

Issued on December 3, 2025.

**Peter A. White,**

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

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 1**

[Docket No. USCG-2008-1259]

**RIN 1625-AB32**

**Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking, withdrawal.

**SUMMARY:** The Coast Guard is withdrawing the proposed rule entitled “Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard,” published in the **Federal Register** on December 27, 2013. The Coast Guard is withdrawing the proposed rule because our practice of discussing the preemptive effect of the Coast Guard’s legal authorities and regulations in the preamble of our rulemaking documents is sufficient to identify any preemptive effects.

**DATES:** The notice of proposed rulemaking published on December 27, 2013 (78 FR 79242) and comment period extension published on March 28, 2014 (79 FR 17482) are withdrawn as of December 5, 2025.

**ADDRESSES:** The docket for this withdrawal is available at the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Please search for docket number USCG-2008-1259.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email Stephen Hubchen, Coast Guard; telephone 202-372-1198, email [Stephen.K.Hubchen@uscg.mil](mailto:Stephen.K.Hubchen@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 27, 2013, the Coast Guard published a notice of proposed rulemaking (NPRM) titled “Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard,” at 78 FR 79242 (hereafter “the

Framework”). On March 28, 2014, the comment period on the NPRM was reopened for an additional 60 days, at 79 FR 17482.

The Coast Guard received many comments on the NPRM that helped inform this decision to withdraw the rulemaking. The comments are available in the docket. Several commenters shared a concern that the breadth of the Framework’s assertions of field preemption made it difficult to determine with certainty what the Framework’s full impact would be on state laws. In addition, some commenters requested that the Coast Guard withdraw the proposed rule.

The Coast Guard also held two public meetings related to the NPRM, as announced in the notice published at 79 FR 22071 on April 21, 2014. Since 2014, the Coast Guard has not published any other actions related to this rulemaking and has decided to withdraw the NPRM.

**Withdrawal**

The Coast Guard is withdrawing the proposed rule because our practice of discussing the preemptive effect of the Coast Guard’s legal authorities and regulations in the preamble of our rulemaking documents is sufficient to identify any preemptive effects. The Coast Guard has determined that the implied and express preemptive effects of our federal regulations, as established in statutory authorities and case law, do not require a blanket, general restatement in the Code of Federal Regulations of their preemptive effects.

The Coast Guard has taken, and will continue to take, a targeted approach to clarify its authorities in the preamble of each rulemaking document. The Coast Guard believes this approach is more aligned with the principles identified in Executive Order 13132 on Federalism than an organizational preemption statement that would be applied across different Coast Guard authorities. Therefore, the proposed rulemaking is not needed.

Upon publication of this notice, the Coast Guard will classify the corresponding Unified Agenda as a completed action.

This notice is issued under authority of 5 U.S.C. 552(a) and is consistent with the procedures set forth in 5 U.S.C. 533 of the Administrative Procedure Act.

Dated: December 2, 2025.

**Giovanna M. Cinelli,**

*Judge Advocate General and Chief Counsel, Acting, U.S. Coast Guard.*

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 1, 2, 25, and 27**

[GN Docket No. 25-59; FCC 25-78; FR ID 319865]

**In the Matter of Upper C-band (3.98–4.2 GHz)**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this Notice of Proposed Rulemaking (NPRM), the Federal Communications Commission (Commission) seeks comment on proposed rule changes that would expand the ecosystem for next generation wireless services in the 3.7–4.2 GHz band (C-band) by making as much as 180, and at least 100, megahertz of the 3.98–4.2 GHz band (Upper C-band) available for terrestrial wireless flexible use via a system of competitive bidding. This action would be in furtherance of Congress’ direction in the One Big Beautiful Bill Act (OBBA Act) to “complet[e] a system of competitive bidding not later than 2 years after the date of enactment of this Act for not less than 100 megahertz in the band between 3.98 gigahertz and 4.2 gigahertz.” The *NPRM* seeks comment on options for reconfiguring the Upper C-band in the contiguous United States ranging from 180 megahertz (3.98–4.16 GHz) to the congressionally mandated minimum of 100 megahertz (3.98–4.08 GHz) for terrestrial wireless use. The *NPRM* seeks comment on how much Upper C-band spectrum—beyond the minimum 100 megahertz required by the OBBA Act—could be repurposed by incumbent fixed satellite service (FSS) space station operators and on how the transition could be effectuated if their existing customers relocate out of the C-band. Under any of the reconfiguration options under consideration, the *NPRM*’s baseline proposition is to apply the existing 3.7 GHz Service rules (applicable in the Lower C-band from 3.7–3.98 GHz) to any newly authorized terrestrial wireless operations. Any other rules and requirements, including those relating to the transition process, would be modeled to the greatest extent possible on those that applied to the Lower C-band transition. The *NPRM* also seeks comment on a range of issues associated with repurposing some portion of the Upper C-band, including: reallocation of the 4.0–4.2 GHz band; competitive bidding procedures for an eventual auction; licensing, operating, and technical rules for any new wireless services; (4) transitioning incumbent