

testing procedures of Section 2.2600 to demonstrate compliance with Section 2.0500 if required to do so.²⁵ EPA proposes to approve this change to Rule 2.0535(f) because the updated source testing requirements cross-reference simply clarifies testing requirements to which certain sources may be subject. For these reasons, EPA proposes to approve the changes to Rule 2.0535(f).

IV. Proposed Actions

Under the CAA, the Administrator is required to approve SIP submissions that comply with the provisions of the CAA and applicable federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). EPA is proposing to approve North Carolina's October 27, 2023, SIP revision requesting changes to Title 15A of the North Carolina Administrative Code Subchapter 02D, Section .0500, Rule.0535, *Excess Emissions Reporting and Malfunctions* and incorporate those changes into the North Carolina SIP. Specifically, EPA is proposing to remove Rules 02D .0535(c) and (g) from the North Carolina SIP and to approve the remaining changes to Rule 02D .0535 into the North Carolina SIP.

EPA is also proposing to approve Mecklenburg County's October 25, 2023, SIP revision requesting changes to Mecklenburg County Air Pollution Control Ordinance Article 2.0000, Section 2.0500, Rule 2.0535, *Malfunctions, Start-Up and Shut-Down*, except for the changes to Rule 2.0535(a)(1), and incorporate those changes into the Mecklenburg County portion of the North Carolina SIP. Specifically, EPA is proposing to remove Rule 2.0535(c) from the Mecklenburg County portion of the North Carolina SIP and to approve the remaining changes to Rule 2.0535 into the Mecklenburg County portion of the North Carolina SIP, with the exceptions of the October 19, 2021, locally effective version of paragraph (a)(1), which EPA is not proposing to act on at this time, and new paragraph (g). EPA is proposing to approve these SIP revisions for the reasons discussed in Sections II and III.

V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Sections I, II, and IV of this preamble, EPA is proposing to incorporate by reference Title 15A of the North Carolina Administrative Code Subchapter 02D, Section .0500, Rule

.0535, *Excess Emissions Reporting and Malfunctions*, state effective November 1, 2020, except for paragraphs (c) and (g).²⁶ Also, in accordance with requirements of 1 CFR 51.5, and as discussed in Sections I, III, and IV of this preamble, EPA is proposing to incorporate by reference Mecklenburg County Air Pollution Control Ordinance Article 2.0000, Section 2.0500, Rule 2.0535, *Excess Emissions Reporting and Malfunctions*,²⁷ locally effective October 19, 2021, except for paragraphs (a)(1), (c), and (g).²⁸ EPA has made and will continue to make these materials generally available through www.regulations.gov and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these proposed actions merely propose to approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For that reason, these proposed actions:

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Are not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

²⁶ If EPA takes final action to approve the October 27, 2023, SIP revision, Rule 02D .0535(c) and (g) would not be included in the North Carolina SIP, and the Agency would update the SIP table at 40 CFR 52.1770(c) to reflect this.

²⁷ If EPA takes final action to approve the October 25, 2023, SIP revision, the Rule 2.0535 title would change from *Malfunctions, Start-Up and Shut-Down* to *Excess Emissions Reporting and Malfunctions*, and the Agency would update the SIP table at 40 CFR 52.1770(c) to reflect this.

²⁸ If EPA takes final action to approve the October 25, 2023, SIP revision, Rule 2.0535(c) and (g) and the October 19, 2021, locally effective version of Rule 2.0535(a)(1) would not be included in the Mecklenburg County portion of the North Carolina SIP, and the Agency would update the SIP table at 40 CFR 52.1770(c) to reflect this. The SIP would retain the version of Rule 2.0535(a)(1) that was locally effective on April 3, 1989.

- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because they approve a state program;
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

List of Subjects in 40 CFR Part 52

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

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

Dated: August 6, 2025.

Kevin McOmber,

Regional Administrator, Region 4.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 85, 86, 600, 1036, 1037 and 1039

[EPA–HQ–OAR–2025–0194; FRL–12715–03–OAR]

Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

²⁵ See the final sentence of Rule 2.0501.

ACTION: Notification; extension of public comment period.

SUMMARY: On August 1, 2025, the Environmental Protection Agency (EPA) published a proposed rule titled “Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards.” EPA is extending the comment period for this proposed rule.

DATES: The comment period for the proposed rule published on August 1, 2025, at 90 FR 36288, is extended. Comments must be received on or before September 22, 2025.

ADDRESSES: You may send your comments, identified by Docket ID No. EPA–HQ–OAR–2025–0194, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov> (our preferred method) Follow the online instructions for submitting comments.

- *Email:* a-and-r-Docket@epa.gov. Include Docket ID No. EPA–HQ–OAR–2025–0194 in the subject line of the message.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand Delivery/Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions. Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2025–0194, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. If you choose to submit CBI or PBI as a comment to the EPA’s docket, please send those materials to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered an official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web,

cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

FOR FURTHER INFORMATION CONTACT:

Alan Stout, Assessment and Standards Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4805; email address: stout.alan@epa.gov.

SUPPLEMENTARY INFORMATION: On August 1, 2025, EPA published a proposed rule titled “Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards” (90 FR 36288). The public comment for this proposed rule was scheduled to end on September 15, 2025. The public hearing on this rule is scheduled for August 19, 20, and 21, 2025. In EPA’s **Federal Register** notice announcing the public hearing (90 FR 36125), EPA stated the agency would hold the public hearing on August 19 and 20, and EPA would consider adding a third day, August 21, if needed. EPA has now decided to add a third day (August 21, 2025) and is considering adding a fourth day (August 22, 2025). The Clean Air Act requires that the record of proceedings allowing oral presentation of data, views, and arguments on a proposed rule be kept open for 30 days after completion of the proceeding to provide an opportunity for submission of rebuttal and supplementary information. 42 U.S.C. 7607(d)(5). Because EPA plans to hold a third of public hearing for this proposed rule, and is considering adding a fourth day, the final “proceeding allowing oral presentation of data, views, and arguments,” will be held on August 21, 2025, and potentially on August 22, 2025. For this reason, the public comment period for this proposed rule is extended and will now end on September 22, 2025.

William Charmley,

Director, Assessment and Standards Division, Office of Transportation and Air Quality.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 250813–0139]

RIN 0648–BN42

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Duckabush Estuary Restoration Project in Washington

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS has received a request from the U.S. Army Corps of Engineers (USACE) for incidental take regulations (ITR) and a Letter of Authorization (LOA) pursuant to the Marine Mammal Protection Act. The requested regulations would govern the authorization of take of small numbers of marine mammals over 5 years (2026–2031) incidental to the Duckabush Estuary Restoration Project (DERP) in Hood Canal, Washington. NMFS requests public comments and will consider them prior to making any final decision on the requested ITR and issuance of the LOA; agency responses to comments will be summarized in the final rule, if issued.

DATES: Comments and information must be received no later than September 15, 2025.

ADDRESSES: A plain language summary of this proposed rule is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2025-0636>.

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2025–0636 in the Search box (note: copying and pasting the FDMS Docket Number directly from this document may not yield search results). Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

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 at: <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*),