCR Administrator Report (Kellen)

The UCR Chief of Staff will provide a management update covering recent activity for the Depository, Operations, and Communications.

DSL Transportation Services, Inc.

DSL Transportation Services, Inc. will report on the latest data from the FARs

program, Tier 5 and 6 unregistered motor carriers, and other matters.

Seikosoft

Seikosoft will provide an update on its recent/new activity related to the UCR's National Registration System.

VIII. Other Business—UCR Board Chair

The UCR Board Chair will call for any other business, old or new, from the floor.

IX. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, February 25, 2025, at: <https://plan.ucr.gov>.

CONTACT PERSON FOR MORE INFORMATION:

Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305-3783, eleaman@board.ucr.gov.

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2025-03590 Filed 3-3-25; 11:15 am]

BILLING CODE 4910-YL-P

Reader Aids

Federal Register

Vol. 90, No. 42

Wednesday, March 5, 2025

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000****Laws** **741-6000**

Presidential Documents

Executive orders and proclamations **741-6000****The United States Government Manual** **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**Privacy Act Compilation **741-6050**

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